

MEETING OF THE PARLIAMENT

Thursday 23 January 2003

Session 1

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Scottish Parliament

Thursday 23 January 2003

[THE DEPUTY PRESIDING OFFICER opened the meeting at 09:30]

Motion without Notice

The Deputy Presiding Officer (Mr George Reid): Before we pick up where we left off last night, Mr Robson has a motion without notice.

The Deputy Minister for Parliamentary Business (Euan Robson): Under rule 8.1.2 of standing orders, I request permission to move a motion without notice, which will allow for an extension of this morning's consideration of amendments at stage 3 until approximately 1.40 pm. Members will find a copy of motion S1M-3797 on their desks.

The Deputy Presiding Officer: I am minded to accept the motion without notice.

Motion moved,

That the Parliament agrees that, during Stage 3 of the Land Reform (Scotland) Bill, debate on each part of the proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress)—

- Groups 10 – no later than 2 hours 35 minutes
- Groups 11 to 13 – no later than 3 hours 25 minutes
- Groups 14 to 18 – no later than 4 hours
- Groups 19 to 21 – no later than 4 hours 30 minutes
- Groups 22 to 27 – no later than 5 hours 30 minutes
- Groups 28 and 29 – no later than 6 hours
- Group 30 – no later than 6 hours 30 minutes
- Groups 31 to 34 – no later than 7 hours 30 minutes
- Motion to pass the Bill – 8 hours—[*Euan Robson.*]

Motion moved,

That motion S1M-3797 be taken at this meeting of the Parliament.—[*Euan Robson.*]

Motion agreed to.

Land Reform (Scotland) Bill: Stage 3

Resumed debate.

09:31

The Deputy Presiding Officer (Mr George Reid): This morning and after question time this afternoon, we will continue to deal with amendments to the Land Reform (Scotland) Bill. That will be followed by a debate on the motion to pass the bill. Members should have the bill as amended at stage 2—SP Bill 44A—the second marshalled list, which contains all the amendments that I have selected for debate today, and the groupings for day 2 of stage 3 consideration. I should notify members that the Presiding Officers have decided that the voting period will be one minute for the first division that occurs after each debate on a group of amendments. That will save about 15 minutes in the course of the day.

Section 9—Conduct excluded from access rights

The Deputy Presiding Officer: We resume with the debate on amendments in group 10. The Minister for Environment and Rural Development has moved the lead amendment in that group, amendment 81.

Roseanna Cunningham (Perth) (SNP): I will try to be as brief as possible. The minister has indicated his acceptance of amendment 83A. I thank him for that.

Amendment 85A has a similar intention and we do not see that there is a problem with it. I suggest to the minister that the taking away of fruit rather than the crossing of land would be outwith the right. My concern is that if people cross land in order to pick fruit for profit or to go mushrooming, where the activity does not take place on the land that is being crossed, those people will end up being challenged. As the minister will know, mushrooming is becoming a major activity in some parts of Scotland, so I urge him to consider accepting amendment 85A.

I am astonished by amendment 42. As a walker, I am concerned that agreement to amendment 42 would mean that I would be in trouble if I woke up a cow when I was walking. That is the import of the amendment. It is amazing that amendment 42 provides no definition of what it would mean to disturb any wild or farm animal. The biggest disturbance that a rabbit is likely to experience is terminal disturbance at the end of a farmer's shotgun. I am sure that being disturbed or frightened by a walker pales into insignificance in

comparison with that prospect. I am not sure what the Tories are on about with amendment 42, which is a daft amendment.

I commend the SNP amendments to the Parliament.

Dennis Canavan (Falkirk West): Amendment 83B would delete the reference to fishing in Executive amendment 83. The common law on angling in Scotland is that fish in free-running water or in an open loch are not the property of anyone. When those fish are caught, they become the property of the person who catches them, irrespective of whether that person has permission to fish.

Of course, the common law is often overridden by statutory law. In particular, the Freshwater and Salmon Fisheries (Scotland) Act 1976 makes it a criminal offence to catch any freshwater fish without permission in waters that are covered by a protection order.

In unprotected waters, if the owner of the fishing rights wanted to take action against any person fishing without permission, the owner would have to seek a civil interdict in a court. If someone were to cross land or access water to commit a crime, or were in breach of interdict, such activity would already be excluded under section 9 of the bill as it stands. Therefore, the inclusion of fishing in amendment 83 is unnecessary because, as I said, appropriate action could be taken by the landowner or owner of the fishing rights under section 9 as it stands.

I submit that the Executive's amendment 83, which seeks to include angling in section 9, is not only unnecessary but undesirable, because it would deprive people of the statutory right of access to land or water in order to fish, even in circumstances where it would not be unlawful to fish.

Moreover, the Freshwater and Salmon Fisheries (Scotland) Act 1976 is under review; the minister referred to it yesterday. I hope that the act is repealed in its entirety and replaced with better legislation to allow more access for ordinary anglers. In the meantime, I do not think that there is a case for a specific reference to angling or fishing in the bill, which is a land reform bill rather than a bill to review the existing law on angling.

Bill Aitken (Glasgow) (Con): Amendment 42 is a continuation of the old adage that one should not frighten the horses. It has to be recognised that the countryside is an area that is not only beautiful and used for recreational purposes, but from which a lot of people derive their living. We seek to protect that living with amendment 42.

Increasingly, flying mechanised toy planes and other aerial devices is becoming a sport and

provides recreation for many people. Such devices could cause considerable unrest and disturbance to nesting birds and present a conservation question that needs to be addressed. It must be recognised, for example, that there have been cases of pregnant ewes aborting as a result of disturbance by mechanised biplanes. In our dual-purpose amendment, we seek to protect wildlife and to ensure that farm animals are not disturbed to the extent that there is any danger to their health or well-being or difficulty with regard to business.

Stewart Stevenson (Banff and Buchan) (SNP): Does the member recognise that the point about aviation is covered by the relevant air navigation order that prohibits aircraft coming within 500ft of any animal?

Bill Aitken: Mr Stevenson has great experience of aviation, as he has of many other matters, but I point out to him that the aviation legislation applies only to piloted aircraft, so his intervention is not apposite.

I have no further points to make.

The Deputy Presiding Officer: As the knife falls on this section at 9.44, I ask members to keep their remarks tight.

Rhona Brankin (Midlothian) (Lab): I rise to welcome the changes the minister has brought about to ensure that people with physical disabilities will be able to use motorised vehicles for access. It is vital that, no matter what a person's ability, they have a right of access to the countryside. For many people, that means their right can be exercised only by using an electric or motorised buggy.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Will the minister explain how the phrase "under proper control" will be defined? We all accept that it is absolutely essential that dogs be kept under proper control. That could mean keeping a dog on a lead, but might it also mean a dog that is properly trained to respond to its owner?

Will the minister also explain how, in the absence of an explicit provision, there will be adequate protection against farm animals—particularly sheep and lambs—becoming mistreated, and cows possibly contracting hypomagnesaemia?

Amendment 42 says that no one may be on any land where there is a possibility of disturbing wild animals. I suggest to Mr Aitken that the amendment seems to be a back-door, Tory attempt to ban fox hunting. If anyone goes on any land anywhere, they are likely to disturb deer, for example. Amendment 42 would effectively ban access to all Scotland's land. It is an absurd and preposterous amendment.

George Lyon (Argyll and Bute) (LD): I support amendment 84 in Ross Finnie's name. It is important to ensure that those who take access to land make sure that their dogs are under their control and that anyone who does not have their dog under control is excluded from access to land.

Bill Aitken lodged an amendment similar to amendment 42 at stage 2. It is nothing more than a wrecking amendment. It would go against the principles of the bill, as it would mean that no one could take access to the countryside. It should be opposed.

Dr Sylvia Jackson (Stirling) (Lab): I welcome amendment 84 because of the difficulties that uncontrolled dogs can cause to ground-nesting birds and young wildlife in general. The Scottish Gamekeepers Association has approached me to make that point. Human safety issues may also arise with cows and deer. I ask for an assurance that, in the code, the minister will consider dealing very firmly with how dogs should be controlled in areas where people are walking.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I understand the opposition to amendment 42 because it is drawn far too widely. However, I am concerned about the problem of access disrupting legitimate grouse-shooting activities. Will the minister confirm that the bill will not disrupt such activities and that access rights can be suspended for the duration of a shoot?

The Minister for Environment and Rural Development (Ross Finnie): I will deal with amendment 42 first. I do not believe it; it is nonsense. Other members have made the point about how inapplicable such a wide-ranging amendment would be. It is a wrecking amendment and I ask members to resist it.

Roseanna Cunningham raised an interesting, if narrow, point. I will have to repeat myself but we have defined what can be taken off land and have distinguished that people can go on to land for that purpose. We are saying that there are legitimate activities that involve crossing land in order to conduct an activity elsewhere. The danger presented by amendment 85A is that it would bring back the confusion that we have sought, through the bill, to clarify. People can be on land to get access to where they are going to be hunting, shooting or fishing, but they cannot carry out those activities on that land. Amendment 85A would leave confusion about that provision.

In relation to amendment 83B, in the name of Dennis Canavan, I made it clear that we believe that the Freshwater and Salmon Fisheries (Scotland) Act 1976 needs to be revised. That is the appropriate place for amendments such as that lodged by Dennis Canavan. I do not believe that the bill is the correct place to try to amend that

legislation. The review of the 1976 act is under way and we expect to publish the results of that review shortly.

I cannot find the relevant sections to which I need to refer Mike Rumbles. I can be clear that there is no inhibition on the grouse moors but I will get back to him on that point.

Amendment 81 agreed to.

Amendment 82 moved—[Ross Finnie]—and agreed to.

Amendment 83 moved—[Ross Finnie].

Amendment 83A moved—[Roseanna Cunningham].

09:45

The Deputy Presiding Officer: The question is, that amendment 83A 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

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)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 88, Against 14, Abstentions 0.

Amendment 83A agreed to.

Amendment 83B moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 83B be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 26, Against 77, Abstentions 0.

Amendment 83B disagreed to.

Amendment 83, as amended, agreed to.

Amendment 84 moved—[Ross Finnie]—and agreed to.

Amendment 85 moved—[Ross Finnie].

Amendment 85A moved—[Roseanna Cunningham].

The Deputy Presiding Officer: The question is, that amendment 85A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Hyslop, Fiona (Lothians) (SNP)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 42, Against 60, Abstentions 0.

Amendment 85A disagreed to.

The Deputy Presiding Officer: The question is, that amendment 85 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Johnstone, Alex (North-East Scotland) (Con)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 77, Against 27, Abstentions 0.

Amendment 85 agreed to.

Amendment 86 moved—[Ross Finnie]—and agreed to.

Amendment 42 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)

Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)

Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 15, Against 90, Abstentions 0.

Amendment 42 disagreed to.

Section 10—The Scottish Outdoor Access Code

The Deputy Presiding Officer: Amendment 87 is grouped with amendments 88, 88A, 170, 89, 89A, 90 and 91.

The Deputy Minister for Environment and Rural Development (Allan Wilson): During stage 2, there was a useful discussion on the role of the access code to be drawn up by Scottish Natural Heritage. Concern was expressed about references in sections 2 and 3 to rules of responsible conduct, and those references were removed. That led to a discrepancy in the bill, in so far as sections 2 and 3 now refer to

“guidance on responsible conduct set out in the Access Code”

whereas section 10(1) talks about “rules of responsible conduct”.

Amendments 87 to 89 seek to reintroduce consistency between sections 2, 3 and 10 in relation to the content of the access code. They would provide that the access code sets out guidance as to the circumstances in which those exercising access rights and the owners of land may be regarded as acting in a way that is not irresponsible in respect of access rights.

Amendment 91 is consequential to amendment 87 and would remove section 10(1A).

I acknowledge the point that Scott Barrie makes in amendments 88A and 89A, which is that the code should set out guidance not only on what is responsible conduct but on what is not responsible conduct. I am happy to accept his amendments to put the matter beyond doubt.

Amendments 90 and 170 have also been the subject of consideration in relation to the scope of the code. We have concluded that it would be appropriate to provide for the code to include guidance on the management of excluded land in so far as that affects the exercise of access rights—we referred to the matter yesterday in another context. For example, we would allow the code to provide guidance to farmers in respect of access rights through or round farm steadings, which we discussed yesterday. Along the same

lines, the code should give guidance on the carrying out of activities excluded from access rights where that might affect the exercise of access rights by other people. A good example of that might be guidance about angling on a stretch of water that is also used by, among others, canoeists. We discussed that matter at stage 2. Amendments 90 and 170 seek to address those issues and the provisions that they would introduce would provide for a better access code.

I move amendment 87.

Scott Barrie (Dunfermline West) (Lab): As the minister indicated, amendments 88A and 89A are simple amendments. Under the Executive amendments, the Scottish outdoor code would state which conduct is not responsible, but, under my amendments, the code would also state which conduct is responsible. I am glad to hear that the minister accepts the amendments, which would put beyond doubt exactly what is to be contained in the Scottish outdoor access code.

Bill Aitken: We do not have any real problems with any of the proposed amendments. Initially, my view and the view of my group was that amendments 88A and 89A might tighten the situation a little bit too much but, having heard Scott Barrie’s explanation, we will accept them.

Stewart Stevenson: We, too, are pleased with the group of amendments. It is important that the code of conduct provide guidance rather than rules. We are also pleased with Scott Barrie’s amendments and that the Executive has reflected on the matter.

It is important that, following the expected approval of the bill later today, the process of consultation on the Scottish outdoor access code is as wide and deep as possible. I have been approached by interested groups, including the Scottish Gamekeepers Association, that want to contribute to the deliberations. I hope that the ministers will give the appropriate guidance to Scottish Natural Heritage on the groups that should be included in the consultation process. From the answer to a parliamentary question that I received yesterday, I know that it is intended that all groups should be able to submit to that process. However, I want the minister to assure us that the consultation will be as wide as possible. The access code is as important as the bill, but because the code will be introduced by an order, the Parliament will be able only to accept or reject it. That is why it is important that the minister gives us an assurance on the matter.

Allan Wilson: I am happy to give members all the requisite assurances that the consultation on the content of the access code will involve the widest possible spread of organisations and individuals, as that will be in everybody’s interest. I

suspect that there is unanimity among members on that, if on nothing else. I am happy to give the assurances that Stewart Stevenson seeks.

Amendment 87 agreed to.

Amendment 88 moved—[Allan Wilson].

Amendment 88A moved—[Scott Barrie]—and agreed to.

Amendment 88, as amended, agreed to.

Amendment 170 moved—[Allan Wilson]—and agreed to.

Amendment 89 moved—[Allan Wilson].

Amendment 89A moved—[Scott Barrie]—and agreed to.

Amendment 89, as amended, agreed to.

Amendments 90 and 91 moved—[Allan Wilson]—and agreed to.

Before section 12

The Deputy Presiding Officer: Amendment 92 is grouped with amendments 92A, 92B, 92C, 92F, 92G, 92H, 92I, 92J, 188, 44, 172 and 173. If amendment 92G is agreed to, amendment 92H will become an amendment to leave out “two years” and insert “one year”. The same will apply to amendment 92J, if amendment 92I is agreed to.

Ross Finnie: We lodged a number of amendments at stage 2 to what was section 11, all of which were agreed to. However, the Justice 2 Committee then voted narrowly to remove section 11. I am still convinced that there is a need to provide in the bill a procedure that will enable local authorities to exclude land from access rights. SNH and the access forum have argued that access should be arranged locally. We agree with that completely, which is why the bill places a duty on local authorities to uphold access rights. It is entirely consistent with that approach that local authorities should have powers to exclude areas of land from access where local public interest dictates that to do so is necessary. That is why we lodged amendment 92.

It might be helpful for members who have not been closely involved with the bill if I outline some of the circumstances in which such powers might be used. Those circumstances fall into two categories—exclusions of land from access rights for a few days and relatively long exclusions.

The bill establishes rights of access to all land, except land that is specifically excluded by section 6. That means that a new charge cannot be levied for entry to land. As a consequence of that, where an event is held on land over which access rights may be exercised, there is no means of enforcing a charge for entry to that event. That would mean

that no fee could be charged for entry to a village or agricultural show that is held in a local field, and that spectators could not be charged at numerous sporting events, such as athletics or autocross meetings and hill climbs. It is not our intention to threaten the viability of such events by preventing charging. At some sporting events there could be other issues, such as security, and there might be a need to restrict access. I hope that members will reflect on that and recognise the distinction that we are trying to draw.

10:00

We need a straightforward procedure for taking land out of access rights for short periods, primarily to allow charging of visitors to events. Local authorities have powers to close particular roads by order; for example, for processions or Hogmanay celebrations. Those arrangements work well, and we propose something similar in respect of access rights.

The second category of longer exclusions could again be in relation to entry charges. We have received representations from the National Trust for Scotland and others following the deletion of section 11. They are concerned that there is now no mechanism in the bill that will allow the introduction of entry charges where there has been no charge in the past. It could, for example, undermine the trust’s ability to agree to take on a new property if there is no facility for charging visitors in order to offset the upkeep costs of the property.

Historic Scotland has similar concerns. If a new archaeological site was opened up, it could become an important local visitor attraction, but if there is no means of excluding the site from access rights in order to allow visitors to be charged, the site might simply have to be filled in again. That would be wrong, and I suspect that it was not what the committee had in mind when it deleted section 11.

The procedures that we have set down are onerous and I cannot see any local authority embarking on them lightly. Nevertheless, I consider it to be important that such powers are available to local authorities. We have discussed the matter with the Convention of Scottish Local Authorities and although some local authorities were initially not convinced of the need for the powers, COSLA has now indicated its support for what we propose.

The powers that are proposed in amendment 92 differ significantly and in several ways from those that were in the bill previously. First, although section 11 would have allowed local authorities to exclude by order particular conduct from access rights, I do not consider that such a power is

necessary and amendment 92 will not provide such a power. Secondly, all orders that would have effect for six or more days would have to be confirmed by ministers. That will be considerably more onerous than the previous requirement that there be ministerial confirmation only of orders that would have effect for 30 or more days. Thirdly, local authorities will be required to review and, if necessary, remake any order not later than five years from its date of coming into force. Local authorities will be required to give public notice of the intended purpose and effect of any proposed order and to invite objections.

Amendments 172 and 173 are consequential on amendment 92.

Amendment 92A would require the order to specify the particular purpose for which the land was to be excluded from access rights. Subsection (2)(b) of the proposed new section would require the local authority to give public notice of the intended purpose and effect of an order. Having given consideration to it, we are happy to accept amendment 92A.

Amendment 92B would remove from subsection (1) of the proposed new section the clarification in brackets concerning the terms in which an order might describe the times during which land is excluded from access rights. We agree that the power should not be exercisable by reference to the "hours of darkness"—there was some confusion about the wording of amendment 92—therefore, I am willing to accept amendment 92B.

I assume that amendment 92C is intended to ensure that any order has effect only for the minimum time that is necessary to achieve its purpose. We consider that amendment to be unnecessary, given the detailed provisions that relate to the making of an order, including consultation and ministerial confirmation.

Amendment 92F seeks to prevent the making of an order contrary to the general principles of the act. Any such order would, in any case, be ultra vires; therefore, the amendment is unnecessary.

Amendment 92G calls for an order to be reviewed and, if necessary, remade every two years rather than every five years, as is currently stated in the new section that is proposed by amendment 92. We think that there is merit in that proposal. There is an issue about orders' being reconsidered, notwithstanding the necessary consultation and ministerial confirmation. I expect that very few orders will be made that will last for any great length of time. Nevertheless, I am willing to accept amendment 92G, which would reduce the review period from five years to two years.

Amendments 92H and 92J propose powers for the remaking of orders every year. We consider that to be an unreasonable provision because it

would mean that an order would barely be in operation before a local authority had to consult on remaking it. We accept the two-year provision, but to reduce that to one year would be less necessary than the original proposal for renewal after five years. Therefore, I reject amendments 92H and 92J.

Amendment 188 would mean that byelaws would have the effect of excluding an area of land from access rights. As we said at stage 2 when we discussed a similar amendment, it might be appropriate for a local authority to do that in certain circumstances as part of the overall management of an area. It seems to us that management measures that were introduced by byelaws would require exclusion powers, and that the checks that will be available will ensure that local authorities cannot without good reason exclude land from access rights. That power will exist. Therefore, I ask Roseanna Cunningham not to move amendment 188.

Amendment 44 would give landowners the power to suspend access rights where the exercise of access rights would interfere with any lawful activity by, or authorised by, a landowner, or where an activity is likely to constitute a danger to any person exercising access rights. The consultation draft of the bill that was published in February last year included a provision that would allow landowners to suspend access rights. Those provisions attracted considerable criticism and similar moves to reintroduce such a provision at stage 2 were resoundingly rejected. We said at stage 2 that reasonable, responsible exercise of access rights means that landowners can continue to manage land without interference. That will be backed up by guidance in the Scottish outdoor access code. Therefore, I deem amendment 44 to be unnecessary.

Amendment 92 will provide the necessary powers for a local authority to exempt particular land from access rights for a specified period—for example, for a village show or other event. On safety, land managers have responsibilities under health and safety legislation. They will still be required to comply with that legislation, but that does not require a power to suspend access rights—we have been over this ground before in committee. The arguments in favour of the provision have been rejected and I hope that Bill Aitken will agree not to move amendment 44.

I move amendment 92.

Pauline McNeill (Glasgow Kelvin) (Lab): In my view, our approach to the extent of local authority powers is critical to the operation of the bill. As the minister pointed out, concerns were expressed at stage 2 to the extent that the Justice 2 Committee decided to remove section 11 as an indication of how concerned it was about the extent of local

authority powers. I accept that the new section that is proposed by amendment 92 is a revised one—we see that particularly in respect of the requirement for ministerial authority for an order being needed for an order that would last six or more days, rather than one that would last 30 or more days.

Many members reported their experiences during the foot-and-mouth crisis, when some landowners closed down huge areas of land, which was in contravention of the general rule. That situation will continue if we do not ensure that the powers that we give local authorities are not too wide. I am pleased by the Executive's acceptance of amendment 92A and other amendments—COSLA also supports those amendments. Unlike in respect of ministerial powers, there is little opportunity for the Parliament to re-examine the powers that we will give local authorities under the proposed new section, which is why it is crucial that we get it right.

I also support amendment 92B, which is in the name of Dennis Canavan. The Justice 2 Committee believed at stages 1 and 2 that the mention of "hours of darkness" had to be removed from the bill because the relation between wildlife crime and people's being in the countryside during the hours of darkness can be dealt with under our criminal law. The idea that we should normally be suspicious of people who are out on our moors or hills after dark is ludicrous. Amendment 92B is welcome.

I ask the minister to give one commitment in his summing up: if we give the new section 11 powers to local authorities and they abuse those powers, ministers will use the powers that we gave them yesterday to regulate and change section 11, if necessary.

Dennis Canavan (Falkirk West): I thank the minister for agreeing to my amendment 92B. Without it, Executive amendment 92 would have encouraged local authorities to impose what would, in effect, be countryside curfews—indeed, some local authorities might have come under pressure from landowners to impose such curfews during the hours of darkness. Some landowners seem to assume that people who walk in the countryside during the hours of darkness are up to no good and are all poachers or thieves. However, it could be argued that people walking innocently in the countryside during the hours of darkness or daylight can act as a deterrent to poachers and people who are intent on committing—[*Laughter.*] The Tories laugh, but I inform them that there is evidence from the rambling community that, during the recent foot-and-mouth outbreak, when walkers obeyed the advice not to go into the countryside, there was an increase in wildlife crime because

some so-called estate managers had the place all to themselves and were up to no good because they could go about unobserved.

Many legitimate activities are undertaken during the hours of darkness in the countryside. Many young people go on Outward Bound Trust courses that involve overnight camping, for example, and many mountaineers and hill walkers camp out on the hills. Such activities should be encouraged and I am pleased that the minister has seen the sense in amendment 92B. I am pleased that the amendment is supported by people such as the Ramblers Association, the Mountaineering Council of Scotland and Pauline McNeill, the convener of the Justice 2 Committee. Furthermore—believe it or not—Lord Larry Whitty, the former general secretary of the Labour Party, successfully moved a similar amendment when similar legislation was being dealt with in the House of Lords. I hope, therefore, that I can rely on the support of all Labour members for this reasonable amendment.

Roseanna Cunningham: I am glad that the minister has accepted some of the amendments. The reduction of the review period from five to two years will improve the proposed new section, although we do not believe that it fixes the situation. If amendment 92 is passed—the SNP is opposed to the amendment in its entirety—we would prefer the review period to be reduced to one year. The argument that the minister used does not hold up; after all, some of the establishments to which he referred must apply annually for drinks licences. They cannot guarantee that they can sell alcohol to their customers from one year to the next, so I do not see why the situation with regard to access should be any different.

Amendment 188 deals with the general power for local authorities to make byelaws that will exclude land from access rights. At present, a circularity seems to have crept into the legislation. The situation is complicated. Sections 6(1)(k) and 12(1)(b) refer to each other and appear to give local authorities a general power to make byelaws that will exclude land from access rights beyond the powers to regulate access in section 12(1)(a) and the powers to prohibit access for various purposes in section 12(1)(c). Section 12(1) will grant the power to local authorities to make byelaws. There are three subsections, each with separate powers. Section 12(1)(a) will allow authorities to make byelaws that will provide for

"the responsible exercise of access rights"

and

"the responsible use, management and conduct of the ownership of the land".

Section 12(1)(c) will allow authorities to make byelaws for

“the preservation of public order and safety ... the prevention of damage ... the prevention of nuisance or danger”

and

“the conservation or enhancement of natural or cultural heritage.”

Section 12(1)(b) will allow local authorities to make byelaws for the purposes in section 6(1)(k), but section 6(1)(k) allows land to be excluded from access rights by byelaws. Byelaws that are made under section 12(1)(b) are therefore not subject to the conditions in sections 12(1)(a) or 12(1)(c). That is indicated by further reference in section 12(2) to section 12(1)(c) as a separate byelaw-making power.

10:15

We therefore need clarification of what section 6(1)(k) is for, because there is a circularity that means that any land could be exempted through byelaws. Perhaps the minister will clarify that and explain why he thinks that sections 12(1)(a) and 12(1)(c) are not broad enough without further powers.

As I said, the SNP has general concerns about amendment 92. We do not believe that local authorities should be allowed to use provisions in the bill in order—in effect—to reverse the bill’s intent, but that is precisely what amendment 92 will allow. We have seen plenty of examples in which local authorities make decisions that people find incomprehensible. For example, recent decisions about taking photographs at school Christmas plays indicate some of the ways in which local authorities can interpret provisions.

Amendment 92 should be agreed to, but if it is to be agreed, I would prefer that it were amended as the SNP suggests in amendments 92H and 92J.

Bill Aitken: As the minister said, the purpose of amendment 44 is to reinsert in the bill that which it originally contained. In this case, it can certainly be argued that first thoughts were the best.

I will explain in detail why amendment 44 will be moved, because it is a commonsense amendment. Sometimes, dangerous activities are carried out on land. Those activities could be anything from shooting to the use of explosives in civil engineering operations. It is clearly unwise to have people walking on the land during such operations and, as such, farmers should have the right to exclude access to land for the period during which such activities are undertaken.

Our other argument relates to the fact that businesses can be prejudiced by unrestricted access. We do not seek to introduce to the bill some blanket condition that would restrict access for lengthy parts of the year. The most typical

example is perhaps Skibo Castle, which attracts celebrities to visit because of the privacy that it is able to afford. If that privacy is lost, celebrities such as Madonna will simply not go to Skibo Castle and income will be lost to a fairly fragile rural economy. That is surely a profound argument in favour of amendment 44.

I stress that amendment 44 is not a blocking amendment. The amendment states that any land manager would be able to suspend access rights for a maximum of four weeks only in any year. We are not being unfair.

Stewart Stevenson: Does Bill Aitken think that to be in the vicinity of explosions would constitute responsible access, which is the only kind of access that the bill provides for?

Bill Aitken: That would clearly not constitute responsible access, but the fact of the matter is that people sometimes do things that, although they are not blatantly irresponsible, show a degree of neglect in the circumstances.

I will discuss briefly the rest of the amendments in the group. I am grateful to the minister for the full explanation that he gave in amplification of the reasoning behind amendment 92, which will enable us to support that amendment. We do not find Pauline McNeill’s arguments on amendments 92A and 92C to be unreasonable; we can, therefore, accept those amendments, just as we can accept Mr Canavan’s amendment 92B, despite his unreasonably aggressive advocacy of it.

However, we feel that Roseanna Cunningham’s amendments 92H and 92J on time limitations are unreasonable and we will not support them. I underline that my understanding of the SNP’s position on amendment 92 would result in the National Trust for Scotland not being able to open any new properties for which it could charge admission. That would surely have a most adverse effect on Scotland’s heritage and I cannot believe that my colleagues in the SNP would seriously wish that to happen.

The Deputy Presiding Officer: We have to get through this group and the next by 10.34—we are therefore going straight to Mr Finnie’s wind-up speech.

Ross Finnie: I will respond first to Pauline McNeill’s points. The ministerial order-making power as drafted does not apply to the new section 11 that will be introduced by amendment 92. However, I draw Pauline McNeill’s attention to the fact that, in revising and reintroducing section 11, we have included a requirement for ministerial confirmation. Therefore, the same consideration can be given to determining whether we will, when an application has gone all the way up, be required to provide an adequate check and to

explain why the power to exempt land from access rights is or is not being granted. I suggest that the new provisions will provide a very different level of check than was previously the case, and that they will give protection against the potential abuse of local authority powers.

I am grateful for Dennis Canavan's understanding of our present position, so I now move on to address Roseanna Cunningham's general point about some members' opposition to amendment 92. Other members have recognised that there are activities that simply would not take place for the purposes of developing cultural interests or otherwise. I am bound to say that there are several championship golf courses in Scotland—one of which is, I think, in Roseanna Cunningham's constituency—that would be incapable of holding such events were amendment 92 not agreed to. We have to consider the practicality of the question.

On amendment 188, if local authorities are to be responsible in the way that we suggest for local management of access, they will require amended powers to exclude specific pieces of land. That is provided for under amendment 67.

Amendment 44 would give again powers that are already in the bill. As has been mentioned both at stage 2 and at this stage, many of us were influenced by what happened during the foot-and-mouth outbreak, so I resist amendment 44.

The Deputy Presiding Officer: The minister has said that he will accept amendment 92A, so—to save time—I ask Pauline McNeill simply to confirm that she wishes to press the amendment.

Amendment 92A moved—[Pauline McNeill]—and agreed to.

Amendment 92B moved—[Dennis Canavan]—and agreed to.

Amendment 92C moved—[Roseanna Cunningham].

The Deputy Presiding Officer: The question is, that amendment 92C be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Canavan, Dennis (Falkirk West)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Davidson, Mr David (North-East Scotland) (Con)
Douglas-Hamilton, Lord James (Lothians) (Con)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Fergusson, Alex (South of Scotland) (Con)

Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Mr Kenneth (Glasgow) (SNP)
Goldie, Miss Annabel (West of Scotland) (Con)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Hyslop, Fiona (Lothians) (SNP)
Johnstone, Alex (North-East Scotland) (Con)
Lochhead, Richard (North-East Scotland) (SNP)
MacAskill, Mr Kenny (Lothians) (SNP)
MacDonald, Ms Margo (Lothians) (SNP)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McGugan, Irene (North-East Scotland) (SNP)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McLeod, Fiona (West of Scotland) (SNP)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
Mundell, David (South of Scotland) (Con)
Neil, Alex (Central Scotland) (SNP)
Paterson, Mr Gil (Central Scotland) (SNP)
Russell, Michael (South of Scotland) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Stevenson, Stewart (Banff and Buchan) (SNP)
Swinney, Mr John (North Tayside) (SNP)
Tosh, Mr Murray (South of Scotland) (Con)
Ullrich, Kay (West of Scotland) (SNP)
Wallace, Ben (North-East Scotland) (Con)
Welsh, Mr Andrew (Angus) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Wilson, Andrew (Central Scotland) (SNP)
Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ferguson, Patricia (Glasgow Maryhill) (Lab)
Finnie, Ross (West of Scotland) (LD)
Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Gray, Iain (Edinburgh Pentlands) (Lab)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
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, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Livingstone, Marilyn (Kirkcaldy) (Lab)
Lyon, George (Argyll and Bute) (LD)
Macdonald, Lewis (Aberdeen Central) (Lab)
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)

McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 46, Against 64, Abstentions 0.

Amendment 92C disagreed to.

Amendment 92F not moved.

Amendment 92G moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 92G 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)

Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 92, Against 17, Abstentions 0.

Amendment 92G agreed to.

Amendment 92H not moved.

Amendment 92I moved—[Pauline McNeill].

The Deputy Presiding Officer: The question is, that amendment 92I be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Annesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 93, Against 17, Abstentions 0.

Amendment 92I agreed to.

Amendment 92J not moved.

The Deputy Presiding Officer: The question is, that amendment 92, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)

Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 83, Against 27, Abstentions 0.

Amendment 92, as amended, agreed to.

Section 12—Byelaws in relation to land over which access rights are exercisable

Amendment 186 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 186 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 29, Against 80, Abstentions 0.

Amendment 186 disagreed to.

Amendment 93 moved—[Ross Finnie]—and agreed to.

Amendment 187 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 187 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Wallace, Ben (North-East Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 25, Against 80, Abstentions 1.

Amendment 187 disagreed to.

Amendment 94 moved—[Ross Finnie]—and agreed to.

10:30

Amendment 188 moved—[Roseanna Cunningham].

The Deputy Presiding Officer: The question is, that amendment 188 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 28, Against 81, Abstentions 0.

Amendment 188 disagreed to.

After section 12

Amendment 44 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 93, Abstentions 0.

Amendment 44 disagreed to.

Section 13—Duty of local authority to uphold access rights

The Deputy Presiding Officer: We move to group 13, on the functions and powers of local authorities. We are very tight for time; the knife falls at 10.34.

Bill Aitken: In the interest of brevity, I simply point out that the wording of amendment 45 is self-explanatory. If we are extending the rights of access, any consequence of that should not be borne by the landowner. That is a simple explanation.

I move amendment 45.

Allan Wilson: Executive amendment 103 addresses the concerns that are expressed by amendment 45. Our amendment 103 has been lodged in response to representations from local authorities and landowners. It provides a power—

The Deputy Presiding Officer: We have under 30 seconds.

Allan Wilson: It provides a power to local authorities to do anything that they consider appropriate for the purposes of maintaining a core path, keeping that path free from obstruction and providing the public with directions to, and indications of the extent of, a core path.

The Deputy Presiding Officer: I call Mr Canavan to speak to amendment 189.

Dennis Canavan: How long do I have?

The Deputy Presiding Officer: You have 10 seconds.

Dennis Canavan: Amendments 189 and 190 would oblige a local authority to take action against an obstructive landowner, instead of just allowing the local authority to do so. I therefore ask the Parliament to agree to the amendments.

The Deputy Presiding Officer: I very much regret the tightness of the debate, but that is what the Parliament has decided.

The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 89, Abstentions 0.

Amendment 45 disagreed to.

Amendment 95 moved—[Allan Wilson]—and agreed to.

Amendment 96 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 96 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)

McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Barrie, Scott (Dunfermline West) (Lab)

The Deputy Presiding Officer: The result of the division is: For 79, Against 24, Abstentions 1.

Amendment 96 agreed to.

Section 14—Prohibition signs, obstructions, dangerous impediments etc

Amendment 189 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 189 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)

Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 24, Against 79, Abstentions 0.

Amendment 189 disagreed to.

Dennis Canavan: In view of the time limitation, I will not move amendment 190.

Amendment 190 not moved.

Amendment 97 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 97 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)

Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Stephen, Nicol (Aberdeen South) (LD)

The Deputy Presiding Officer: The result of the division is: For 87, Against 17, Abstentions 1.

Amendment 97 agreed to.

Amendment 191 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 191 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)

Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 24, Against 83, Abstentions 0.

Amendment 191 disagreed to.

Section 15—Measures for safety, protection, guidance and assistance

The Deputy Presiding Officer: Amendments 98 and 171 were debated previously. For time reasons, I intend to put a single question on the amendments. Do members agree?

Members: No.

The Deputy Presiding Officer: In that case, the decisions on the amendments will have to be taken individually.

Amendment 98 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 98 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)

Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Iain (Tweeddale, Etrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 89, Against 18, Abstentions 0.

Amendment 98 agreed to.

Amendment 171 moved—[Allan Wilson]—and agreed to.

Section 16—Acquisition by local authority of land to enable or facilitate exercise of access rights

Amendment 172 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 172 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)

Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 80, Against 24, Abstentions 0.

Amendment 172 agreed to.

Amendment 173 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)

Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 83, Against 25, Abstentions 0.

Amendment 173 agreed to.

Section 17—Core paths plan

Amendment 99 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 99 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 90, Against 18, Abstentions 0.

Amendment 99 agreed to.

Amendment 100 moved—[Allan Wilson]—and agreed to.

The Deputy Presiding Officer: Group 14 is on core path plans. We are tight for time; the knife falls at 11.09. I ask the minister to keep his remarks tight.

Ross Finnie: In undertaking the challenge of producing provisions to create core paths, we took account of many of the comments that were made at stage 2. The amendments will provide a means to establish readily a core paths system that meets the aspirations of people who exercise access rights and respects landowners' rights.

Amendment 104, which will insert a new section after section 18, provides for local authorities to review core path plans that they have adopted under section 18 at times that they consider appropriate and when ministers require them to do so. The amendment is designed to address COSLA's concern about the lack of provision for the diversion of core paths. Following our amendments to section 17, it is envisaged that the core paths system will comprise routes, some of which will follow the lines of physical paths or tracks on the ground. Where there is a requirement to divert a route, possibly away from the line of an existing path, I accept that there should be no requirement to consult again on the plan. Subsection (2) of the new section that is proposed by amendment 104 provides for that.

10:45

In our view, a proposal by the local authority to extend its system of core paths is a completely different situation. In those circumstances, it is only right that there should be full consultation and that is what is required under subsection (7) of the proposed new section.

I hope, therefore, that it would not be appropriate for a local authority to consult on its core paths plan every time that it proposed to divert a core path. The local authority should note such diversions and the identification of alternative routes as amendments to the plan. However, proposed extensions to the system of core routes should trigger the full consultation process that is set out in section 18. Amendment 101 is consequential on amendment 104.

The changes that I have outlined meet the concerns that were expressed at stage 2 and have been welcomed by COSLA. I hope that Dennis Canavan will agree that our amendments 101 and 104 address the concerns that lie behind his amendments 193 and 194 and that he will not press his amendments. In view of the time that is available to me, I will close on that point.

I move amendment 101.

The Deputy Presiding Officer: I call Dennis Canavan to speak—briefly please—to amendment 193.

Dennis Canavan: My amendments 193 and 194 would require the implementation, and not simply the adoption, of the core paths plan. I will draw a comparison with the use of the words “implementation” and “adoption” in planning procedures. Adoption of a local plan means the approval of the words, maps and papers, whereas implementation of a local plan means the approval of the planning applications, funding and building of the roads, schools and so forth.

I ask the minister to consider positively my amendment 193, as it would seem to accord with the Executive’s policies. What is the point of adopting a core paths network unless it is going to be implemented?

The Deputy Presiding Officer: Members should remember that I have to get through five groups by 9 minutes past 11. I ask members to make very tight speeches, please.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I rise to support Mr Canavan, who has highlighted a weakness in the provisions of the bill and in the stage 3 amendments in this grouping. We know that the Executive’s shelves are littered with action plans, but that does not mean that those plans will be implemented.

The minister said that the provisions of amendment 104 would not subject entire core paths plans to re-consultation if they are amended. I do not think that the wording of the bill, or of amendment 104, sets that out clearly. How frequently will the core paths plans be amended? Will the minister consider giving guidance to local authorities on how often they should review those plans?

Bill Aitken: Yesterday, I stated that the Conservatives see the core paths network as the main way forward in respect of access rights. On that basis, we find amendment 104 acceptable.

If the system is to work, however, it is imperative that we have the co-operation of local authorities. Dennis Canavan’s amendments 193 and 194 would force councils to implement core paths plans and that would not achieve the degree of co-operation that is required. It is clear that his amendments would have significant revenue and capital costs, and local authorities are concerned about that.

I am uncertain about the wording of amendment 104. It would be helpful if the minister could give further amplification of the Executive’s intentions in that respect. As it is presently constituted, amendment 104 would detract from the powers of councils rather than leave those powers as was intended in the bill.

Rhona Brankin: Will the minister give me an assurance that, when a local authority draws up a core paths plan, it will be required to take regard of the needs of people with disabilities?

Ross Finnie: I will be brief. In response to the point that was made by Rhona Brankin, the answer is yes. The issue of implementation was discussed extensively at stage 2. I hear clearly what Dennis Canavan suggests, but we have to remember that the simple way in which Mr Canavan has provided for implementation in amendments 193 and 194 does not take account of the fact that much of the land in question is not in the ownership of the local authority. That is the fundamental problem in respect of his proposal. The other points that were raised have been answered.

The Deputy Presiding Officer: The question is, that amendment 101 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)

MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
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 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Gray, Iain (Edinburgh Pentlands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 88, Against 15, Abstentions 1.

Amendment 101 agreed to.

Section 18—Core paths plan: further procedure

Amendment 193 moved—[Dennis Canavan].

The Deputy Presiding Officer: The question is, that amendment 193 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 30, Against 77, Abstentions 0.

Amendment 193 disagreed to.

Amendment 194 not moved.

Amendment 102 moved—[Ross Finnie]—and agreed to.

After section 18

Amendments 103 and 104 moved—[Ross Finnie]—and agreed to.

Section 19—Application of sections 13 to 15 in respect of certain core paths

Amendment 105 moved—[Ross Finnie]—and agreed to.

Section 20—Delineation by agreement of paths in land in respect of which access rights exercisable

Amendment 106 moved—[Ross Finnie]—and agreed to.

Section 21—Compulsory powers to delineate paths in land in respect of which access rights exercisable

Amendment 107 moved—[Ross Finnie]—and agreed to.

Section 22—Ploughing of paths

The Deputy Presiding Officer: Amendment 108 is grouped with amendments 109 to 118 inclusive and amendment 163.

Allan Wilson: The amendments in this group provide for the widening and reinstating of paths. Although ploughing is the land-management activity that is most likely to disturb a core path, there are other such activities. Our amendments widen the provision in the bill to make it apply to any disturbance of a core path.

There is no reason why reinstatement should not take place relatively quickly, so we propose to reduce the relevant period from eight weeks to 14 days. As that could result in different requirements, our amendments seek to apply section 22 to all rights of way. We propose to repeal the existing provision in the Countryside (Scotland) Act 1967. Amendment 163 seeks to achieve that.

I move amendment 108.

Alasdair Morgan: We welcome amendments 112 and 113, which are very sensible. The period of eight weeks would have been onerous and could have removed many paths in Scotland for a large part of the summer season.

The removal of the necessity to give notice under those circumstances is a reasonable move, which would reduce bureaucracy. There is not much point in giving notice of something seven days after it has been done, when it is to be undone another seven days later.

Bill Aitken: We have no difficulty with the bulk of the amendments in this group. Amendment 113

is the only one that concerns us. The period that is stipulated is not nearly sufficient to resolve the difficulty in question.

On the basis of what I have intimated, Presiding Officer, you may wish to take the amendments in this group, excluding amendment 113, en bloc.

The Deputy Presiding Officer: That is helpful.

Mr John Home Robertson (East Lothian) (Lab): As I can imagine no circumstances in which good husbandry could justify the ploughing up of a core footpath, I am worried about the implications of the measure that is contained in section 22. Therefore, I urge the Executive to keep a close eye on whether some farmers or landowners try to take advantage of it.

Allan Wilson: The time is sufficient and there is time for reinstatement.

Amendment 108 agreed to.

Amendments 109 to 112 moved—[Allan Wilson]—and agreed to.

Amendment 113 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 113 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 93, Against 16, Abstentions 0.

Amendment 113 agreed to.

The Deputy Presiding Officer: Does any member object to amendments 114 to 119 being moved en bloc?

Bill Aitken: Presiding Officer, I have possibly misled you. Will you ask the minister instead to move amendments 114 to 118 en bloc? That would be agreeable.

Amendments 114 to 118 moved—[Allan Wilson]—and agreed to.

After section 24

Amendment 119 moved—[Allan Wilson].

The Deputy Presiding Officer: The question is, that amendment 119 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)
 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)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)

Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 89, Against 17, Abstentions 0.

Amendment 119 agreed to.

Section 24A—Guidance

The Deputy Presiding Officer: Amendment 120 is in a group on its own.

Ross Finnie: I move amendment 120, which is a technical amendment.

Amendment 120 agreed to.

Section 25—Judicial determination of existence and extent of access rights

The Deputy Presiding Officer: Amendment 121 is grouped with amendments 122 to 125.

Bill Aitken: On a point of order, Presiding Officer. We have no comments to make on this group of amendments. Perhaps the minister will bear that in mind in making his remarks.

11:00

The Deputy Presiding Officer: Thank you. You are in a helpful mood this morning, Mr Aitken.

Allan Wilson: We accept that there is a case for trying to make more straightforward the legal process of establishing rights of way. Amendments 121 to 125 will extend section 25 so that the same procedures will apply to the determination of rights of way. They also address complaints that the current legal processes in relation to the vindication of a right of way can be cumbersome and expensive.

Amendment 124 seeks to widen the scope of the rules of court applying to applications under this section to ensure that they can address all aspects of the procedure.

I move amendment 121.

Amendment 121 agreed to.

Amendments 122 to 125 moved—[Allan Wilson]—and agreed to.

Section 28—Application of section 15 to rights of way

Amendments 126 and 127 moved—[Allan Wilson]—and agreed to.

Section 29—Interpretation of Part 1

Amendments 128 and 129 moved—[Allan Wilson]—and agreed to.

The Deputy Presiding Officer: Amendment 195 is grouped with amendments 130 to 132. I ask Stewart Stevenson to move amendment 195.

Stewart Stevenson: Can I speak? [MEMBERS: “No.”] I was not seeking an opinion from the chamber.

Amendment 195 simply and clearly reflects the practical difficulties that there can be in Scotland when landowners are resident abroad. The amendment would include the land manager as the person to whom section 9 can refer, in addition to the owner. We will support the other amendments in the group.

I move amendment 195.

Bill Aitken: On a point of order, Presiding Officer. In the interests of expedition, we have no objections to raise to any of the amendments in the group, despite Mr Stevenson’s advocacy.

The Deputy Presiding Officer: We have made up some time. The knife falls on this group at 11.09, so I will take brief contributions if members wish.

Ross Finnie: Amendments 130, 131 and 132 are technical changes to definitions as a consequence of previous amendments and other regulatory changes. They seek to transfer powers to Scottish Water. Amendment 131 expands the definition of a statutory undertaker. I hope that the amendments are not controversial.

Amendment 195 seeks to amend the definition of “owner of land” to include, where the owner is resident abroad

“a person appointed by the owner to act as manager of the land.”

I accept the general thrust of the amendment. As Mr Stevenson said, the amendment is fairly simple and, with all due respect, I think that that is where the difficulty lies. The wording would create difficulties. The definition already provides that where the owner is not in actual occupation, the person entitled to occupy the land shall be regarded as the owner. That might include a tenant or a land manager. I consider that to be adequate provision for the purposes of the bill.

Moreover, it is not clear exactly what is meant by “resident abroad”. The concept of residency is complex and difficult, as those who are familiar with taxation law will know. I take it that “abroad” means outwith the UK. More important, the amendment could give rise to an ambiguity where the owner is abroad and another person is entitled to natural possession. In view of that, I invite Stewart Stevenson to withdraw amendment 195.

Amendment 195, by agreement, withdrawn.

Amendments 130 to 132 moved—[Ross Finnie]—and agreed to.

Section 30—Registrable land

The Deputy Presiding Officer: I call Roseanna Cunningham to speak to and move amendment 196.

Roseanna Cunningham: Amendment 196 would remove the word “Ministers” from line 23, page 18, and insert

“the local authority in whose area the land lies”.

The amendment would pass to the local authority the power to define rural land, and so to define land that is registrable. That is a substantial power, because it means, in effect, deciding which land is registrable. The decision about which land is registrable is analogous to a planning decision. Local authorities handle planning issues, and are likely to know their local areas rather better than Scottish ministers and their civil servants are. If land reform is about anything, it should be about empowering local communities. Therefore, it seems more appropriate to give the power to define which land is registrable to local authorities, which are directly answerable to local communities.

As far as I am aware, ministers have not produced plans showing which land is rural and which is urban, or defined the factors that they will use, other than population, to define which is which. I ask the chamber to agree to the amendment to allow local authorities to make such decisions. Amendments 197 and 198 are consequential on amendment 196.

I move amendment 196.

The Deputy Presiding Officer: The knife on this grouping falls at 11.39, so we have some time in hand.

Bill Aitken: I confess that we are attracted to the ideas advanced by Roseanna Cunningham. She may find an uncharacteristic degree of consensus on the bill in general.

Roseanna Cunningham’s comments make infinite common sense. If devolution is to work, we must believe in true devolution by passing particular powers to local authorities. Local people know their local conditions, and they know what is right for their area. Amendment 196 and the two consequential amendments make reasonable sense. I would have thought that the deputy minister in particular—bearing in mind his background—would have considerable sympathy with the amendments, and I am sure that they will be agreed to.

Bruce Crawford (Mid Scotland and Fife) (SNP): I support the amendment.

I should like to reflect on comments made by Andy Kerr, the Minister for Finance and Public Services, about the fact that empowering local authorities is part of the Local Government in Scotland Bill. The provisions in that bill on community planning and passing powers of general competence to local authorities strengthen the role of local authorities; amendment 196 would be a natural extension of that.

We are talking about finding the appropriate level at which decisions should be made. If we want to carry through subsidiarity properly, here is a fine place in which to apply the principle. The issue is also about trust, empowerment and getting closer to communities. If we can achieve those aims through the bill, it would be a job well done, and I commend amendment 196 to the chamber.

Allan Wilson: As Bill Aitken pointed out, there are arguments on both sides of the issue. The principal argument against it is that the provision in amendment 196 would remove consistency and clarity in determining what constitutes “excluded land”. The bill’s current provisions give ministers that responsibility.

As a result of the consultation that was carried out, the population threshold to which Roseanna Cunningham referred was left at 3,000 people. I wholly accept that the definition might not be as properly defined or as final as we would wish, but the proposal in amendment 196 would not assist matters, in that factors in connection with population and rurality are at least applied consistently at the moment. I believe that giving each local authority in Scotland the possibility to apply its own criteria for excluded land would introduce inconsistency, lack of clarity and possible inequality into the equation.

The other principal argument against amendment 196 is that the provision in section 30(2) requires an affirmative order. As a result, we will have to consult on the draft order before it comes before Parliament, which means that everyone—including local authorities—will have an opportunity to comment on its content. Allowing local authorities to decide what constitutes “excluded land” would not involve any parliamentary scrutiny, whereas I am giving Parliament the opportunity to come back to us on definitions and to take a further part in the consultation to ensure that consistent measures apply throughout Scotland. Amendment 196 does not have that merit and would lead to a lack of clarity and uniformity.

Roseanna Cunningham: That still does not answer the point about local knowledge. Ministers will not be in the same position as local authorities are to make reasonable decisions about what can and cannot be defined as rural and urban in a

specific area. I have listened to the minister's comments and there is some merit in what he says, but local authorities know far better than anybody else what the situation is in their area.

It is interesting that the minister raises the issue of consistency, because the result of some of the debates that we have had about handing local authorities powers is to introduce some of the inconsistencies that he now thinks are not appropriate. In a sense, everybody, including the minister, is trying to have it every which way. I press amendment 196.

The Deputy Presiding Officer: The question is, that amendment 196 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
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 Johnstone, Alex (North-East Scotland) (Con)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeod, Fiona (West of Scotland) (SNP)
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 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)

Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
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 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
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 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
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 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
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 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
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 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
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 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
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 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
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 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 44, Against 63, Abstentions 0.

Amendment 196 disagreed to.

Amendments 197 and 198 not moved.

Section 31—Community bodies

The Deputy Presiding Officer: Amendment 133 is grouped with amendments 199, 134, 135, 136, 137, 138, 201, 154, 155, 156, 157 and 158.

Ross Finnie: The main thrust of the Executive amendments in the group is, with one or two additions, to ensure that the bill will no longer preclude a community body from achieving charitable status. The matter was, properly, rehearsed at stage 2 and we agreed to introduce amendments.

Amendments 133, 134 and 136, for part 2, and amendments 154, 155 and 157, for part 3, modify the definition of a community body to provide that it will be such a body only if ministers have confirmed that its main purpose is consistent with “furthering the achievement of sustainable development.”

That is the same form of words as was introduced at stage 2. It emphasises the fact that the community body should focus its activities on the long-term benefits that acquiring the land will bring.

Executive amendments 134 and 155 respectively remove the current requirement in the bill and will permit the memorandum and articles of association to specify purposes that are consistent with the current definitions used by the Inland Revenue charities division, which determines whether a community body can become a charity.

Executive amendments 135 and 136, together with amendments 138 and 158, will ensure that any surplus assets following the winding-up of a community body or crofting community body with charitable status will pass to a charity, if no similar community body or crofting community body with charitable status is available. That will allow the community body’s company memorandum and articles of association to be compatible with the requirements of the Inland Revenue charities division.

Amendment 137 will remove from section 31(4A) the reference to the Registrar General for Scotland as the sole determining body for postcode units. That will provide more flexibility should the responsibility be transferred from the General Register Office for Scotland in the future. That flexibility is entirely consistent with that provided for the keeper of the register of community interests in land in section 33(9).

11:15

I turn to Roseanna Cunningham’s amendments 199 and 201. When the matter was discussed in the Justice 2 Committee at stage 2, there was some support for an alternative means of setting

up community bodies and an amendment to that effect was lodged. The issue was discussed at some length, but the amendment was not moved.

Amendments 199 and 201 would restrict that alternative to community councils, which already exist and are democratically accountable. However, there are still good reasons why it is better to set up community bodies as companies limited by guarantee, as section 31 sets out. The memorandum and articles of association of the company must comply with the requirements of section 31, which include having a minimum number of members and a main purpose that is compatible with sustainable development. Those requirements would be lost if community councils were able to act as community bodies.

Furthermore, under amendment 201, there would be no requirement for community bodies to demonstrate that a significant number of their members have a substantial connection with the land, that the land is sufficiently near to land with which the members have a connection, or that the land’s acquisition is compatible with furthering sustainable development. All those safeguards would be removed. I ask members to resist amendments 199 and 201.

I move amendment 133.

The Deputy Presiding Officer: I call Roseanna Cunningham to speak to amendments 199 and 201.

Roseanna Cunningham: Stewart Stevenson will speak to the amendments.

Stewart Stevenson: We welcome the Executive amendments in group 20. When the Justice 2 Committee visited Stornoway and Lewis, it emerged that the Gigha buyout was greatly facilitated financially because the buyout company had charitable status. That status immediately saved the company many hundreds of thousands of pounds in taxation at the point of purchase. Given that the purpose of the companies that will be created under the bill is to support sustainable development in their communities, the advantage of having charitable status is immediately obvious. It is welcome that the minister and the Executive listened to the discussions in the committee on the issue.

I turn to amendments 199 and 201. The minister will no doubt recall that the Justice 2 Committee had a number of discussions about the nature of community bodies. A number of fairly onerous conditions are placed on limited companies and it seemed to many committee members that the condition that the body must be a limited company during the period of registration of an interest, prior to the acquisition of land, is particularly onerous. At that stage in the buyout process, there is little liability against which the members of the

community body require to be protected through its being a limited company.

Amendments 199 and 201 would provide an alternative, in that community councils could be community bodies. The reason why community councils would be a good alternative at that stage in the process is that they already operate within the legislative framework and so exist in law—we would not have to define something new. Furthermore, community councils are supervised—the membership is known and the numbers that are required and the areas from which the members are drawn are established. We lodged amendments 199 and 201 to provide greater flexibility, particularly during the period of registration. Given the restrictive nature of land owning in Scotland, registration will often not lead to a purchase, but the amendments would make the process much easier for communities.

Bill Aitken: We are attracted by the Executive's amendments and we see the sense in them. The requirements of charitable status will ensure that the appropriate checks and balances are in force and that the appropriate audit requirements are in place, as would be required by the charities division. It is also true, as Stewart Stevenson said, that charitable status is a tax-efficient way for a community body to deal with matters.

We are not convinced by amendments 199 and 201. We feel that what they propose would not be a suitable way in which to operate. Amendment 213 also strikes us as interfering unnecessarily in the right of an individual, and we will oppose that amendment.

George Lyon: I support the Executive's amendments and speak against Roseanna Cunningham's amendment 199. I disagree with her view that community councils should be allowed to register. I have experience of the Gigha buyout, and it is clear to me that taking on and owning land is not something that any community body will do lightly. It is a huge responsibility, and it requires those who wish to do so to demonstrate that they are clearly focused on the objective of buying the property. It requires them to be properly representative of the community and to demonstrate that they are willing to take on that responsibility. In view of all those objectives, community councils would not fit the bill. I therefore encourage the minister to resist amendments 199 and 201.

Amendment 133 agreed to.

Amendment 199 moved—[Roseanna Cunningham].

The Deputy Presiding Officer: The question is, that amendment 199 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Davidson, Mr David (North-East Scotland) (Con)
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 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
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 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Tosh, Mr Murray (South of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 41, Against 65, Abstentions 1.

Amendment 199 disagreed to.

Amendments 134 to 138 moved—[Ross Finnie]—and agreed to.

Section 33—Register of Community Interests in Land

The Deputy Presiding Officer: Amendment 139 is grouped with amendments 148, 149 and 161.

Allan Wilson: These are technical amendments that seek to clarify the text. I move amendment 139.

Amendment 139 agreed to.

Section 34—Registration of interest in land

The Deputy Presiding Officer: Amendment 200 is grouped with amendments 174, 143, 150 and 175.

Bruce Crawford: Amendment 200 is intended to allow the registration of a single interest in several land holdings—for example, when a parcel of land is owned by different people. Why would we want to do that? Well, it is also the intent of amendment 200 to ensure that we reduce burdensome administrative hurdles. We want to ensure that such burdens are reduced for those who are entirely within the voluntary field.

At present, the bill states that a community interest must be registered in each different parcel of land that is owned by each different owner. That means that a community body must go through the rigmarole of registering its interest, showing the support of 10 per cent of the community, providing a description of the boundaries of the land, assuring ministers of the community's connection with the land, advertising for absentee landowners and so on, for each separate land holding. That will make registering a community interest in land that is held by several owners administratively tiresome, expensive and burdensome. It would be far better if a community had to describe one set of boundaries and the Keeper of the Registers of Scotland, who is the expert in such matters, were left to work out the land holdings that are affected.

I suggest that the bill as constructed is a potential invitation to landowners to subvert the purpose and spirit of the bill. For example, if a landowner was concerned that a community buyout might be on the horizon, they could sell off a small parcel of land in the middle of an estate to a relative. Landowners could subvert the bill's intention and we need to close that loophole for potential mischief.

I move amendment 200.

Ross Finnie: I will deal first with amendment 200 and Bruce Crawford's arguments. I share his intention, but I do not agree with amendment 200. It is important to ensure that interest is registered in the correct piece of land and in single parcels of land, because once registration is made in respect of land, in effect an inhibition is put on the ability of the owner of the land to dispose of it, because the title will indicate that an inhibition exists. Therefore, it is important to ensure that registration is dealt with on an individual basis.

I agree that that might seem more cumbersome, but I disagree that the effect of a single registration would be better. If one thinks it through, what amendment 200 proposes could be seriously disadvantageous to the ability of anyone to sell land without having such registration noted. To

pass the responsibility on to the keeper of the register of community interests in land, which has been set up to be compatible with the system of land registration that now operates in most of Scotland, would give them a power that they should not have. The register's purpose is to register interests that are noted to it. Also, if there are multiple owners, we get into difficulties in ensuring effective registration. With respect to Bruce Crawford, I believe that amendment 200 could defeat the genuine purpose that it sets out to achieve.

Executive amendments 174, 143, 150 and 175 are corrective amendments that seek to remove references to section 34(7)(c), which was removed by Executive amendment 335 at stage 2.

Bruce Crawford: I intend to press amendment 200, because I do not accept the minister's argument. Nothing that he said would prevent the amendment from being successful. I am concerned that a landowner could choose to sell off small chunks of land all over the place in an effort to obfuscate and delay the process. The intent of the bill is to allow communities to gain ownership. I would suggest that we want to move in that direction across as much of Scotland as we can achieve. Amendment 200 seeks to deal with a particular area that opens up the potential for burdensome hurdles and which creates areas for mischief by landowners.

The Deputy Presiding Officer (Mr Murray Tosh): The question is, that amendment 200 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)

White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 27, Against 80, Abstentions 0.

Amendment 200 disagreed to.

Section 35—Criteria for registration

Amendment 201 not moved.

Section 37—Effect of registration

The Deputy Presiding Officer: Amendment 213 is grouped with amendments 140 and 141.

11:30

Alasdair Morgan: Amendment 213 would prevent a transfer of shares in a company that owns the land unless the land is offered to a community body that has registered an interest in the land.

The triggers for the right to buy, as the bill is currently drafted, are limited, given the exceptions in section 37(4), the fact that a third of Scottish land is now owned by trusts and the fact that inheritance does not trigger the right to buy. A right to buy will arise for a community only if the land in which the interest is registered comes on the market. In addition, much land in Scotland is owned by companies, the sole purpose of many of which is to own the land concerned, such as the South Uist Estates Ltd. Where a community body has registered an interest in such a piece of land, the right to buy is not triggered if, as is commonly the case, the company is sold rather than the land. The purpose of parts 2 and 3 should be to end the situation in which land ownership is concentrated in so few hands in Scotland. The amendment is aimed at making the transfer of ownership much easier.

At stage 2, in response to a similar amendment, the minister said that such a change would involve the Executive

“in the reserved area of company law, which is outwith the competence of the legislation.”—[*Official Report, Justice 2 Committee*, 30 October 2002; c 2006.].

If the right to buy cannot be triggered by the transfer of shares in landowning companies

because that would involve the Scottish Parliament in legislating in a reserved area, there is an obvious solution—one that the Executive has not been shy of applying in other areas. If the Scottish Executive were to request that Westminster pass legislation with regard to this matter by means of a Sewel motion, then—who knows?—perhaps even the SNP would be tempted to support it.

I move amendment 213.

Allan Wilson: I might even be tempted by Alasdair Morgan’s suggestion.

Nobody is more interested than I am in extending the range of triggers. Ways of doing so were discussed at length at stage 2. We extended the range of triggers to include transfers for value between family members, but the committee—including Stewart Stevenson, I think—generally agreed, after explanation, that the area on which we are now treading was too complex to proceed with.

The complexities include additional difficulties relating to company share transfers. It is too simplistic to assume that control is determined by simple majority share ownership. There are obvious difficulties arising from the fact that a lot of the land to which Alasdair Morgan refers is usually held by subsidiaries of larger groups. It is not true to say that there are no circumstances in which transfers of shares would entail the application of the trigger—if evidence were provided to us that land owned by a company was being transferred outwith that group by means of a conventional land transfer, the legislation would apply.

Monitoring trading in the market second by second, given that the information is not held centrally by Companies House, would be particularly difficult where individual or small numbers of shares were transferred over a number of years to various individuals or companies, which shareholders can do independently. There are no proposals and certainly no resources to track or investigate such share transfers. We are talking about a community body tracking the market second by second to determine movements in share capital between and across companies and within groups. Neither the community body nor the Executive would be able to police changes to ascertain when or whether the right to buy had been triggered.

My main point is that amendment 213 is simply unenforceable. That is not to say that there is no longer-term merit in examining with colleagues how to proceed to close whatever loophole Alasdair Morgan argues exists.

Stewart Stevenson: Does the minister accept that, as a matter of law, the register of limited companies is available for public inspection?

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): It is always out of date.

Allan Wilson: Yes, of course I accept what Stewart Stevenson says. However, as I explained, second-by-second monitoring of share transfers on the market is not within the Scottish Executive's resources, still less those of the average community body, even if the will to do that existed.

On Executive amendments 140 and 141, the bill could cause hardship following the breakdown of a marriage if a wife wished to remain in the family home with her children and therefore wanted to sell land to buy out her husband, or vice versa. Such a transfer could in some circumstances trigger the right to buy.

Section 37(4) refers to transfers in pursuance of an order of court, which would cover the situation in which a property settlement was incorporated in a divorce decree. However, we also wish to create an exemption for property transfers that arise from a minute of agreement or separation agreement where a marriage has broken up. Amendment 140 allows for a transfer of property to be excluded from triggering the right to buy under part 2 of the bill where a separation agreement exists between spouses.

Amendment 141 clarifies that the community body's registered interest continues in place when the land is transferred to a new owner under an exemption in section 37(4). The community would not need to reregister its interest and the new owner would be bound by the same prohibitions as the previous owner was. That is another important provision.

Bill Aitken: Amendment 213 takes a rather cynical view of land managers, but the basic point is that it is utterly unworkable. We could not have a situation in which share movements are tracked to find out whether someone's land was likely to be up for grabs. That would simply not work. Mr Morgan must appreciate that.

Executive amendment 140 is common sense. The matter was raised at stage 2 and not agreeing to the amendment could cause real hardship in certain instances.

The Conservatives are not attracted by Executive amendment 141. The community body must demonstrate that it is committed to the purchase and what would inevitably follow it. It is not too much to ask that the appropriate registration be done timeously and efficiently, thus demonstrating that commitment. We shall not support that amendment for those reasons.

Pauline McNeill: Like many members, I believe in wider land ownership in Scotland. At stage 2, the Justice 2 Committee was very particular to press ministers on various ways in which land

could become available for purchase. That can happen in a limited number of ways only, such as land coming on the market, land being held in trust, land being passed on by succession or between families and, of course, through the method with which amendment 213 is concerned, which is ownership changing through share transfer.

I am sympathetic to the aims of amendment 213 and have been since the beginning of the debate on the bill. At stage 2, the Justice 2 Committee asked ministers to draw up an amendment to incorporate the intentions behind amendment 213. Reluctantly, I had to accept that, for the reasons that Allan Wilson outlined, the method of tracking the transfer of shares is complex and that we do not have the full powers to take responsibility for that. I feel sad that we cannot do so and I would have supported such a measure if I felt that it offered a practical way of bringing more land on to the market.

I hope that, in a future session, Parliament will review the success of the provisions on the community right to buy. The Executive's position is that we should bring around 3 per cent of land on to the market, which is not an insignificant amount. There should be a review in the future to ascertain whether that has occurred. Sadly, I cannot support amendment 213, although I support the intentions behind it.

Alasdair Morgan: Mr Aitken and Mr Fitzpatrick—the latter from a sedentary position—suggested that the problem lay in the vast number of transfers of shares and in the fact that the share register is never up to date. It does not matter whether the share register is up to date; all that matters is whether the transfer of one share has taken place that would trigger the mechanism that amendment 213 would introduce. I do not think, therefore, that Mr Aitken's argument is a valid objection to the amendment.

I accept that the proposal might be difficult, but the minister went out of his way to make it sound even more so. He must remember that most of the companies concerned are single-purpose, private companies, which have been set up simply to own the pieces of land. As Pauline McNeill said, we should consider the matter more seriously in future or, if it is a reserved matter, ask Westminster to consider it more seriously. I am sure that some of the Scottish MPs down there will have plenty of time to investigate the matter.

The current situation is unsatisfactory. Indeed, owners will now be busy investigating how they can set up private companies in order to get round the objectives of the bill before it comes into force. However, as things stand, I seek the Parliament's agreement to withdraw the amendment.

Amendment 213, by agreement, withdrawn.

Amendment 140 moved—[Allan Wilson]—and agreed to.

Amendment 174 moved—[Ross Finnie]—and agreed to.

Section 41—Duration and renewal of registration

The Deputy Presiding Officer: Amendment 203 is in a group on its own.

Roseanna Cunningham: At present, registration of an interest in land has effect for five years and thereafter lapses if the community does not reapply to register its interests by the same procedure as obtained for the original application. Amendment 203 would simplify the procedure by which reregistration may be made.

Where a community body has registered an interest in land, that interest must be renewed every five years. Given that much land in rural Scotland rarely comes up for sale, it will frequently be necessary for a community body to reregister a number of times.

It is in the nature of rural communities that community bodies will be fragile entities that are dependent on the hard work of perhaps one or two individuals for their continuing operation. If just one or two people die, take on other commitments, move on or lose enthusiasm, that could cause the community body to cease effective operation. If that happens, the community interest could be allowed to lapse after five years. The reregistration process should therefore be made as simple as possible in order to relieve the burden of administration on volunteers.

In the bill as it stands now, a community body will have to complete and submit a full application form every five years, including a full specification of the land on which it is registering an interest. It will also have to advertise in local newspapers if the landowner cannot be found, respond to comments made to it and carry out a further test of community opinion. That is very onerous for a community body and could deter the necessary renewal of the registration from taking place.

A stage 2 amendment sought to simplify registration procedure by requiring reregistration by ministers if they received notification that circumstances had not materially changed. The amendment was rejected on the ground that the community body must show serious intent in seeking to purchase the land.

Amendment 203 seeks at least to lighten the load, in the following ways. First, the community body would not be required to specify the land to which its interest related when that had already been specified in a previous application for

registration of an interest. Secondly, the community would not be required to advertise for an owner who could not be found the first time the community interest had been registered, unless ministers had received a representation that the owner could be found.

Thirdly, if ministers were satisfied at the first application that members of the community had sufficient connection with the land, they would not need to have that confirmed every five years, unless they had received an indication that members of the community did not have sufficient connection with the land. Finally, if ministers were satisfied at the first application that there was sufficient support in the community for registration of an interest, they would not need to have that confirmed every five years, unless they had received an indication that there was not sufficient support for registration of an interest.

The amendment seeks to reduce the continual and cyclical burden that the bill would place on community bodies, which will consist almost entirely of volunteers. It seeks to simplify the procedure for reregistration, to make things easier and, in the longer term, perhaps, to ensure that the land-ownership pattern that we are trying to shift through the bill is in fact shifted.

I move amendment 203.

11:45

Bill Aitken: We are not attracted by amendment 203, but at the same time we do not wish to do anything that would add to the administrative burden on volunteers who are active in their community.

There is a great inconsistency in the argument that Roseanna Cunningham set out. She defined some community bodies as fragile entities and correctly noted that there are frequent changes in the personnel, attitudes and enthusiasm of such bodies. If, as Roseanna Cunningham wishes—and as we wish—many of the organisations are successful, enthusiasm and commitment must be present. I made the same point in respect of a previous SNP amendment.

Bearing in mind the frequent changes that may arise in bodies, as Roseanna Cunningham described, we do not think that it is unreasonable that the reregistration process should be amended—

Alasdair Morgan: I do not know whether Mr Aitken intends to say that he supports the amendment, but I urge him to recollect that the Conservative party is allegedly opposed to bureaucracy and red tape. Surely amendment 203 is seeking to reduce that.

Bill Aitken: I prefaced my remarks by stating clearly that we do not want to add to the administrative burden on voluntary organisations. However, we cannot support the amendment—for the reasons that Roseanna Cunningham articulated. Inevitably, the nature of community bodies changes frequently. There is a turnover of personnel in such organisations and some of the new personnel will have different views from those of the people who supported the project originally.

Ross Finnie: The requirement that there should be support for registration of an interest is not intended to add to bureaucracy. I was taken by George Lyon's remarks about the serious need for people to indicate the nature of their interest. He provided a practical example of the importance of doing so—that of Gigha.

Roseanna Cunningham alluded to the fact that various people may have moved on in various ways. If a community buyout is to be successful, it is important that a deep level of interest in that option should be demonstrable at the point when it becomes available. The danger of amendment 203 is that its supporters assume that they are removing a burden but fail to take cognisance of the fact that, in such an important process, it is proper every five years to ensure that there is absolute support for a buyout from the community that has registered an interest. I invite members to reject the amendment.

Roseanna Cunningham: I have listened with interest to members' comments. We do not object to reregistration, which is essential for the reasons that we have outlined. However, are we saying that every five years community bodies must reinvent the wheel? That will be costly and time consuming. The process will act as a disincentive to reregistration. Instead, we should try to ensure that, once the original, detailed, costly work has been done, the work involved in reregistration is minimised. We are not saying that reregistration is unnecessary.

The Deputy Presiding Officer: The question is, that amendment 203 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)

Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
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 Lamont, Johann (Glasgow Pollok) (Lab)
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 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
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 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 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)

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 27, Against 78, Abstentions 0.

Amendment 203 disagreed to.

Amendment 141 moved—[Ross Finnie].

The Deputy Presiding Officer: The question is, that amendment 141 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)

Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)

Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 89, Against 15, Abstentions 0.

Amendment 141 agreed to.

Section 45—Procedure following receipt of notice under section 44

The Deputy Presiding Officer: Amendment 142 is grouped with amendment 204.

Allan Wilson: We have considered further the effects of the assignation provision included in the stage 2 amendment 214, which should have been accompanied by amendment 215, providing a workable mechanism for assignation to take place. However, the Justice 2 Committee voted against amendment 215, which is almost identical to Roseanna Cunningham's amendment 204, and that made amendment 214 ineffective. Executive amendment 142 is therefore provided to resolve the anomaly by removing the assignation provision. However, that is not the only reason for our lodging it.

At stage 2, Stewart Stevenson used as a reason for lodging amendments 214 and 215 the example that the amendments would allow a process by which two bodies in adjacent areas with a common interest could merge and assign to a successor body the right to buy. He also confirmed that assignation under amendment 214 would require the body to which the land was being assigned to be a community body—the body would be required to be a community body as defined in part 2 of the bill.

In the first case, the two bodies could simply merge and act as one body without requiring assignation. In the second case, the community body would need to have gone through the necessary preceding steps, such as setting up a limited company and registration. The same effect can be achieved by the new body's registering an interest before the existing body revokes its registration. For assignation to take place in that way, we have the scenario of there being two bodies at the right-to-buy stage, a situation that is already accommodated in section 51.

In simple terms, amendment 204 provides the supporting mechanisms for assignation to work. Given that we believe that assignation is

unnecessary, it follows that we believe that amendment 204 is unnecessary.

I move amendment 142.

Roseanna Cunningham: On the contrary, assignation ought to be permissible. Amendment 204 would allow the assignation of the right to buy land by one community body to another community body at the time when the right to buy was triggered. The amendment envisages a situation where a community body registers an interest in a larger area of land and, when the right to buy is triggered, assigns its right to a community body dealing with a smaller area of land. I point out that Highland Council supports amendment 204.

The process of setting up a community body and registering an interest in land is cumbersome. The community body has to reregister its interest in each landholding by the same cumbersome procedure every five years, as we have just confirmed. Changes in land ownership in rural Scotland, in particular in the Highlands, are often piggybacked on an existing body, which is often a statutory body. For example, a local authority or a community council might wish to establish and oversee a community body for its entire area or a large part of it. When the right to buy is triggered, it may not be appropriate for a community body that covers a large area to pursue the purchase—the body may wish to assign the right to a more specific community body that covers a smaller, more defined area.

Amendment 204 complements previous amendments to allow community councils to act as community bodies. We are trying to widen the scope, not narrow it. Those previous amendments were not agreed to, but amendment 204 is still important.

At stage 2, Allan Wilson said, with regard to assignation, that he could not

"think of circumstances in which two community bodies would be close enough to each other to have a registered interest in the same piece of land."—[*Official Report, Justice 2 Committee*, 30 October 2002; c 2016.]

However, two community groups were involved in a bid to purchase Glencoe—Ballachulish and Glencoe community council and Friends of Glencoe. The Strathcona Glencoe estate was finally bought by a third party, which has established another community body—the Glencoe Heritage Trust Ltd. Assignation of any registered interest from one community body to another might conceivably have been useful in that situation. That is a concrete example of the kind of thing that can happen.

At stage 2, the Justice 2 Committee passed one of the necessary amendments on assignation of the right to buy, but did not pass the other. The

minister is now seeking, through amendment 142, to remove the amendment that was passed. As a result, we will oppose amendment 142 and press amendment 204.

Bill Aitken: It occurs to me that there is a strange juxtaposition on this issue, as far as the SNP is concerned. The SNP has scathing views on landowners, as evidenced by amendment 213, and is cautious about the transfer of shares, yet with amendment 204 it has no hesitation in advancing the view that communities that are seeking to purchase land should be able to assign that right. The argument is inconsistent.

Stewart Stevenson: Does the member recall that Roman jurist of 2,000 years ago, Cicero, who said that the greatest power of the law is power to the people?

Bill Aitken: Mr Stevenson should not bandy Latin statements with me. The fact is that there is no justification for any assignation rights. For once, the minister has got that right with amendment 142, which we shall support.

Allan Wilson: I always knew that my Latin O-level would come in useful at some point in my life—quod erat demonstrandum.

Roseanna Cunningham's amendment 204 would have some merit if we had passed the provisions relating to community councils but, as she admitted, we did not. In the Glencoe example to which she referred, the two bodies could simply have merged and acted as one body without requiring assignation. In that instance, the same effect could have been achieved by the merged body registering its interest in the land prior to the revocation by the initial body of its interest. There is no requirement for assignation. I ask members to support amendment 142 and to reject amendment 204.

12:00

The Deputy Presiding Officer: The question is, that amendment 142 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)

Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollak) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 76, Against 29, Abstentions 0.

Amendment 142 agreed to.

Amendment 204 not moved.

Section 46—Power to activate right to buy land where breach of this Part

Amendment 143 moved—[Ross Finnie]—and agreed to.

The Deputy Presiding Officer: Amendment 144 is grouped with amendments 145 and 207.

Ross Finnie: Amendment 144 is a response to the concern of the Law Society of Scotland and the Scottish Landowners Federation that the bill might, in some circumstances, jeopardise a future proprietor's title. For example, if an owner entered into negotiations with a third party, that fact could make a subsequent owner's title vulnerable to a future challenge by a community body under section 46, even if those negotiations did not proceed to a sale and the land was subsequently offered to and rejected by a community body. There is no express curing of the original breach of section 37 and its effect could be felt up to the end of the 10-year limitation period that is stipulated in section 46(2)(a). To deal with those concerns, we must disapply the provisions of section 46 to the situation that has been described, which would wipe the slate clean.

Amendment 145 simply clarifies the meaning of section 46(3)(a)(i).

Amendment 207 would widen significantly a community body's right to apply to the Lands

Tribunal for Scotland when it thinks that a landowner might have breached the prohibition on his taking steps to market or sell land in which that body has registered an interest. The amendment would extend that right to any community body, even if it had no direct interest in the land and therefore no locus to intervene.

That would not improve the bill. Nothing stops any person from informing a community body that a breach might have occurred. It would then be for the community body involved, which would have a locus, to take the appropriate action. I therefore suggest that amendment 144 should be resisted.

Stewart Stevenson: I am grateful to the minister for saying that he will resist amendment 144. I suspect that he meant to say something different.

Ross Finnie: I am sorry. I move amendment 144.

Stewart Stevenson: We will be happy to support the minister's amendments 144 and 145.

Amendment 207, which is in my name, is important. The date in my amendment—31 January 2001—is the operative date. The bill already uses that date for some provisions, such as section 6(1)(g)(i), which relates to whether charges have been made for entry to land. The date was chosen because it was the date from which some landowners started the avoidance manoeuvres that might inhibit communities' ability not to register, but to buy land, because those communities will have no opportunity through sale to do so.

The minister raises a red herring when he talks about the anti-avoidance procedures that are contained in the bill in so far as they relate to land in which communities have registered an interest. That is the very point of amendment 207, which aims to address the situation in which avoidance procedures have taken place in advance of the registration. We know that land across Scotland is being transferred from individual to company or trust ownership. That is being done in the knowledge that the bill will become law and its purpose is to inhibit the ability of communities to buy land.

Members might have heard a sedentary intervention from the Tory benches when I made a reference to transfers to companies and trusts. I heard some of them say the word "good". I lodged amendment 207, however, precisely because of the risk that the amount of land that will genuinely come up for sale will be severely restricted by the avoidance measures that are being taken.

I cannot urge members too strongly to try to prevent such avoidance measures. There is a long history of landlords seeking to thwart the interests

of communities across Scotland. We should not let this loophole, which I seek to close, be yet another instance in which landlords win against the public interest.

Bill Aitken: Executive amendments 144 and 145 seek to deal with another matter that was raised at stage 2. There can be no doubt that, for the bill to be a success, significant transfers of land will be made and that, as a result, titles will require to be changed from time to time. The problem is that the bill as it is drafted would result in the possibility of titles being jeopardised in future. Amendments 144 and 145 are commonsense amendments.

It will come as no surprise to Stewart Stevenson that the Conservatives do not think that amendment 207 is particularly constructive. Like so many of his colleagues, Stewart Stevenson takes a cynical view of landowners that defies description. Most people are simply seeking to protect their interests from the predatory activities of Stewart Stevenson and his colleagues. Amendment 207 is totally unacceptable and unworkable. It is draconian in concept and authoritarian in manner—a democratic chamber should have no part in it.

Ross Finnie: I find myself sustaining my own position. However, reference was made earlier to Dennis Canavan's aggressive advocacy. At the time, I thought the comment was a little unkind, but I am bound to say at this point that, although my argument is very sound, the support the Conservatives have given, albeit for very different reasons, is rightly—

Stewart Stevenson: Embarrassing?

Ross Finnie: Yes. However, let us stick to the essential point on which the Executive is resisting amendment 207. Our point is that, if we are to create a legal right, it is necessary to have a locus on which to prosecute it. That is not what is suggested by amendment 207 and I continue to resist that amendment.

Amendment 144 agreed to.

Amendment 145 moved—[Ross Finnie]—and agreed to.

Section 47—Exercise of right to buy: approval of community and consent of Ministers

The Deputy Presiding Officer: Amendment 146 is grouped with amendment 147.

Allan Wilson: I am pleased that Bill Aitken's amendment 50 has not been agreed to, as it would have removed confidentiality altogether from section 47. As I indicated at stage 2, that would have gone too far.

Funding for the purchase of land may come from a number of sources, including the Scottish land

fund. At the right-to-buy stage, community bodies that want to purchase land are very unlikely to have received confirmation that they will receive funding. It is also possible that their negotiations with other funding bodies could be jeopardised by having to make public those negotiations.

I offered to lodge an Executive amendment at stage 3. Amendments 146 and 147 relate to the removal of the confidentiality provision on information on land use at the right-to-buy stage, when it is particularly important that as much information as possible is publicly available before the ballot. The amendments will remove the confidentiality provision in relation to land use, but will retain it for the funding arrangements. That proposal, which will encourage openness and transparency, sits well with the bill's principles and will be consistent with the confidentiality provision for registration that is contained in section 33(4), which we agreed to amend at stage 2.

The purpose of amendment 147 is simply to reinstate the only reference to land in section 47(5), which amendment 146 will remove.

I move amendment 146.

Roseanna Cunningham: In general, we support amendments 146 and 147. However, I invite the minister to provide clarification on amendment 146. Although it certainly seems appropriate that, as part of the application process, the use to which land is to be put should be public knowledge, it is possible that the community will have a business plan that requires confidentiality. It should be clarified whether ministers may still withhold information on the use to which land is to be put that is contained in a business plan that requires confidentiality, on the ground of commercial confidentiality. Is that possibility being ruled out altogether?

Allan Wilson: All that I can say to provide clarity is that although ministers will not treat as confidential information relating to the use to which land is to be put at the right-to-buy stage, confidentiality will be retained in relation to arrangements for funding to buy the land that are contained within a community's business plan.

Bill Aitken: It is my recollection that the Executive's selective attitude to transparency and confidentiality was articulated when the bill was introduced. We are discussing purchases in relation to which there is likely to be a substantial input of public funding—the purchases in question will be funded out of lottery funding or direct taxation. As such, it is incumbent on the Executive to ensure that full, frank and free information is provided. Therefore, we cannot support amendments 146 and 147.

Allan Wilson: Amendments 146 and 147 will remove the community body's right to require

ministers to treat as confidential information relating to the use to which land is to be put. Confidentiality will be retained in relation to arrangements for funding to buy the land for the reasons that I have outlined. To do otherwise might jeopardise the community's ability to raise the funding to purchase the land.

The Deputy Presiding Officer: The question is, that amendment 146 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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 91, Against 17, Abstentions 0.

Amendment 146 agreed to.

Amendment 147 moved—[Ross Finnie].

The Deputy Presiding Officer: The question is, that amendment 147 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahon, 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
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 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
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 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
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 McIntosh, Mrs Lyndsay (Central Scotland) (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 88, Against 17, Abstentions 0.

Amendment 147 agreed to.

Section 50—Declination or extinction of right to buy

Amendments 148 and 149 moved—[Ross Finnie]—and agreed to.

After section 56

12:15

The Deputy Presiding Officer: Amendment 214 is grouped with amendment 206.

Roseanna Cunningham: Amendment 214 is a substantial amendment. In fairness to members who are operating with the papers they had previously, amendment 214 was substituted for amendment 205 and there are some fundamental differences between it and the amendment that appears in the first marshalled list for stage 3. A

new marshalled list that was distributed this morning takes account of that.

The effect of amendment 214 is to introduce a compulsory purchase power to the bill. If community bodies have an interest in land registered for at least five years and the right to buy has not arisen, they might hold a referendum under the terms of the bill and if successful, they might apply to the local authority to purchase the land in which they have registered an interest compulsorily on their behalf. That is what we want to happen.

The local authority has discretion in deciding whether the compulsory purchase is appropriate. The conditions that apply are that there must be no prospect of the land coming up for sale in the next 10 years. The compulsory purchase may not be against the public interest and the community body—prior to the compulsory purchase—must show that it is able to pay for the land and the transaction costs.

The basic scheme is that, where a community body has registered an interest in land, the right to buy has not been triggered for five years and there is no prospect of the right to buy being triggered in the next 10 years, the community body may hold a ballot under the terms of the bill. If the people of the community vote in favour of purchasing the land, the community body may apply to the council for a compulsory purchase. For that to happen, the council must consider that it is appropriate to carry out the compulsory purchase, that the purchase is not against the public interest, that the community body is able to pay for the land and the transaction expenses and that it will use the land in a way that is compatible with sustainable development. Finally, amendment 206 provides for an appeal process for landowners, community bodies and members of the community.

Amendment 214 is supported by Highland Council and a similar amendment was lodged by Alasdair Morrison at stage 2. However, there are some differences between amendment 214 and Alasdair Morrison's stage 2 amendment. There is no reference to the non-existent Local Government in Scotland Act 2002. Community bodies must wait five years before seeking a compulsory purchase from a local authority. A new public interest test will be introduced to allow the purchase to go ahead and communities will be required to pay for the land—it would not be transferred free of charge by the local authority.

The Land Reform (Scotland) Bill is certainly a step in the right direction, but it is still rather timid. In Scotland, a quarter of the land is owned by 66 landowners, a third by 120 owners, half by 343 owners and two thirds by only 1,252 owners. There are local land monopolies that can strangle the development of communities for decades and

that has been seen in Eigg, Mar Lodge, Assynt and elsewhere. The bill provides that it is only if the community has continually indicated its willingness to buy, set up a company, registered its interest and re-registered every five years, that it may, at such time that the owner becomes willing to sell, purchase the land at the market value.

Amendment 214 reverses the timidity of the bill. It gives community bodies leverage on owners who hoard land. It cuts through the difficulty that a landowner might wish to hold on to land simply for the capital receipt, but not wish to invest in the land or the community. It cuts out all the technicalities relating to transfer of land by transfer of shares in a landowning company—which we have discussed—and avoidance by transfer to trust or transfer of pro indiviso shares. Its principle is simple and it fits in with the principle of redistributing land and redressing the balance of power in the countryside to the people who live there. That was the point of the bill in the first place.

Amendment 214 is considerably more moderate than the crofting community right-to-buy amendments that we will vote on later. Alasdair Morrison lodged a similar amendment at stage 2 that sought to provide the local authority with compulsory purchase powers to buy land for the well-being of the community and pass it to a community body free of charge. At stage 2, he stated:

“The Town and Country Planning (Scotland) Act 1997 gives local authorities powers to acquire compulsorily any land in their area that is suitable for, or required to secure, development or improvement, or required for the purposes of the proper planning of the area. However, those powers relate to the planning function of the local authority.”—*[Official Report, Justice 2 Committee, 5 November 2002; c 2053.]*

Alasdair Morrison's amendment was criticised on a number of grounds. Allan Wilson pointed out some technical flaws, including a reference to an act that does not exist, and he questioned the use of public money by local authorities.

Stewart Stevenson supported that amendment but pointed out that there was a lack of clarity over whether the community body to which the land was to be transferred was the same as the community body that made the application for a compulsory purchase. Duncan Hamilton said that he believed that the amendment would shift the balance of rights unfairly in favour of the community body and against the landowner.

Amendment 214 seeks to deal with those criticisms. The technical flaws that were pointed out by Allan Wilson and Stewart Stevenson have been removed. The lack of balance has been addressed by requiring the community body to

have its interest in the land registered for five years before it can ballot the community on purchase of the land.

Under the amendment, the local authority, which has been elected to represent a wider area than the community body, will have discretion as to whether to go ahead with any compulsory purchase. It would not be able to act against the public interest or act if there was a prospect of the land coming up for sale. That addresses the issue of balancing the rights of the community and the landowner. The issue of the use of public funds has been addressed by requiring the community to pay for the purchase and any transaction costs.

The deputy minister gave a commitment to examine the principle of compulsory purchase to release land for rural communities. In a letter that he wrote to the Justice 2 Committee on 14 January he stated:

"The Executive have maintained a clear policy line that the community right to buy in Part 2 of the Bill depends on there being a willing seller. This has remained consistent since the publication of the White Paper ... I believe therefore that there is no basis for any divergence from this towards a specific compulsory purchase power. Also, the purpose of the community right to buy is to provide opportunities for communities to buy land when it comes to be sold, and not to enable other bodies to compulsorily purchase land and pass it on to the community body if they so wish."

He also stated that he saw no reason to change what was already in the bill.

I am disappointed, because I suspect that that is what the minister will say again today. That suggests that, although we are passing a land reform bill, we are not doing so with any great ambition. When the Scottish Parliament set out to work on land reform, I had hoped that our ambition to change fundamentally the pattern of land ownership in Scotland would be realised.

I do not believe that the bill will realise that fundamental change. It might make a start, which is why we are supporting it. Opening up local authorities' compulsory purchase powers would take another step on from the start made by the bill.

Amendment 206, also in my name, is consequential to amendment 214. It provides for an appeals process to allow the landowner, a member of the community or the community body to appeal to the sheriff against a decision by the local authority to carry out a compulsory purchase. I do not need to speak any further on that.

I move amendment 214.

Bill Aitken: As Roseanna Cunningham said, amendment 214 is a far-reaching amendment. The fundamental differences to which she referred at the beginning of her speech make the amendment no more acceptable to us.

It is important to underline the fact that our principal objection to part 2 of the bill is not to the transfer of land ownership—far from it. We fully agree that it would, in many respects, be advantageous for land ownership to be transferred. However, we have no truck with compulsory purchase arrangements that attempt to interfere artificially with the market price of land. In essence, Roseanna Cunningham is attempting to apply the provisions under part 3 to the whole of Scotland—I accept that more hoops would have to be jumped through to achieve that. I see that Mr Stevenson looks characteristically uncomfortable.

Compulsory purchase may have a role from time to time. Many of us who have served on local authorities have been involved in compulsory purchases in the past. However, where it is necessary, compulsory purchase should be entirely in the wider and greater public interest. I find it surprising that someone with the left-leaning credentials of the SNP should advance a proposition whereby compulsory purchases could take place in the interest of making money for a restricted number of people. We should not enter into compulsory purchase arrangements to benefit the profit of individuals or groups of individuals.

Fergus Ewing: Can Bill Aitken remind us whether it is the case that, when the Tories were last in power in Westminster, compulsory purchase was used to buy some of the land at Greenwich on which the Millennium Dome was subsequently built? If so, was that a prudent use of public funds?

Bill Aitken: Of course, Mr Ewing is factually correct. At that stage, the compulsory purchase of that land was a prudent use of public funds and in the wider public interest. What happened thereafter was a matter for Mr Blair and his new Labour acolytes whose running of the Millennium Dome turned the whole project into such an unprofitable fiasco that it brought that particular compulsory purchase into disrepute.

Amendment 214 is yet again a sign of the intemperate collectivism that seems to prevail in SNP thinking. Its effects would be fairly dramatic and would have devastating consequences for rural Scotland's economy. Indeed, when we come to debate the amendments in group 30, I shall outline the potential damage that part 3 of the bill could cause. Amendment 214 would simply extend the area of damage. I wonder whether the SNP really wants to extend the Highland clearances to the rest of rural Scotland, because that appears to be its aim.

Mr Rumbles: Compulsory purchase has traditionally been defined as being in the public interest. I agree with Bill Aitken that amendment 214 would have a detrimental effect on rural Scotland's economy.

The bill contains many different tests in relation to the purchase of land, one of which is that the right to buy may be exercised if it is “in the public interest” to do so. Amendment 214 turns that provision in the opposite direction. It says:

“The authority may grant an application under subsection (1) above only if it considers that ... it is appropriate, and not contrary to the public interest, to do so”.

I formally submit that such a provision would be a disaster for the economy of rural Scotland.

Ross Finnie: As Roseanna Cunningham has pointed out, I undertook at stage 2 to consider whether the additional powers outlined in amendment 214 were suitable for inclusion in the bill and other proposed legislation. I did so and in my letter of 14 January to the convener of the Justice 2 Committee, Pauline McNeill, I confirmed that there was no basis for divergence from requiring a willing seller towards including a specific compulsory purchase power in the bill. Moreover, I did not believe that there was a need for any such additional powers in legislation.

As a result, I remain of the view that amendments 214 and 206 are unnecessary and fundamentally flawed, particularly amendment 214.

In developing the legislation, we have retained a clear policy line on the general approach to the community right-to-buy process in part 2 of the bill: if a transaction is akin to a sale it should be covered by the legislation. However, that requires a willing seller, which there clearly is not in this case.

12:30

Amendment 214 is unnecessary because, in some of the instances referred to in the amendment, compulsory purchase powers are available to local authorities. The examples that are provided have been cited. The Town and Country Planning (Scotland) Act 1997 provides compulsory purchase powers to local authorities to acquire land for development, redevelopment or improvement. In addition—this is important—the Local Government (Scotland) Act 1973 provides local authorities with wide-ranging powers of compulsory acquisition. Those statutes are therefore the more appropriate places in which to consider compulsory purchase powers.

It is also important that those powers will be further strengthened by the Local Government in Scotland Bill. Peter Peacock’s response to parliamentary question S1W-32710, on 6 January, indicated that the power to advance well-being, in section 21 of that bill, will be

“an important enabling tool for local authorities to do anything they consider is likely to promote or improve the well-being of their communities. A local authority may use

the power to advance well-being in conjunction with section 71 of the Local Government (Scotland) Act 1973 as an additional means to consider compulsory purchase of land.”—[*Official Report, Written Answers*, 6 January 2003; p 2672.]

In those circumstances, the Executive does not consider that any additional compulsory powers are necessary.

Amendment 214 remains flawed in a number of ways. First, subsection (1)(b) of the proposed new section requires that

“a ballot has been held under section 47”.

However, if a ballot had taken place under section 47, the seller would already have intimated to ministers under section 44 that the land subject to the community body’s registered interest was to be sold. In that case, there would be no need for the additional compulsory purchase power. Using the power could do no more than unnecessarily inflate the cost of the land, thereby increasing the financial burden on the community body.

In addition, compulsory purchase powers are normally used only when negotiation to buy land by agreement has failed and when the acquiring authority—in this case the local authority—can demonstrate that the public benefit that arises from the acquisition is greater than the loss to the individual who will be deprived of their property. Mike Rumbles made that point.

Secondly, subsection (2)(c) of the proposed section requires that

“there is no reasonable likelihood of the community body being able to exercise the right to buy under Part 2 of this Act within the next ten years”.

That is contrary to subsection (1)(b), because the community right-to-buy process, as drafted, already provides that the ballot should follow intimation that the owner wishes to dispose of the registered land. There can therefore be no occasion under section 47 when a ballot has taken place and there is no reasonable likelihood of the community body being able to exercise its right to buy within the stipulated period.

Further, amendment 214 would completely change the main principle of part 2, which provides for a community body to buy land when it comes to be sold by a willing seller. That principle has already been agreed at stage 1 of the bill and to implement such a change would be outwith the main ethos of the community right to buy; it would extend far beyond the principles of part 2 as agreed at stage 1.

For those reasons, I believe that amendment 214 should be resisted. Amendment 206 is consequential to amendment 214 and is therefore unnecessary if amendment 214 fails.

Roseanna Cunningham: Amendment 214 made the cut. That suggests to me that, notwithstanding the minister's final comments, it is in keeping with the general principles of the bill that the amendment be discussed and, I hope, voted into the bill.

I am hardly surprised by the Tory opposition to amendment 214. However, even for the Tories it is a little odd. There are 1,252 owners of two thirds of the land in Scotland; the current system is of benefit to very few people. What we are trying to do is to make the situation of benefit to a great many people. The bill does not go far enough in achieving that aim. All along, we have been consistent in supporting the bill as far as it goes, which is not very far.

I have worked in local government, not as a councillor, but as a legal officer in a legal and administrative department. I have progressed compulsory purchase orders, so I know that the system is complicated, time-consuming and easily got wrong. However much I might wish compulsory purchase—even in the terms of amendment 214—to become much more widely used in achieving the aim of changing land ownership patterns, it is highly unlikely that there will be constant, rolling compulsory purchase.

Despite the comments that have been made, I have talked about a public interest test. I make it clear that an interest would have to be registered for five years before the power was triggered. That would be followed by a ballot and a public interest test, plus confirmation of the ability to pay. There is also provision for an appeals procedure. That does not seem to me to be the kind of exaggerated system that members have described.

Mr Rumbles: Roseanna Cunningham almost misleads members about my point, which was that compulsory purchase should be in the public interest whereas, under amendment 214, the purchase would simply have to be

“not contrary to the public interest”,

which is different.

Roseanna Cunningham: That is a semantic difference. If the argument is that amendment 214 would be an extension of compulsory purchase powers, what is the problem? To achieve the bill's aim, which is a change in the pattern of land ownership in Scotland, I am prepared to take a radical step and change the compulsory purchase power. The public interest test should be applied as is suggested in the amendment. If that is different from what is done at present with compulsory purchase, so be it. I would rather that we change the provisions of compulsory purchase to achieve the real ends of the bill than do what we may have done today and yesterday, which is

spend a great deal of time, effort, energy and words to achieve not terribly much. I want a real change in the pattern of land ownership in Scotland and amendment 214 would help to achieve that.

Allan Wilson *rose*—

Roseanna Cunningham: The minister wants to intervene just as I am on my last word.

Allan Wilson: Many members share Roseanna Cunningham's desire for land ownership to be broadened and extended. However, does she not accept Ross Finnie's point that the power to advance well-being, which the Parliament recently approved in the Local Government in Scotland Bill, is the enabling tool that she seeks to allow local authorities to extend ownership in concert with local communities?

Roseanna Cunningham: It is interesting that the minister seems to confirm that local authorities can already use the compulsory purchase power to achieve the bill's aim of effecting a change in the pattern of land ownership in Scotland. If that is the case, every local authority in Scotland should be challenged to achieve that end. Unfortunately, that has not happened and, as a result, we have the Land Reform (Scotland) Bill. If local authorities already have the power, why was the bill introduced in the first place?

We know that local authorities do not really have that power. The SNP wants them to have it because we want to effect a real change in the pattern of land ownership. However, at present, the bill will not achieve that. The SNP is committed to extending the powers in the bill and amendment 214 is an attempt to do that. We will return to the issue in Parliament again and again until we see a real change in land ownership in Scotland.

The Deputy Presiding Officer: The question is, that amendment 214 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)

MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 31, Against 81, Abstentions 0.

Amendment 214 disagreed to.

After section 57

Amendment 206 not moved.

Section 59—Compensation

Amendment 150 moved—[Ross Finnie]—and agreed to.

The Deputy Presiding Officer: Amendment 151 is grouped with amendments 152, 153 and 160.

Allan Wilson: They are all technical amendments. I move amendment 151.

Amendment 151 agreed to.

Amendments 152 and 153 moved—[Allan Wilson]—and agreed to.

Before section 62

Amendment 207 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 207 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Hyslop, Fiona (Lothians) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Etrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 28, Against 79, Abstentions 0.

Amendment 207 disagreed to.

Section 62—Effect of right to buy on other rights

The Deputy Presiding Officer: Amendment 55, in the name of Bill Aitken, is grouped with amendments 1 to 5,7,12,14 to 26,28 to 37,56 and 57.

Bill Aitken: It goes without saying that we are now reaching the nub of the argument on the bill. Members will have gathered that the intention behind the group 30 amendments is to remove part 3 of the bill. In technical terms, this may look somewhat complex, but it was the only way in which that could be done. I am not trying to be unmerciful to my colleagues, who have already had to hear a lot from me this morning: this was the only way in which that aim could be achieved.

As I have stated before, much of the bill is unnecessary, although one can perhaps

sympathise with the general thinking behind part 1. However, the thinking behind part 3 is quite different and much less positive. Frankly, the proposals that are outlined in part 3 are class-driven and anachronistic. I suspect that they have been put forward in the interest of those who are fighting the battles of 200 years ago, who, in some perverse way, see the bill as a means of righting the very real wrongs that were inflicted at the time of the Highland clearances. The problem is that the bill could, in turn, bring about the very situation that the Executive and all of us seek to prevent—a 21st century Highland clearance.

I will put forward in simple terms what is happening. What the bill proposes is nothing short of the expropriation of property. Land is to be sold to those who apply to purchase it, not at market value, but at what inevitably would be an artificially deflated price. What will be the inevitable consequence of that? Those who own land will no longer invest in it. If landowners realise that their land can be taken away from them, they will most certainly not invest. There are, indeed, signs that that is happening.

I will put the matter in simple terms that even Labour members should be able to understand. Would any of them think of installing double glazing and central heating in their own homes if someone could come along and take away their property without paying the market price? The answer is, of course, that they would not. Why should a landowner be any different?

12:45

Stewart Stevenson: Is Mr Aitken suggesting that the bill does not provide for compensation for improvements?

Bill Aitken: What I am suggesting is that the bill does not provide the opportunity for someone who owns property to get the market price for that property. Stewart Stevenson is well aware that the district valuer will decide the basis of valuation. The figure that will be decided will not be the market value. Stewart Stevenson must know that the effect of that will be to depress land prices and reduce investment. Who will suffer in that instance?

Many of our rural communities, particularly in the crofting counties, have very fragile economies. When a landowner has work carried out, local tradesmen are employed: local builders, plumbers, electricians and the like. If the landowner does not invest, such work will not be carried out, the local communities will suffer and local jobs will be lost. Have the bill's proponents thought that through? The answer to that question must be overwhelmingly in the negative.

Section 66 is particularly invidious. My colleague Jamie McGrigor will deal with section 66 later, but

it enables a crofting community body to purchase salmon fishings, with only the most tenuous of connections. Again, the effects of that are already being felt. I spoke to some of those who were demonstrating outside the chamber yesterday. One told me of a specific instance in which investment had already been cut. Those men were understandably anxious and extremely concerned about their jobs, and their and their families' way of life.

Who is rubbing their hands at the fact that when investment reduces, Scotland's rural communities will be prejudiced?

Brian Adam (North-East Scotland) (SNP): Given the campaign against—

Bill Aitken: I have a problem hearing Mr Adam.

The Deputy Presiding Officer: We have sound now.

Brian Adam: Given the campaign that was run against the Protection of Wild Mammals (Scotland) Act 2002, and the claims of the prophets of doom and gloom about the numbers of jobs that would be lost and the fact that there is no evidence of any of those jobs being lost, what confidence can we have that jobs will be lost as a consequence of the Land Reform (Scotland) Bill?

Bill Aitken: Will Mr Adam deny that jobs have been lost because of the Protection of Wild Mammals (Scotland) Act 2002? The fact is that jobs have been lost, and once the Land Reform (Scotland) Bill's measures work their way through, other jobs will be lost. I would have thought that someone such as the late Duncan McNeil—*[Laughter.]*—with his strong trade union interests, would have been concerned about the rights of workers and the retention of employment. However, it seems once again that he has a selective attitude to these situations.

To return to the point that I was making before Mr Adam's welcome intervention, the fact is that the people who will benefit as a result of this misguided bill are the Russians, Scandinavians and Icelanders, who are prepared to allow investment in fishing tourism. Fishing tourism attracts a minimum of £30 million of investment to Scotland. That investment will disappear and jobs will be lost.

The debate and the bill have nothing to do with creating a more positive and contemporary Scotland—it is all about the wrongs and injustices of the past. As I said previously, the bill is by any other name expropriation of property. Again, as has been said, the bill is a land-grab of which Robert Mugabe would have been proud. Mugabe in a tartan outfit—Ross Finnie—is exactly what we are up against.

I move amendment 55.

Andrew Wilson (Central Scotland) (SNP): It is clear from section 85(4) that, contrary to what Mr Aitken said a moment ago,

“The value to be assessed is the market value of the land”.

Given that that is enshrined in the bill and is accompanied by an appeals procedure, will he withdraw his incorrect comments?

Bill Aitken: My comments were not incorrect. The market value will be determined on the value that is placed on that particular property and the fact is that this legislation will depress the market value and the market value that will be obtained will be an artificially low one. That is as plain as the nose on one’s face. I would have thought that Mr Wilson, with his undoubted ability in economics, would have recognised that fundamental point.

George Lyon: Mr Aitken is arguing that the creation of this right will devalue the land. The crofters’ right to buy has been in place since 1974. Is there any evidence that that has had a detrimental effect on land values? I point out that that right to buy does not carry with it the safeguards of this piece of legislation, such as the right to full and proper compensation and the need to take account of any peculiar interest when the land is valued. This legislation contains a double safeguard to ensure that those who currently own the land will be fully compensated.

The Deputy Presiding Officer: Could you make that the last intervention that you take, Mr Aitken? Perhaps I should also ask Mr Lyon to clarify whether he still has a speech to make after that intervention.

Bill Aitken: I would have thought that Mr Lyon would have been shy about raising the point that he did, but I shall pursue that no further. It cannot be disputed that there will be a reduction in the value of land because of the downward pressure of uncertainty. This type of legislation has no place in modern Scotland.

Mr Duncan Hamilton (Highlands and Islands) (SNP): I advise members who have drifted off during this debate because of the technicalities and the complexity of the bill to tune back in at this point because we are coming to the heart of the matter.

The amendments in this group amount to no more than a series of wrecking amendments designed by Mr Aitken to remove a third of the bill.

Bill Aitken: That is right.

Mr Hamilton: We now have confirmation that they are wrecking amendments. The only thing that we can praise Mr Aitken for is his consistency, as he has tried to thwart this part of the bill from stage 1 and he is trying to do so all the way to the bitter end.

However, some of his comments have been ridiculous. The idea that this legislation is being driven by a class agenda is idiotic. That is not the case. It is being driven by those of us who think that it is time to re-energise rural communities and to give crofters the right to buy their land. Given that Mr Aitken knows full well that there is no prospect of success for him in this debate, we must assume that the amendments constitute political posturing that is designed to position his party on the side of one sectional interest. That does him no good.

It is worth saying that, perhaps, crofting deserves a bill of its own. It is a vital part of rural life. It might be that we would want to return to that, but we have before us an opportunity to stand up for those communities. We should take that opportunity.

The nub of the debate is why the aspect that we are discussing should be compulsory. In its contribution to the Justice 2 Committee’s stage 1 report, the Rural Development Committee said:

“the fragile nature of crofting communities (already recognised by the current individual right to buy crofting tenancies at 15 times the annual rent), together with the benefits to the social economy of self-determination, justify the special nature of the crofting community right to buy.”

That just about says it all. We are talking about fragile communities that are already suffering from the depopulation that Mr Aitken describes. To argue that the legislation will lead to depopulation when it is the current system that is failing those communities strikes me as somewhat ironic.

The same is true for Bill Aitken’s arguments about valuation. Those arguments were tested throughout the committee stage and were found to be bogus. As Andrew Wilson has already pointed out, section 85(4) already contains a clear definition of market value.

Bill Aitken: Does Duncan Hamilton agree that, when the matter was discussed at the Justice 2 Committee, the Royal Institution of Chartered Surveyors gave evidence to the effect that valuations and prices would fall and the market would be depressed?

Mr Hamilton: Conflicting evidence was certainly given, but the RICS witnesses were also unable to tell the committee why Bill Aitken’s example of double glazing could not be factored into market value. The committee heard no convincing evidence that improvements on land would be stunted as a result of part 3. Bill Aitken’s evidence on the matter is sketchy at best.

The bill mentions market value, a proper evaluation and an appeals procedure. I noted with great interest that Bill Aitken gave no answer to the point that George Lyon made a few moments ago. We can say with a degree of certainty that, if

any measure were going to impact on the value of land, George Lyon would not support it. The fact that he is comfortable with part 3 is perhaps the ringing endorsement of the bill that we have been looking for.

We have been through extensive consultation on the subject, and robust committee scrutiny. Mr Aitken has made his argument. We heard it and dismissed it. He has lost the argument. It is time to recognise that crofting communities need an opportunity to thrive in the coming centuries. The bill is the best way for the Parliament to kick-start the process.

George Lyon: I will be brief, as I have already contributed to the debate.

Bill Aitken has been consistent, if nothing else. Since day one of the debate, he has argued with some passion against the provisions in the bill. The simple proposition that divides most of the Parliament from the Tories is clear. It is that, in the narrow, concentrated and often absentee pattern of land ownership, many of Scotland's rural communities face a major barrier to the creation of jobs, opportunity and prosperity.

That is the proposition that we in the Labour-Liberal Democrat coalition believe. Wider ownership of land is a good thing. It will be a major spur to rural development and ensuring that jobs, prosperity and opportunity are created throughout rural Scotland.

Murdo Fraser (Mid Scotland and Fife) (Con): What does Mr Lyon say to the river workers who came to the Parliament yesterday, who are concerned about the loss of their jobs? Does he ignore their views, or does he share the view of Mr Rumbles that they are stupid and do not understand the bill?

George Lyon: As Murdo Fraser would know if he read the bill, any crofting community that takes on ownership of a river must demonstrate to the minister that that is a viable economic project and that it will sustain and enhance the community. That will mean that it will have to take on labour to manage the river. The river workers should be reassured that, if the bill's provisions are agreed to, employment will still be there.

The difference between the Labour-Liberal Democrat coalition's approach to the issue and the Tories' approach is clear. We seek to empower the many ordinary people who live and work in Scotland. The Tories, on the other hand, seek to protect the few. They support the many absentee landlords who view land as a tax shelter and an investment vehicle in Scotland.

Mr Jamie McGrigor (Highlands and Islands) (Con): It would be unfortunate if the reform in part 3 had the effect of interfering with the wild salmon

angling industry, which brings many millions of pounds to areas that are lucky enough to have good salmon rivers.

In 1997, £70 million was spent on salmon fishing. For centuries the management of Scottish salmon rivers has been considered throughout the world to be excellent. That is because the management expertise exists and the necessary investment for improvement is available.

Part 3 is about compulsory purchase. Compulsory purchase should happen only in the public interest. That Scottish salmon fishing should suffer is blatantly not in the public interest. As a result, angling tourism will suffer and river workers will lose their jobs.

Maureen Macmillan (Highlands and Islands) (Lab): Will Jamie McGrigor give way?

Mr McGrigor: Salmon fishing and angling tourism will suffer if part 3 is enacted.

Maureen Macmillan: Will Jamie McGrigor give way?

Mr McGrigor: Who will pay for that damage?

Maureen Macmillan: Will Jamie McGrigor give way?

Mr McGrigor: Members saw the Highland river workers making their dignified protest outside the Parliament yesterday. Why did those workers feel that it was necessary to travel hundreds of miles from areas such as Sutherland and Caithness? They felt it necessary simply because they realise that their jobs and livelihoods are under threat from part 3 and they do not feel that they were fairly treated by the Parliament in that they and the Highlands and Islands Rivers Association were refused the right to give oral evidence to the Justice 2 Committee.

13:00

Stewart Stevenson: Will the member acknowledge that the Rural Development Committee did receive oral evidence from the Crofting Counties Fishing Rights Group, and that there is a crossover in the membership of the Rural Development Committee and the Justice 2 Committee? Will he recognise that the Justice 2 Committee received written evidence from the group and that that committee went out of its way to visit a salmon fishery?

Mr McGrigor: Just "a salmon fishery", I note. The witnesses representing the Crofting Counties Fishing Rights Group were indeed allowed to give evidence to the Rural Development Committee, but were treated with such hostility by certain MSPs that their evidence was swept aside in a torrent of prejudice that, frankly, made me feel ashamed to be a member of the Parliament, let

alone of the Rural Development Committee. The Crofting Counties Fishing Rights Group represents some 600 river managers and workers, who are unhappy with part 3. The Highlands and Islands Rivers Association represents some 500 owners, who are also unhappy with part 3.

Maureen Macmillan: Will the member give way?

Mr McGrigor: Collectively, those people represent the expertise that has made Scottish salmon rivers the envy of the world. Surely it is the job of MSPs to listen to the evidence of experts before they make up their minds, and not just to use committees as stages on which to display their personal prejudices?

Maureen Macmillan: Will the member take an intervention?

Mr McGrigor: The proposed legislation under part 3 is objectionable because it introduces the compulsory purchase of permanent interests in which the applicant had no previous interest. It differs from part 2, which gives communities the first refusal on land that comes up for sale. The proposals on salmon fishings make the legislation discriminatory. The Executive has never explained why salmon fishings on neighbouring land have been included under the provisions. Why not include golf courses or hotels? Why just salmon fishings?

Maureen Macmillan: Will the member give way?

Mr McGrigor: No, sorry. The policy memorandum states:

"The Bill will enable crofting community bodies ... to buy all the land which the crofters use including ... the salmon fishing exercisable from that land".

Pauline McNeill: Will the member give way?

Mr McGrigor: Yet there are no provisions—

George Lyon: Will the member give way?

Mr McGrigor: No. There are no provisions to restrict compulsory purchase powers to salmon fishings that are actually used by the applicant.

In written answer S1W-30827, the Executive stated:

"The bill does not provide for the purchase of adjacent salmon fishings but only for the purchase of salmon fishings that are exercisable from and on croft land."—*[Official Report, Written Answers, 14 November 2002; p 2244.]*

Will the Scottish Executive please explain the difference between an adjacent salmon fishing and a fishing that is exercisable from croft land? We are confused.

Despite the promise that Rhona Brankin made of an in-depth analysis of the freshwater fisheries

sector, no research has been carried out on the effect of part 3 on that sector. Because of the employment and investment concerned, surely such an analysis is vital.

One of the requirements of European Union law is that legislation is proportionate to the benefit that it is to provide. In this case, however, the question of any benefit to crofting communities is completely outweighed by the disastrous loss to the salmon fishery owner and to the fishery itself and by the number of redundant fishery employees. Unless the Scottish Executive intends to pay for existing and future fisheries projects, salmon fishing will suffer.

I object to the Land Reform (Scotland) Bill because it is extreme, unjustified, unchecked, unscrutinised, disproportionate and unresearched. Part 3 should be removed.

The Deputy Presiding Officer: I will call Maureen Macmillan, although her name may have appeared on my screen because she was attempting to make an intervention.

Maureen Macmillan: I had not intended to make a speech at this point, but I tried—I think about six times—to intervene on Jamie McGrigor.

There are many rivers—like those to which Jamie McGrigor referred—where there are no crofts. There are rivers in Sutherland along which there are no crofts at all, yet the ghillies were down here protesting at the crofters' right to buy. I know some of the ghillies in Sutherland—I was taught how to cast by Donald Morrison from Achmore—and I am well aware of their concerns.

Mr McGrigor *rose*—

Maureen Macmillan: I am certainly not going to take an intervention from Jamie McGrigor.

I know the ghillies' concerns, and feel that they have been misinformed by some landowners and by the Tories. Their jobs will not be in danger, because the crofters are very unlikely to buy the rich salmon rivers in the east of Scotland. They are more likely to buy rivers with very little salmon, or salmon rivers that have not been developed, which they can buy at a knock-down price.

Mr McGrigor: Will the member give way?

Maureen Macmillan: No.

If the crofters wish to develop such rivers, they will need to employ ghillies. Part 3 will create employment for river workers, rather than destroying it. The Conservative party has done no service to the people who work on rivers by making them feel that their jobs are threatened when that is patently not the case.

Mr Rumbles: I oppose vociferously the amendments that Bill Aitken has lodged. Bill

Aitken, Murdo Fraser, Jamie McGrigor and other Conservative members have consistently misrepresented the proposals in the bill. They have done so in the Parliament today and they have done so in the months since the bill was published.

I draw members' attention to the safeguards inherent in the bill as regards the purchase of properties. Section 71 deals with "Criteria for consent by Ministers". I want to focus on just two of those. The first is

"that the exercise by the crofting community body of the right to buy under this Part of this Act is compatible with furthering the achievement of sustainable development".

The bill is about putting money into properties, not taking it away. It is about providing people in rural Scotland with jobs; it is not about taking jobs away.

Bill Aitken: Will the member give way?

Mr Rumbles: Sit down.

The second criterion for consent by ministers is

"that it is in the public interest that the right to buy be exercised."

We are talking about sustainable rural development and having a strong, effective rural economy.

The river workers to whom Bill Aitken and Jamie McGrigor referred gave evidence to the Rural Development Committee. They told the committee that their jobs were under threat. When members asked how they interpreted the provisions relating to sustainable development and investment, they were at a loss. They seemed to have been misled by certain parties. Murdo Fraser nodded his head at that point. The river workers have listened to Conservative members, who have misrepresented the bill.

I asked the river workers what there was to prevent the landowner who employs those workers from selling their property tonight, leaving the workers out of a job. The bill is about giving river workers security.

Murdo Fraser: The crux of Mr Rumbles' argument is that the river workers do not understand the legislation. He is saying again that they are just stupid. That is a disgraceful comment for a parliamentarian to make.

Mr Rumbles: Twice Murdo Fraser has accused me of saying that the river workers are stupid. Far be it from me to make such a suggestion. Murdo Fraser used the word "stupid". That is not language that I would use in the chamber—it is reprehensible. The river workers have been misled by Conservative members, who will have to take responsibility for that. I hope that the chickens come home to roost on 1 May.

It is outrageous and disgraceful for Bill Aitken to talk about a Mugabe-style land grab. However, that is typical of the Conservative attitude to the bill from day one.

Pauline McNeill: How dare Jamie McGrigor accuse five committees of the Parliament of not scrutinising the bill? Five committees of the Parliament, including the Justice 2 Committee, reported to the Parliament on the bill. When the rural rebels bawled at members outside the chamber, I did not hear Mr McGrigor complain about the ill-treatment of members by people whom he represents.

Mr McGrigor: Will the member take an intervention?

Pauline McNeill: No. The member did not take my intervention, so I shall not take his.

We specifically asked Ross Finnie to justify why we should change the nature of property law in Scotland. We pressed him on that, because we recognise that departure. He is quite clear: it is about the sustainable development of rural communities. I therefore have to ask, what is the policy of the Tory party on the development of rural communities? I hope that people in those communities are listening to what the members on the Tory benches are saying.

Let us be clear about salmon fishings. I did not hear the Tory speakers mention the mineral rights that are in the same part of the bill—they do not seem too concerned about that. This part of the bill is about the viability of communities. The crofting communities have only a year in which to determine whether they wish to apply for salmon fishing rights. Let us get things in proportion: the communities have to demonstrate that they can make the investment and they have to demonstrate that there will be sustainable development. If they cannot demonstrate that to ministers such as Ross Finnie, they will not be able to acquire those rights.

The loss of jobs is serious. I take it seriously and I know that the members of the Justice 2 Committee, who have worked hard on the bill, listening to the 3,500 consultees who made representations to us, take it seriously. No one has the right to demand that they come before any committee. We must always reserve the right to determine who we think should come and speak to us, but we did not ignore the 3,500 representations that were made to us. We were quite clear that the ministers should justify why they particularly wanted to include the provisions on salmon fishings. There is a concern about loss of jobs, but my understanding is that the law will protect any worker where there is a change of ownership of management and I do not see that the situation for salmon-fishing rivers would be any different.

Ross Finnie: Members of the Conservative party have in the course of the last few minutes, and indeed in the course of their campaign, managed to display a quite appalling lack of understanding of how crofting communities in Scotland operate and of the special nature of their position in Scotland and in legislation. They have managed to display a total failure to understand, not just this year but in previous years, why, in order to protect those fragile communities, it has been vital to grant them powers of compulsory purchase.

It really is extraordinary that Conservative members should try to rewrite all that has gone previously in that regard. They indulge in a great deal of what is, frankly, cheap and they are the persons who are exhibiting great prejudice. There has been scaremongering that the bill does not provide a proper means of valuation. That is total scaremongering that is not substantiated by any reasonable reading of the bill.

Phil Gallie (South of Scotland) (Con) Will the minister take an intervention?

Ross Finnie: No, I think that the member's party stopped taking interventions quite a long while ago.

It is total scaremongering, because both the land involved and the fishing rights will be subject to the same valuation procedures. Given that crofting communities will have to demonstrate the serious matters of how they will take proper and responsible ownership of the land and the fishing interests, that the plan is properly thought out, that it is clearly and demonstrably in the interests of their fellow crofters and meets a wider public interest, it is pure prejudice to say that crofters are incapable of coming to that conclusion.

Phil Gallie: Ross Finnie used the word scaremongering. Does he remember that the most recent occasion on which the combined ranks of the Executive parties accused the Tories of scaremongering was when we said that the new Parliament building would cost more than £40 million?

The Deputy Presiding Officer: That intervention fails to pass the relevance test. We should move on.

Ross Finnie: As Perry Mason once observed, "incompetent, irrelevant and immaterial".

Phil Gallie: Is £340 million immaterial?

The Deputy Presiding Officer: Order, Mr Gallie.

Stewart Stevenson: Will the minister take an intervention?

13:15

Ross Finnie: No.

I do not think that Phil Gallie's outburst has added one iota to what has been a serious debate.

The issue, quite simply, is this: the principles of the bill, including part 3, were endorsed following the debate in this Parliament and following the publication of the committee's report, and not one single compelling argument has been put forward as to why we should change our attitude to part 3. Quite simply, part 3 is about empowering crofting communities, giving them the means to protect themselves if their future is threatened, and allowing them to acquire control over land and fishing interests where such control is needed to facilitate the development of the community in a sustainable fashion. The conditions set by the bill make it clear that this is not an easy option for every crofting community—it will be a difficult option—but to suggest that crofters are not capable of exercising that option responsibly is a foolish notion indeed. I invite the chamber to reject all the amendments.

The Deputy Presiding Officer: I call Bill Aitken to respond, and to indicate whether he intends to press or withdraw.

Bill Aitken: The possibility of withdrawing is highly unlikely.

Ross Finnie stated that we do not understand the issue. The problem for the serried forces of darkness opposite is that we do understand the issues, and we understand them all too well. If they are not prepared to listen to us—as clearly they are not—they should listen to the people outside who know what they are talking about, for example the Royal Institute of Chartered Surveyors, their political colleagues on Highland Council, and many other bodies, which will point out the dangers of the path down which the parties opposite are going.

Mr Rumbles: Will the member give way?

Bill Aitken: No. On the basis that Mr Finnie seems to have taken the view that we should not take interventions, I will proceed for a few moments.

Anyone who has a semblance of common sense, anyone who is aware of the practicalities, anyone who is involved in financial services, and anyone who basically understands rural communities knows that this particular course of action is fraught with danger. I do not for one moment think that anyone in the opposing parties is ill motivated in that respect, but what they are seeking to do will not work. It is social engineering, and every time that has been tried, it has been a disastrous failure.

Some of the individual speeches were noteworthy. I presume that Pauline McNeill operates on the basis that a good rant before her lunch is highly therapeutic. She raised a number of issues, and she was right about one of them, which is that I will defend the Justice 2 Committee in that it certainly scrutinised the bill in considerable depth. Unfortunately, my colleagues on that committee—on this issue; they were not this way on other issues—failed to approach the problems with an open mind. That is the basis of what went wrong.

If the parties opposite are not prepared to listen to us, I appeal to them to listen to the river workers to whom we spoke outside the chamber yesterday, who told me, for example, that no publicly owned rivers in Scotland employ any ghillies. They expressed their fears for their rural communities. It may be that if members of the parties opposite advance a little bit further from the redoubt in which they have surrounded themselves, they will find that rural communities are highly sceptical and deeply concerned about the provisions in part 3.

I know that it is the 11th hour and the 59th minute and the 59th second, and I suspect that my eloquence is not likely to persuade members opposite who have such closed minds, but even at this late stage, they should think very seriously about what they intend to do. The fact of the matter is that the proposals would be a disaster for rural Scotland and for crofting communities in particular.

The Deputy Presiding Officer: The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Although I think that everybody is here, this is strictly a one-minute division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)

Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)

Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 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)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 94, Abstentions 0.

Amendment 55 disagreed to.

The Deputy Presiding Officer: I inform members of a mistake this morning. The vote on amendment 85A was inadvertently read out incorrectly. For the *Official Report*, I confirm that the result of the division was: For 42, Against 62, Abstentions 0. Apparently, the vote against was inadvertently stated as 60 instead of 62.

Section 63—Amendment of Land Registration (Scotland) Act 1979

Amendment 175 moved—[Ross Finnie]—and agreed to.

After section 64

The Deputy Presiding Officer: Amendment 208 is in a group on its own.

Roseanna Cunningham: Amendment 208 is fairly simple and straightforward and its effect should be obvious to all members. It would require the Executive—whomever it might comprise—to produce a report every four years on the diversity of land ownership and what it is doing to address the concentration of land ownership. I have previously reminded the chamber of the current land ownership pattern in Scotland. The bill's title shows that the bill is intended to bring about change. A report once a parliamentary session is not too much to ask for our monitoring of the change that the bill will bring about.

If the rights that the bill confers do not bring about change in the balance of land ownership, the bill will have failed. Greater diversity of land ownership would mean more people living in the countryside. It would enable Scotland's poorer land to perform nearer to its production potential

and would mean that Scotland's natural resources were distributed more equitably.

I think that we all agree that the current situation is unacceptable. Many benefits can be achieved if the bill's purposes are realised, but we must know that they are being realised. What the amendment asks for is neither unrealistic nor unacceptable. I respectfully ask the minister to accept amendment 208.

I move amendment 208.

Bill Aitken: We find the amendment unacceptable. It is unnecessarily bureaucratic and would involve unjustified expense.

Allan Wilson: I agree that regular reports about progress on land reform should go to the Parliament, and from the Parliament to the people of Scotland. The Executive has an excellent record on such reports. A statutory provision for a report once every four years would not improve on that.

The Executive reports to Parliament more regularly than once every four years. I expect that that will continue and that such reports will cover the diversity of land ownership, particularly in the context of the bill, which I expect to be passed later today. Such reports could cover not only community ownership and the extension of community ownership of land, but all the rights that part 2 extends.

Roseanna Cunningham: Is the minister reassuring us that, in future, reports will be issued on changing patterns of land ownership in Scotland as a result of the bill? Will they be published openly so that we can all see them?

Allan Wilson: Yes. For clarity, I repeat that that is what I was saying.

Such reports should not be restricted to broadening the diversity of land ownership. We expect to report on progress with other land reform aspects, such as the abolition of feudal tenure, and agricultural holdings, more regularly than once every four years.

As members are aware, there are also many other mechanisms by which members can secure information, hold the Executive to account and progress matters. My principal point is that amendment 208 is unnecessary. I trust that the assurances that I have given that the Executive will report regularly obviate the necessity for Roseanna Cunningham to move the amendment.

Amendment 208, by agreement, withdrawn.

**Section 65—Land which may be bought:
eligible croft land**

Amendment 1 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
Goldie, Miss Annabel (West of Scotland) (Con)
Johnstone, Alex (North-East Scotland) (Con)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McLetchie, David (Lothians) (Con)
Monteith, Mr Brian (Mid Scotland and Fife) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Wallace, Ben (North-East Scotland) (Con)
Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Alexander, Ms Wendy (Paisley North) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (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)
Gillon, Karen (Clydesdale) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
Henry, Hugh (Paisley South) (Lab)
Home Robertson, Mr John (East Lothian) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Hyslop, Fiona (Lothians) (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)
Kerr, Mr Andy (East Kilbride) (Lab)
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, Lewis (Aberdeen Central) (Lab)
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)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McGugan, Irene (North-East Scotland) (SNP)
McLeish, Henry (Central Fife) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
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)
Oldfather, Irene (Cunninghame South) (Lab)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
Reid, Mr George (Mid Scotland and Fife) (SNP)
Robson, Euan (Roxburgh and Berwickshire) (LD)
Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
Scott, Tavish (Shetland) (LD)
Sheridan, Tommy (Glasgow) (SSP)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Iain (North-East Fife) (LD)
Smith, Mrs Margaret (Edinburgh West) (LD)
Stevenson, Stewart (Banff and Buchan) (SNP)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
Thomson, Elaine (Aberdeen North) (Lab)
Ullrich, Kay (West of Scotland) (SNP)
Welsh, Mr Andrew (Angus) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)
Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against, 89, Abstentions 0.

Amendment 1 disagreed to.

Bill Aitken: On a point of order, Presiding Officer. I intimate that, on the basis that there has been a reasonable kick of the ball in respect of my amendment 55, I would be quite relaxed about my remaining amendments in group 30 being taken en bloc.

Angus MacKay (Edinburgh South) (Lab): He wants his lunch.

The Deputy Presiding Officer: That point is material. At this stage, because we have taken one more grouping than was anticipated, we are

ahead of schedule. As it is likely that the next grouping will take longer than the 12 minutes that remain for our consideration of the bill this morning, I propose to suspend the amendment stage at this point. Members should not, however, leave the chamber.

Business Motion

13:27

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-3787, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) as a revision to the programme of business agreed on 16 January 2003—

Thursday 23 January 2003

after

“3.30 pm Continuation of Stage 3 of Land Reform (Scotland) Bill”

insert

“*followed by* Financial Resolution in respect of Commissioner for Children and Young People (Scotland) Bill”

(b) the following programme of business—

Wednesday 29 January 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 of Water Environment and Water Services (Scotland) Bill

followed by Parliamentary Bureau Motions

7:00 pm Decision Time

Thursday 30 January 2003

9:30 am Green Party and Scottish Socialist Party Business

followed by Business Motion

followed by Members' Business—debate on the subject of S1M-3753 Gordon Jackson: Regeneration of the Clyde

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Stage 1 Debate on the Budget (Scotland) (No.4) Bill

followed by Scottish Parliamentary Corporate Body's nomination for the Scottish Parliamentary Standards Commissioner

followed by Standards Committee motion on changes to the Code of Conduct

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business—debate on the subject of S1M-3766: Murdo Fraser: British Cattle Movement Service

Wednesday 5 February 2003

2:30 pm Time for Reflection

followed by Parliamentary Bureau Motions
followed by Stage 3 of Public Appointments and Public Bodies etc. (Scotland) Bill
followed by Parliamentary Bureau Motions
 5:00 pm Decision Time
followed by Members' Business
 Thursday 6 February 2003
 9:30 am Stage 1 Debate on Proportional Representation (Local Government Elections) (Scotland) Bill
followed by Stage 1 Debate on Organic Farming Targets (Scotland) Bill
followed by Business Motion
 2:30 pm Question Time
 3:10 pm First Minister's Question Time
 3:30 pm Debate on Local Government Finance (Scotland) Order 2003
followed by Parliamentary Bureau Motions
 5:00 pm Decision Time
followed by Members' Business

(c) that the Justice 1 Committee reports to the Justice 2 Committee by 28 January 2003 on the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) (Scotland) Order 2003 and on the draft Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003; and

(d) that Stage 1 of the Proportional Representation (Local Government Elections) (Scotland) Bill be completed by 7 February 2003.—[*Euan Robson.*]

Motion agreed to.

13:27

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Fire Services Dispute

1. Mr John McAllion (Dundee East) (Lab): To ask the Scottish Executive what discussions it has had with Her Majesty's Government regarding an early and just settlement to the fire dispute. (S10-6265)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): Ministers and officials are in regular contact with colleagues in Whitehall about the fire dispute. However, the dispute will be resolved only by the Fire Brigades Union returning to the negotiating table for meaningful discussions with the local authority employers. What is wanted is a fair and affordable deal for firefighters and for the public whom they serve.

Mr McAllion: Will the minister try to explain to his colleagues in Westminster that the Bain agenda of funding any wage increase through station closures, the loss of thousands of jobs and the freeing-up of management to impose change bears all the hallmarks of the Thatcherite agenda that Labour Governments were elected to reverse? Will the minister assure me that the Scottish Executive will use its influence to resist any attempt to place preconditions on the current round of negotiations that tie the FBU and the firefighters into the Bain agenda?

Mr Wallace: It is clear that the negotiations are a matter for the employers—it would not be for the Executive to intervene directly in those negotiations. However, I would say that any increase above the 4 per cent already offered must be paid for by modernisation, which means giving up outdated practices—for example, full-time firefighters should be allowed to work on the same crew as part-time firefighters and management should be able to change the shift system of two nights on and four days off in order to provide a better service. The Bain inquiry report covered several areas that flag up the need for modernisation. Last April, of course, the Executive published a consultation paper on modernising the fire service, which has received widespread support. I emphasise that a pay increase beyond 4 per cent must be linked to, and paid for by, modernisation.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the minister confirm that he understands that all matters relating to the fire service in Scotland, including pay, are devolved to the Scottish

Parliament? Does he intend to proceed with the Bain recommendations or is the Scottish Executive's intention still to develop a distinctive Scottish fire service, as outlined in the consultation paper "The Scottish Fire Service of The Future"?

Mr Wallace: It is wrong to say that pay negotiations are devolved to the Scottish Parliament. Pay negotiations are the responsibility of Scottish local authorities. It is important to make that distinction.

We believe that the Bain report outlines sensible proposals for the modernisation of the fire service, including the removal of outdated practices. It is interesting to note that many of the matters on which the Bain report reflected were dealt with in our consultation paper, which, as I said, was published last April. The existence of that paper shows the seriousness with which the Scottish Executive takes the modernisation of Scotland's fire service.

Lord James Douglas-Hamilton (Lothians) (Con): Will the minister say whether the diversion of police officers from other duties during fire strikes has had a disadvantageous effect on crime levels and whether that is a matter of concern for him and his department?

Mr Wallace: I am certainly not aware that that diversion has had any material impact on crime levels, nor have I been made aware of such a concern among chief constables. This week, I visited the headquarters of Fife constabulary in Glenrothes, where the joint operational communications centre is situated. I was there with the chief constable, other senior police officers, representatives of the military and senior fire officers and it was in no way suggested that there had been any difficulties for the police. In fact, the message was that communications between the police and the military had been working well.

Tommy Sheridan (Glasgow) (SSP): Is the minister aware that 75 per cent of fire fatalities in Scotland and 75 per cent of fire rescues in Scotland happen between the hours of 6 pm and 8 am? Despite that fact, the Bain report suggests that fire stations should be closed during those hours, with firefighters on call. Does the minister agree with the FBU that the Bain report, rather than being a basis for solving the dispute, is actually the cause of the dispute? The Executive should be prepared to say no to the Bain report and take heed of the modernisation that the FBU has been implementing over the past two decades.

Mr Wallace: It cannot possibly be said that the Bain report was the cause of the dispute. The parties were engaged in negotiations that appeared to be heading nowhere when the UK

Government instituted the Bain committee to try to find a way forward. I believe that the Bain report suggests a series of commonsense reforms that will lead to a better, safer service that can save more lives. I make it clear that we would not want to support anything that would not lead to a safer service. Our objective is to have a safer service.

Paul Martin (Glasgow Springburn) (Lab): I am sure that the chamber will join me in expressing sincere condolences to the family of the late Mr Heenan, who lost his life in my constituency during the firefighters' strike on Tuesday. Can the minister assure me that the issues surrounding that tragic death will be investigated to ensure that lessons are learned?

Mr Wallace: I associate myself and my colleagues with the message of sympathy and condolence that Paul Martin has expressed to the family of the deceased. It is important that lessons should be learned. My understanding is that the matter is, first and foremost, for the police and the procurator fiscal. I will draw Paul Martin's comments to the attention of the Lord Advocate, who has primary responsibility in that area.

Domestic Abuse

2. Mr Tom McCabe (Hamilton South) (Lab): To ask the Scottish Executive what action is being taken to prevent domestic abuse. (S10-6292)

The Minister for Social Justice (Ms Margaret Curran): Tackling domestic abuse is a high priority for the Executive and we are taking action in all areas of prevention, protection and provision. Two main strands specifically address prevention issues. First, to continue our awareness-raising campaign, a new television advertisement, called "Dolls House", has been developed. It was screened on boxing day and will continue until the end of January, supported by press advertisements. Secondly, a draft national prevention strategy has been circulated for consultation. It will be revised in the light of comments received and will be published in the summer.

Mr McCabe: I know that the minister agrees with me that children suffer as a result of domestic violence. Will she assure the chamber that the existing initiatives are properly focused to support children and that we are learning from those experiences and refining our approach?

Ms Curran: We have been examining the effects of domestic abuse on children and have been developing services appropriately. We know that, in 90 per cent of domestic abuse incidents, children are in the same, or the next, room. Scottish Women's Aid estimates that 100,000 children in Scotland are living with domestic abuse. As many members will know, I announced

£800,000 of funding to ensure that support workers are available for children in refuges. The clear evidence is that children can suffer severe trauma when they witness domestic abuse. We must give the clear message to children and women in Scotland that, with the right support services, there is life after domestic abuse and they need not tolerate it.

Mr Gil Paterson (Central Scotland) (SNP): Are there any plans to pilot domestic abuse courts?

Ms Curran: As many in the chamber will know following a recent debate, one of the sub-groups that is working on the national prevention strategy is considering legislation. It has produced a paper that examines the possibility of piloting domestic abuse courts, but no specific decision has been taken as yet on that issue.

Elaine Smith (Coatbridge and Chryston) (Lab): What action is the Executive taking to address the wider issue of violence against women and children in our society?

Ms Curran: That was a matter for discussion at the most recent meeting of the national prevention strategy group. We recognise that there is a connection between domestic abuse and wider issues of violence against women. A decision has therefore been taken to widen the scope of the group to enable it to consider those issues.

Dundee City Council (Meetings)

3. Shona Robison (North-East Scotland) (SNP): To ask the Scottish Executive when it last met Dundee City Council and what issues were discussed. (S10-6260)

The Minister for Finance and Public Services (Mr Andy Kerr): We are in frequent contact with Dundee City Council on a range of issues. I met representatives of the council, along with other local authorities, on 2 December to discuss local government finance issues. Moreover, I was in Dundee in August to launch the successful dundee.com initiative.

Shona Robison: During the minister's meetings with the council, councillors might have reminded him of the comments that his colleague the Minister for Education and Young People made in Parliament and in the press, which led everyone to believe that the funding to include Dundee's Catholic schools in the current public-private partnership bid had been secured. However, at this week's meeting of Dundee City Council's education committee, the chief executive reported that he had held discussions with Scottish Executive officials and that no decision had been reached on whether Dundee will get that money. Does the minister agree that the reality seems to fall far short of the assurances that the Minister for Education and Young People gave before

Christmas? Can he give us a definite answer today? Is Dundee getting the money?

Mr Kerr: The Executive seeks to modernise the school estate in Dundee with the council through resources from the Executive. The council has come back to the Executive with a change of plans. We have allocated resources throughout Scotland to modernise and rebuild many of our schools, which require such work. In Dundee, it is up to the council to decide how best to deliver that work locally. The Executive has made a financial commitment to the council. The council has changed its plans, but our financial commitment to it remains—we will support it to the degree to which we said we would. If the council changes its plans, it must take account of that in the local planning processes.

Mr John McAllion (Dundee East) (Lab): Does the minister accept that at the root of Dundee's council tax problems are those middle-to-high earners who work and play in the city but choose to live outside it to avoid Dundee taxes? Does he accept that, until the Executive tackles that issue—either by reforming Dundee's local government boundaries or by imposing a metropolitan tax, which would ensure that those who benefit from the city's services make some contribution to them—the problem will not be solved?

Mr Kerr: The cities review reflected some of the points that John McAllion makes on the importance of our cities. The Executive recognises that importance, which is why we are supporting the cities review with £90 million.

The boundaries issue is not as simple as John McAllion and others might think. If we were to bring certain parts of other authorities, as is sought in this case, into Dundee's boundaries, the grant-aided expenditure calculation would change. Once we made that calculation, we would find that the actual increase of resources available to the council would be marginal because of the net effect of the way in which we calculate the allocation of local government resources. Although that is not an answer to set the heather alight, it is factually correct to say that, if the change were to happen, the increase in Dundee City Council's net income would be only marginal.

The Executive seeks to support the metropolitan status of our cities through the cities review. In the case of Dundee, the Executive seeks to ensure that the local councils adjacent to Dundee City Council co-operate much more effectively on the delivery of services throughout the city and its wider environment. The Executive acknowledges that the city of Dundee is a vital part of that city region.

Vaccines (Mercury)

4. Mrs Margaret Smith (Edinburgh West) (LD): To ask the Scottish Executive what concerns it has regarding the presence of mercury in some infant vaccines. (S10-6290)

The Minister for Health and Community Care (Malcolm Chisholm): The Committee on Safety of Medicines has advised that, with the exception of hypersensitivity reactions, which typically include skin rashes or local swelling at the site of injection, there is no evidence of harm from the levels of thiomersal contained in some vaccines. That view is shared by the World Health Organisation and by the Joint Committee on Vaccination and Immunisation, which advises the Executive on immunisation policy.

Mrs Smith: The minister is, I am sure, aware of public concerns that the mercury compound in the diphtheria, tetanus and pertussis vaccine may pose a risk. He will also be aware that regulators in the United States of America and the European Union have recommended that manufacturers should phase out the use of the compound. Will he consider launching an investigation into the matter or follow the example of the Northern Ireland department of health in actively seeking an alternative DTP vaccine that does not contain mercury?

Malcolm Chisholm: The reality is that the compound is being phased out. I think that the story started because of an entry on a website, which caused a lot of publicity last week. That entry was changed because it was contrary to the best scientific evidence. I quoted three reputable sources in my answer. My duty in such matters is to follow the best scientific evidence. That is precisely what the Executive is doing.

Nicola Sturgeon (Glasgow) (SNP): Is the minister aware that the mercury-containing compound that is used in many vaccines is simply a preservative and that vaccines without it are as fit for purpose and effective as those with it? Is he also aware that the US Institute of Medicine has warned of a biologically plausible link between thiomersal and autism and that, accordingly, mercury-containing vaccines are no longer used in the US? In the light of that information, will he commit himself to phasing out the use of mercury in vaccines in Scotland within the shortest possible time scale?

Malcolm Chisholm: As I indicated, there is a commitment to find an alternative, but that alternative must be effective. Members will have read the letter from the deputy chief medical officer in *The Scotsman* earlier this week. He pointed out:

“UK experts have advised us that preparations containing thiomersal offer better protection against whooping cough than preparations not containing thiomersal.”

Action is being taken to find an alternative to thiomersal, but the key issue—aside from the fact that I must follow the scientific advice that is given to me—must be that we use the most effective protection against life-threatening diseases.

Mary Scanlon (Highlands and Islands) (Con): Given the fact that two recent reviews into a link between thiomersal and childhood development by the Committee on Safety of Medicines and the Institute of Medicine in the United States were inconclusive, may concerned parents in Scotland now choose a DTP vaccine that does not contain mercury?

Malcolm Chisholm: They can do so, but we have to be clear about the scientific evidence on the matter. The message from the Parliament on that must be clear. I have referred to the Committee on Safety of Medicines and to the Joint Committee on Vaccination and Immunisation and I will close by referring to the WHO global advisory committee on vaccine safety, which concluded:

“there is no evidence of toxicity in infants, children or adults exposed to thiomersal (containing ethyl mercury) in vaccines.”

Based on these considerations, the committee has concluded and advises accordingly that there is no reason on grounds of safety to change current immunization practices with thiomersal-containing vaccines.”

As a precautionary measure, thiomersal will be phased out, but people have to heed the scientific advice and evidence and not spread unnecessary alarm.

Drugs (Seizures and Arrests)

5. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive what measures it is taking to increase the numbers of drug seizures and arrests. (S10-6277)

The Deputy Minister for Justice (Hugh Henry): In 2001, we set the Scottish police service targets to increase the seizures of class A drugs and the detection of drug trafficking offences by 25 per cent by 2004. The Scottish Drug Enforcement Agency, which we established in 2000, is playing an important part in achieving those targets. Operations involving the agency have so far led to the seizure of controlled drugs with a potential street value of just over £92 million and 477 people have been arrested for engaging in drug-trafficking activities.

Maureen Macmillan: I commend the Executive's commitment to addressing this serious matter. Is the minister aware of the distress that is caused in streets and in blocks of flats in towns in the Highlands and Islands and elsewhere by small-time drug dealers and their clients? Will he advise me on how communities—and community organisations such as Ainess Mothers Against

Drugs in Easter Ross—that often feel intimidated can be encouraged to work with the police and others in order to put an end to such activities?

Hugh Henry: Maureen Macmillan identifies a problem that is common to many communities in Scotland. She refers to an important group of people who are campaigning against drug activity: families who are attempting, in response to their experiences, to help others in the community. There are a number of similar groups in Scotland that are doing an excellent job.

I highlight for the benefit of Maureen Macmillan and other members an initiative that was recently launched in my area. Renfrewshire against drugs was launched by Strathclyde police and is supported by the Paisley Partnership. The initiative provides information, leaflets and posters to local communities, asking people to give information—anononymously, if necessary—to the police using pre-paid envelopes or a confidential telephone line. We hope that, through the initiative, people will have the confidence to give information about drug-dealing activities in their communities. We believe that ordinary men, women and young people can play a part in the war against drugs. The police have given a commitment to act sensitively and vigorously on the information that is provided. I hope that the initiative will prove that communities can be effective in working in partnership with other agencies.

Christine Grahame (South of Scotland) (SNP): The issue is, of course, all about breaking the cycle of dependency that keeps the dealers in business. I commend the work of the drugs court in Glasgow, which the Justice 1 Committee recently visited—the idea for the court was pioneered by the Scottish National Party. Why has such provision not been extended to alcohol abuse, which is a far greater catalyst for crime in the community?

Hugh Henry: We have made it clear on a number of occasions that we will assess the effectiveness of the drugs courts. If they prove to be effective, we will consider whether their work should be extended. We should consider what the drugs courts are achieving and what the cost and administrative implications of their work are. Undoubtedly, alcohol abuse and the violence to which it sometimes leads are a huge social issue. However, let us focus on what we are doing to tackle drug-related offences. Let us wait to see the results of that work.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Does the minister agree that, although the SDEA and our police forces should do all that they can to increase drug seizures and to apprehend drug dealers, the Government's figures suggest that increased seizures are not disrupting supply or

leading to a rise in the street price of class A drugs? Does he agree that that strongly supports the Executive's policy of focusing far more on cutting demand, through increased investment in prevention and treatment programmes?

Hugh Henry: Both the justice department and the health department have done what the member is suggesting. Prevention is an important strand of our activities. However, we recognise that we should try to get people who are addicted off drugs and that we should support rehabilitation. The drug treatment and testing orders have been very successful and have recently been extended to other areas of Scotland. They have led to a marked improvement in the success of attempts to get people who are involved in criminal activity because of their drug habit away not just from their drug habit, but from the criminal activity that is associated with it.

Parking (Railway Stations)

6. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what its position is on the provision of car parking for commuters at railway stations. (S1O-6286)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): The provision of car parks at stations is a matter for the rail industry, in conjunction with local authorities. However, the Scottish Executive is always willing to discuss with rail operators and/or transport authorities any proposals to extend car park provision for commuters at rail stations, where suppressed rail demand can clearly be shown.

Mr Home Robertson: The minister may be aware that ScotRail provides free car parking at six of the seven stations in East Lothian, but that Great North Eastern Railway has just imposed a charge of £2.50 a day on the long-suffering commuters of Dunbar. The introduction of the charge has led to a full-scale boycott of the station car park. Would the minister be surprised to hear that there is now serious congestion in neighbouring streets, that rail passengers are angry and that GNER is getting next to no revenue from the charges? I appreciate that the minister has no responsibility for the management of GNER, but when he next meets representatives of the company will he tell them that they are being phenomenally silly?

Iain Gray: I may choose my words differently, but I agree that it is desirable that modes of transport should work together. That is why only yesterday we announced several hundred million pounds of investment in the transport infrastructure of central Scotland, covering not just road but rail and other public transport. In general, I would expect station operators to work with others to consider the wider implications of

decisions that they take about car parking. In this case, that is a decision for GNER.

Mr David Davidson (North-East Scotland) (Con): The minister may be aware that Aberdeenshire Council has a very good car park adjacent to Laurencekirk station. Will he assist the community by supporting the reopening of a station to go with the car park?

Iain Gray: When asked about Laurencekirk station—as happens regularly now—I have always made it clear that Aberdeenshire Council, in partnership with ScotRail and Network Rail, is responsible for developing the proposal. However, I repeat that we are very much in favour of different modes of transport working together. We are willing to work with anyone who is trying to pursue that line.

Bristow Muldoon (Livingston) (Lab): I welcome the investment that the Scottish Executive made just before Christmas in car park and park-and-ride services in Fife and the Lothians. I also welcome the announcements that the minister has made this week. Does he agree that, for the reopening of the Bathgate to Airdrie line to be fully successful, adequate car parking facilities must be made available at the stations? What impact does he expect the reopening of the line to have on congestion in the central belt?

Iain Gray: I expect the reopening of the Airdrie to Bathgate line to provide a new, powerful public transport alternative and to reduce congestion in the transport infrastructure of central Scotland. The strength of the central Scotland corridor study was that it was not just a study of roads or rail but a multimodal study that considered how the different transport options interact with one another. A great deal of work is still to be done on the detail and I am sure that issues such as car parking facilities will be part of that. The general principle and thrust is of different modes of transport working together, which is better for people and better for business in central Scotland.

A72 (Repairs)

7. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what discussions it has had with Scottish Borders Council regarding any application by the council under the Bellwin scheme and any other sources of funding for repairs to the A72. (S10-6289)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): I am not aware of any representation from Scottish Borders Council about the funding of repairs to the A72.

Christine Grahame: Is the minister aware that the A72 is the main road across the central Borders to Glasgow and that it was completely

closed for two and half weeks because of a landslide? It now operates on a single lane with traffic lights and it is not projected to open until the end of the month—that is four weeks for repairs to a main road. Given his recent announcement of millions for central Scotland for the reopening of the Bathgate line and for roads, what commitment will he give, if any, on capital expenditure for roads or rail in the Borders, or does he get the support of his Liberal Democrat colleagues there gratis?

Lewis Macdonald: To answer the question in the context in which it was framed, it is quite clear that our responsibility for the road and rail network in south-east Scotland, as elsewhere, is to support the infrastructure, including the trunk-road network. The responsibility for the A72 lies with the local authority, as the local roads authority.

Christine Grahame comments on the time that it has taken to reopen the A72. It is worth reminding members that the road was closed by a landslide on 27 December and that Scottish Borders Council has taken measures to reopen it very quickly indeed. The Bellwin scheme is designed to address emergencies. Scottish Borders Council has clearly addressed that issue and if it wishes to come to us to seek additional capital consent for longer-term issues on the road, ministers would consider such an approach on its merits in the usual way.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I do not wish to engage in yah-boo politics, so I will not. As the minister knows, the A72 is a vital road in the Borders, running through the Tweed valley. On several occasions over the years, it has been closed following landslides or subsidence at a particular corner. Constant short-term repairs are not solving the basic geo-engineering problems on that difficult site and it seems likely that substantial realignment and engineering construction might be required to solve the problem permanently.

The Presiding Officer (Sir David Steel): Question.

Ian Jenkins: I ask for the minister's assurance that the Executive will consider carefully the possibility of giving the technical advice and funding assistance for what would be an exceptionally expensive and yet vital construction.

Lewis Macdonald: I would certainly be happy for Scottish Executive road engineers to talk to colleagues in Scottish Borders Council. The member will be aware that the roads department of Scottish Borders Council has an exceptional technical reputation. The way that it has dealt with the problem of the A72 has demonstrated that it is capable of dealing with such issues. On the wider question of the possible financial implications of future work on the road, any application for capital

consent would, as I said a moment ago, be treated in the usual way.

The Presiding Officer: Question 8 has been withdrawn.

Schools (Entrepreneurial Education)

9. Ms Wendy Alexander (Paisley North) (Lab): To ask the Scottish Executive what its plans are to encourage entrepreneurial education in secondary schools. (S1O-6269)

The Minister for Education and Young People (Cathy Jamieson): One of the recommendations of the recently published review group report, "Determined to Succeed", is a programme of entrepreneurial activities in secondary schools. The Scottish budget has allocated £40 million to take forward the recommendations and we shall respond in full in the near future.

Ms Alexander: Can we take it that the minister is confirming that we will have the Executive's response in this session and not the next?

When the Executive presents its response, I ask the minister to look as widely as does the report, and perhaps a little wider, at how we can promote enterprise education throughout the curriculum and enterprising attitudes among all young Scots, irrespective of the career options that they pursue subsequently.

Cathy Jamieson: I reassure the member that we are taking the matter seriously. Wendy Alexander will know from work that is going on in her constituency of the work that is already under way in primary schools, and indeed in some secondary schools, on enterprise challenges. However, we are concerned that that has not progressed as far as it ought to have done. There are other opportunities in the school curriculum to bring into schools people with business and entrepreneurial expertise to work with our school staff and our young people. We certainly want to maximise such opportunities.

Andrew Wilson (Central Scotland) (SNP): Does the minister accept that the spirit of entrepreneurial confidence is hardly fostered by a Government that seeks to promote the myth that Scotland is somehow subsidised and too poor to acquire the normal powers of a normal country? Would not school children as well as everyone else in Scotland benefit from an Executive that was willing to take on the same economic powers as every other country on the planet?

Cathy Jamieson: People will not be surprised to know that I do not share Andrew Wilson's view on that matter. School pupils throughout Scotland are benefiting from an Executive that is putting record resources into education, is committed to closing the opportunity gap, and is making sure

that every pupil gets the best out of the education system. That is the way forward.

Phil Gallie (South of Scotland) (Con): Previous schemes dating back, to my knowledge, to the early 1990s have been successful. Does the minister agree that in encouraging entrepreneurial skills in schools, a sound baseline would be to demonstrate to children that the profit motive is an honourable objective?

Cathy Jamieson: I can quote to Mr Gallie a good example of entrepreneurial education in a primary school, in Forehill in Ayr, which is in my constituency and with which he may be familiar. Young primary pupils have taken the opportunity to produce calendars from which they are making profits that they are reinvesting in school funds and education.

Housing

10. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive when it will report on "Review of the First Year of the Mandatory Licensing of Houses in Multiple Occupation in Scotland." (S1O-6296)

The Deputy Minister for Social Justice (Des McNulty): The findings of the research report, together with the responses to the consultation paper on possible changes to exemptions from licensing, are under active consideration. We expect to announce our conclusions in the near future.

Pauline McNeill: The minister will be aware that I represent a constituency with an exceptionally high number of HMOs, particularly in the Hillhead area. Is he prepared to examine the aspect of the regime that means that an HMO licence can be given before planning consent is given—planning consent that can be crucial in ensuring that the necessary fire exits and windows are in lawful positions? Is he concerned about the operation of the HMO regime and the fact that some landlords are not applying for licences, while those who are applying for them are paying exceptionally high fees?

Des McNulty: On the first point, licensing authorities will not generally grant a licence until the property has been brought up to the required standard. They may grant a licence with conditions if they are confident that the property will be brought up to standard within a reasonable time. If planning permission was not granted, and the work therefore could not be carried out, the owner would be in breach of the conditions of the licence and the licence would be suspended—there are mechanisms under planning law to allow that to happen.

On the second point, I am examining in detail some of the issues that arise out of the experience

of Glasgow. Officials from the Scottish Executive are in communication with people in Glasgow to highlight some of the issues and the approach that is being taken there. I agreed last week to meet Pauline McNeill, and I am sure that the matter will be the subject of part of our discussions.

Ms Sandra White (Glasgow) (SNP): As Pauline McNeill pointed out, one of the key findings of the review of HMOs is that landlords are not coming forward for licensing. In fact, only half of the HMOs have been licensed. I would like the minister to respond to that.

Is the minister aware that another key finding of the report was the underfunding of local authorities? Indeed, the report states:

“Unless addressed, continued under-resourcing ... will constrain increased effectiveness of the scheme, as will evasion of licensing.”

Can the minister guarantee that if local authorities—particularly Glasgow City Council—require extra funding, the Executive will accommodate them?

Des McNulty: Any such funding would need to be taken from other activities. The Executive holds to the principle that where regulation is necessary, it should be paid for by those who are regulated. That is the principle on which the matter is being taken forward.

On rogue landlords, significant progress has been made on the number of licences that are being taken forward and the number of HMOs that are being regulated. The issues about rogue landlords are being considered. We will examine how the scheme's penalties—which are significant for people who breach the conditions—can be more readily applied where rogue landlords operate.

National Health Service

11. Dennis Canavan (Falkirk West): To ask the Scottish Executive what its priorities are for improving the NHS. (S10-6291)

The Minister for Health and Community Care (Malcolm Chisholm): The priorities for improving the NHS are set out in the local health plan guidance that was issued to the NHS in October 2002. Among the priorities are service redesign, patient and public involvement, work force development, waiting times and health care-acquired infection.

Dennis Canavan: Is the minister aware that the top priority for the people of Forth valley is a new general hospital on the site of the Royal Scottish national hospital at Larbert? Now that the development consultant's report has come out in favour of that location, which is likely to be approved at next week's Forth Valley NHS Board

meeting, will he give his formal approval at the earliest opportunity, so that the people of Forth valley have the new state-of-the-art hospital that they need and deserve?

Malcolm Chisholm: One principle to which I referred in my previous answer was patient and public involvement, which has two parts: engaging with and responding to patients; and involving the wider public. So far, NHS Forth Valley has had a good consultation process that has gone beyond the old definition of consultation, because it has involved the public more widely and earlier. I am confident that the organisation will continue in that spirit as it proceeds towards a decision. The decision is for NHS Forth Valley and it would be wrong for me to pre-empt that decision. I look forward to receiving the organisation's view in due course.

Dr Richard Simpson (Ochil) (Lab): Does the minister agree that it was opportunistic and reprehensible of the SNP to leak the property consultant's report on the new acute hospital site at such a sensitive point in the consultation process?

Michael Matheson (Central Scotland) (SNP): On a point of order, Presiding Officer.

The Presiding Officer: Dr Simpson, please wait a minute. I have a point of order.

Dr Simpson: Will the minister take into account Stirling Council's valuable work on proposing sites in any review that he undertakes of health board proposals?

Michael Matheson: On a point of order, Presiding Officer. Is it correct for a member to make allegations without providing evidence for them? Will you ask Dr Simpson to withdraw his wholly inaccurate remarks?

The Presiding Officer: Members are responsible for their own statements.

Malcolm Chisholm: It is regrettable that the report was leaked, but I am sure that NHS Forth Valley will give the report full consideration when it meets next week. I am sure that the Forth valley public want to know about the report in detail, rather than to read leaks in the newspaper.

Shona Robison (North-East Scotland) (SNP): Is the minister aware—I am sure that he is—of his recent figures that show a dramatic decline in the number of D-grade nurses who work in the national health service? Does he agree that that helps to prove the case for an 11 per cent increase in nurses' pay—as pledged by the SNP—over and above the agenda for change deal? That would not only reward nurses, but give Scotland a competitive edge in attracting nurses to work in the Scottish health service.

The Presiding Officer: Order.

Shona Robison: If a Scottish deal can be struck for consultants, why cannot one be struck for nurses?

The Presiding Officer: Order. That is quite enough.

Malcolm Chisholm: The selective use of statistics is also highly regrettable. In the past year, I have been very committed to the recruitment and retention of nurses. I am the first person in the chamber to admit that we want to and shall recruit more nurses. We will do more than we have done, and we have taken many initiatives this year to retain nurses.

It is not right to quote the figure for one grade when the number of staff in all the grades above it is increasing. We must consider the overall number of qualified nurses, which has increased in the past three years. I want that number to increase more, so I am not saying that everything is fine. However, it is wrong to pluck out one figure that does not give the total picture.

Under the agenda for change proposals on pay, the grade-D nurses to whom Shona Robison referred will benefit substantially in their starting salary. Shona Robison should also remember the 250 extra nurses who are starting training this year and the first-ever, one-year guarantee of work in the NHS for all nurses who complete their training.

Audiology Services

12. Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): To ask the Scottish Executive what its timetable is for considering the recommendations of the audiology services review. (S10-6287)

The Deputy Minister for Health and Community Care (Mrs Mary Mulligan): We are still considering the many recommendations in the audiology report. It is not possible at this stage to give a definite date for a response, but an announcement will be made as soon as possible.

The member will be aware of the £1.5 million that I announced last week for the purchase of audiology equipment, the need for which was highlighted in the review.

Mr Rumbles: I welcome that £1.5 million. However, does the minister agree that it is still a disgraceful state of affairs when deaf and hard-of-hearing people in Grampian and many parts of Scotland who would benefit from digital hearing aids are not receiving them on the NHS? Will she give a commitment that the Executive will tackle the issue as part of its consideration of the recommendations of the review?

Mrs Mulligan: It is slightly misleading of Mr Rumbles to say that digital hearing aids are not

available on the NHS. The fact is that 17 types are available at present for cases in which they meet the needs of individual patients.

One of the reasons for last week's announcement on additional finance for capital equipment was to ensure that digital hearing aids could be fitted appropriately, and the money will go to that service.

First Minister's Question Time

15:10

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2421)

The First Minister (Mr Jack McConnell): The agenda for next week's meeting of Cabinet has not yet been decided.

Mr Swinney: Yet more indecision. Almost 12 months ago to the day, I asked the First Minister about deaths from hospital-acquired infection. In his answer, the First Minister promised that he would publish statistics that would allow the Executive to monitor the problem. Given that promise, can the First Minister tell the Parliament how many patients suffered from infections last year as a result of hospital treatment, and how many have died?

The First Minister: No—I cannot give Mr Swinney the figure for last year, but I can tell him that the report that was published this morning is the next step in a process. The right way to tackle the issue is to set up the right body to deal with it, set the right standards, insist on inspections and then insist on action.

The report that was published today rightly identifies that hospital-acquired infection is a major issue for hospitals and every trust in Scotland. I hope that each and every trust's management takes the report seriously in order to ensure that the risk of infection in our hospitals is dramatically reduced and that it is reduced quickly.

Mr Swinney: We are 12 months on from 24 January 2002, which is the date on which the First Minister gave me that commitment in the chamber. I assume from his answer today that the statistics are not available. Perhaps the reason why they are not available is the terribly slow pace of progress on the matter.

In January last year, a report on HAI from the Clinical Standards Board for Scotland was promised by March. The report arrived late—in April—and an interim report was promised. The interim report was published in May, following which the Minister for Health and Community Care said that more needed to be done. In June, he set up a convention, which led to a plan. The plan, which was published in October, led to a task force.

After all those reports and plans, the report that was published this morning describes all of that activity as—I quote—a “starting point”. Is not the reason why the statistics are not available and

why progress has not been made that the past 12 months amount to another wasted year by the Executive?

The First Minister: It will be blatantly obvious to anybody who has thought about the issues seriously that it is neither possible to have inspections without the standards, nor to have standards without a body—independent of the Executive—to agree them. The right process is to set up the body, establish the standards, undertake the inspections and then publish them openly and honestly.

Members will note that that independent comment was made by the very senior figure who is in charge of the process. The right way to deal with the issue is to deal with it independent of politicians, but thereafter to assist with implementation of the new standards that are laid out by the independent body. The new standards are very important—they are as fundamental as doctors and nurses washing their hands properly. Action is required and it is required quickly.

Mr Swinney: The coalition Government has been in office for nearly four years and the Labour Government in Westminster has been in office for nearly six years. Despite that, the situation today is: half of trusts have done no surveillance of infection; only one trust has produced an statement of assurance that patients are unlikely to contract an infection in hospital; and 27 out of 31 trusts could not demonstrate that they complied with basic standards of hand washing. We all understand the need for proper attention to hand washing, but what we do not need is a First Minister who, when faced with a problem, washes his hands of it and blames somebody else.

The First Minister: I want to reiterate the crucial point that we have the right process that will get to the right action. We have the body, the standards, the inspections and the action that will make a difference in our hospitals and so reduce infection. That process mixes record levels of investment in our health service with appropriate reforms to ensure that the money that is invested buys better health.

Last Tuesday, I made a speech in which I discussed independent inspection in our public services. The SNP accused me of bullying public sector workers rather than trying to solve some of the problems in the public services. Last Tuesday night, an SNP member said on “Newsnight Scotland”:

“I don't think we need to be overly concerned about the poor performance in the public service.”

I am not simply concerned with increasing the health budget by 50 per cent in the next four years or with setting up bodies, setting standards and having inspections; rather, I am determined that

there will be reforms and improvements in our health service and that our actions will deliver those.

Prime Minister (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he will next meet the Prime Minister and what issues he intends to raise. (S1F-2425)

The First Minister (Mr Jack McConnell): I expect to meet the Prime Minister in February and I am sure that we will discuss issues of importance to Scotland.

David McLetchie: I, too, am sure that the First Minister will discuss such issues. If it is not too distant a memory, perhaps the First Minister and the Prime Minister will discuss the First Minister's interview on GMTV yesterday—I am sure that the Prime Minister is a big fan of the programme on which the First Minister appeared. In November, the First Minister said that the Holyrood project had been

"the single biggest disappointment of devolution".

Yesterday, he said that it was

"one of the great disappointments of devolution".

At least the First Minister recognises that there have been other disappointments. However, the First Minister's refreshing dose of realism is rather undermined by his later assertion that public services in Scotland are better since devolution. In that regard, will the First Minister confirm that the £300 million overspend on the Holyrood project could have been far better spent on 100 new primary schools, 30 new secondary schools, three state-of-the-art hospitals—such as the Forth valley hospital—or on much-needed transport projects, such as a relief road for Aberdeen or a rail link to the Borders? Would not any of those projects have represented far better expenditure of that money?

The First Minister: There are 100 new schools, three new hospitals, new transport projects and this week, the biggest-ever commitment to the central Scotland transport network was announced. Next Tuesday, there will be meetings in Aberdeen with the body that is responsible for drawing up the projects for the Aberdeen road and the rest of the network. Investment will follow and we will ensure that reforms will be made that are required not only in transport, schools and hospitals, but in other parts of the public sector in Scotland. There will be the level of investment that is required to turn around the years of decline that Mr McLetchie knows about all too well.

David McLetchie: The First Minister's answer is truly unbelievable—[*Interruption.*] His answer was unbelievable and incredible. Whatever amount is spent on public services, it can never justify the

waste of £300 million on the Holyrood project and any person who thinks that one justifies the other takes a remarkably cavalier attitude to the spending of public money in this country.

Instead of talking about "disappointments", when will the First Minister acknowledge that we are in this situation because of the political decisions that were taken by the Labour Government, the votes that were cast on four separate occasions in the chamber by Labour and Liberal Democrat MSPs and the blank cheques that successive finance ministers—including Mr McConnell—have signed? Is not it true that all the crocodile tears that the First Minister shed on the sofa yesterday are simply part of an effort to shift the blame for the whole sorry saga on to his predecessors, Mr Dewar and Mr McLeish? If the defence of "It wisnae me" did not work for his predecessor, why does the First Minister think it will work for him?

The First Minister: I have only one appropriate comment to make about that, which I have made before and will make again: ultimately, all members—including me—share some responsibility for where we are with the Holyrood building project. I believe that the Conservative group in the Parliament shares at least as much of that responsibility as anybody else. The Conservatives have refused to serve on the group that controls the costs and manages the timetable of the project. If the Conservatives took their responsibilities in the Parliament more seriously, perhaps Scotland would take the Conservatives more seriously.

Irene Oldfather (Cunninghame South) (Lab): Will the First Minister take the opportunity to raise with the Prime Minister the benefits of European interregional co-operation? Will he join me in welcoming the Minister of Education, Culture and Sport from the autonomous community of the Balearic Islands, who is visiting Parliament today? Does the First Minister agree that our young people can benefit greatly from language, cultural and educational exchanges with the regions of Europe?

The First Minister: Yes. I agree.

Non-Scotland-domiciled Students

3. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the First Minister whether the Scottish Executive has any plans to place a cap on the number of non-Scotland-domiciled students studying at Scottish higher education institutions. (S1F-2433)

The First Minister (Mr Jack McConnell): There are no plans to place a cap based on place of domicile on the number of students coming to study in Scottish higher education institutions.

Marilyn Livingstone: If there is an increase in the number of students from the traditional routes seeking entry to Scottish universities—currently, 11,000 students who live in Scotland study in England, and 4,000 students who live in England study in Scotland—what steps will the Executive take to ensure that students who matriculate from non-traditional backgrounds, such as from further education institutions, and those who come from poorer backgrounds, will not be adversely affected?

The policy of this Executive and of the Parliament—

The Presiding Officer (Sir David Steel): Order. The member has asked the question.

Marilyn Livingstone: Presiding Officer, I wanted to make an important point.

The Presiding Officer: Question time is not for making points. It is for asking questions.

The First Minister: First, we should be careful about predicting too far in advance the impact of any proposals that might be implemented from the consultation that is currently taking place in England.

Secondly, it is critical that, while we ensure that Scottish students have the maximum opportunities that they need and deserve, we also ensure that our universities attract students not only from England, but from all over the world. We have some of the best universities in the world and they deserve the best students in the world. If we in Scotland have the best students in the world, we could also have some of the best businesses in the world and the best economic growth. What we need to do is to grow our population and use our universities as part of that base. I hope that we can do that in the years to come.

Miss Annabel Goldie (West of Scotland) (Con): Although it might be in the future, the predictable consequence that the Westminster Labour Government's higher education proposals will have on Scotland will undoubtedly be increased interest of non-Scotland-domiciled students in seeking university education in Scotland. I am comforted to hear the First Minister's assurance that there is no intention to place a cap on the number of applications from non-Scotland-domiciled students, but will the First Minister confirm how he intends to address what is undoubtedly a potential challenge to our universities?

The First Minister: Our review will consider that matter, along with any other matters that might arise from any decisions that might yet be taken. I must stress that the proposals are currently the subject of a consultation and are not final decisions.

The Scottish Parliament has a good record on the subject. One of my proudest moments as a member of the Parliament was to vote to abolish tuition fees in Scotland. I believe that that was one of the proudest moments of this Parliament. Scotland has a proud educational tradition that we should cherish and build on by ensuring that there is equality of access to our universities. That is a fundamental principle to which I have adhered all my adult life and to which I intend to adhere as long as I am involved in this Parliament or in politics.

Alex Neil (Central Scotland) (SNP): I draw the First Minister's attention to the comments of Andrew Cubie, who said that the danger of introducing top-up fees south of the border is that they will deny access to higher education for poorer kids, both north and south of the border, because of the additional pressures that such fees will create. Will the First Minister consider the proposal—which has been widely accepted among the principals and students of Scotland's universities and by Universities Scotland—to recall the Cubie committee to give independent consideration to the long-term future of both student funding and institutional funding? Would not that committee be able to use the period between now and 2006 to ensure that Scotland's university sector gets the additional funding that it so badly needs?

The First Minister: I have three points to make on that. First, the recall of the Cubie committee is totally unnecessary. The minister with responsibility for higher education announced this morning that the higher education review will undertake a second phase to consider issues around university and higher education and related finance that the first phase did not consider. That will be done in tandem with any changes that take place in England.

Secondly, it is important to correct the very wrong impression that has been given this morning that higher education funding in Scotland's universities is rising by only a small amount in comparison to the rise that was announced yesterday in England. That is not true; the figures are not comparable and the Scottish figure is significantly higher than the figure that was being reported this morning in a variety of media outlets.

Thirdly, it is important that we establish the right principles here in Scotland. We should be proud that Parliament abolished tuition fees—I am. We should also be clear that top-up tuition fees are not the right solution for Scotland, because we face different challenges in Scotland. The Confederation of British Industry said yesterday that it believes that the real challenge in Scotland is not to have more university graduates, but to

provide better training and skills development at other levels in the population. That is a challenge for us, and we are meeting it through modern apprenticeships, educational maintenance allowances and improvements in further education. If we get that right in the years to come, Scotland's economy will grow much faster than it has in the past.

Tavish Scott (Shetland) (LD): Will the First Minister ensure that, in the review that his colleague will carry out, the implications for research work and for staffing levels at Scottish universities will be carefully considered? Will he ensure that the Scottish Executive will have a clear view before the end of that consultation, and that it will hold discussions with the UK Government so that the UK Government is fully aware of the views of the Scottish Executive on the matter?

The First Minister: I would not want to put a time scale on a review that has clearly been announced to respond to yesterday's announcements in England. We will clarify the time scale and nature of the review in due course, but the matters that I have mentioned are the important issues that the review must tackle. I want to make it absolutely clear to the Parliament that we have world-class universities in Scotland and that we need to keep world-class universities in Scotland. That means teaching and research at the very highest level and it means ensuring that our universities and other institutions of higher education are well supported in the years to come.

Police (Resources)

4. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the First Minister what resources the Scottish Executive is making available to police forces to investigate child pornography on the internet. (S1F-2424)

The First Minister (Mr Jack McConnell): Police funding is at a record level and will continue to rise by more than 6 per cent a year until 2006. In addition, the Deputy First Minister will soon reveal details of extra funding to tackle internet crime.

Mr Stone: Given the high profile of child pornography at the moment, and the fact that many people are concerned by the perceived availability of such material, can the First Minister assure me that our police forces are co-ordinated and are working closely with police forces in other countries to stamp out that vile and utterly abhorrent industry?

The First Minister: There is considerable co-operation across the Atlantic between police forces in North America and police forces here. There is also considerable co-operation across

Europe. Most significantly, a lot of co-operation takes place inside the United Kingdom. That co-operation is absolutely vital.

The Prime Minister and I discussed the matter with the chief constable of Lothian and Borders police last Thursday night. The amount of work that our police forces now have to pursue, not just in relation to internet crime—child pornography in particular—but in relation to the threat of terrorism, is using significant resources. We need to keep an eye on that to ensure that our forces are well resourced and are co-ordinating their activities in order to make the maximum impact and provide the greatest level of security.

Sarah Boyack (Edinburgh Central) (Lab): I welcome the First Minister's acknowledgement of the superb work that is being done by Lothian and Borders police. I ask him to acknowledge the fact that they are dealing with the serious issue of child pornography, to acknowledge the investigative work that they are doing on terrorism and to acknowledge the increasing pressures that they have to face as the capital's police force. Will he give a commitment that, when there is a future review of police funding throughout Scotland, he will focus on the specific pressures in the Lothian and Borders police area?

The First Minister: I took on board the points that were made last Thursday night by the chief constable and the local MSP, Miss Boyack. I praise Lothian and Borders police, which has during the past few weeks been through a period in which a less professional force would have struggled to cope. I am referring not just to the challenges that it has faced, but to the atmosphere that has been created around it. Some of the stories that we heard about people sounding false alarms during Hogmanay celebrations, wasting police time and scaring the public were, to be frank, abhorrent. We need to ensure that all of us in Scotland—not only politicians and police officers, but citizens—do all that we can to combat such menaces.

Land Reform (Scotland) Bill: Stage 3

Resumed debate.

15:31

The Deputy Presiding Officer (Mr George Reid): We pick up where we left off this morning with the Land Reform (Scotland) Bill. I will not read the usual long preamble, but simply remind members that the vote on the first amendment in each group will last one minute.

Section 66—Land which may be bought: salmon fishings and mineral rights

The Deputy Presiding Officer: Amendment 58 is grouped with amendments 10, 11, 38, 59 and 60.

Mr McGrigor: Amendment 58 deals with conservation and netting. Over the past 10 years, a great many netting stations have been closed as part of a conservation drive to halt the decline of wild salmon and sea trout stocks. Although some stations have been bought out or formally closed down, many others have become dormant as conservation has become the overriding factor.

Although there is little doubt that some dormant netting stations could, if reactivated, be quite profitable in the short term, any short-term gain would be very short lived, because additional netting effort would inevitably reduce future numbers of returning salmon. As a result, reopening dormant netting stations would also impact adversely on anglers. After all, a salmon that is caught on rod and line is worth several thousand pounds to the local economy, whereas a netted salmon contributes no more than the fish's value on the fishmonger's slab. Amendment 58 simply seeks to remove the possibility of reopening dormant netting stations.

Alasdair Morgan: Will the member explain why crofters who buy the fishings in question at market value are any less likely to be aware of the commercial implications that he has just outlined than anyone else who owns those fishings?

Mr McGrigor: I am not saying for a moment that crofters would be more liable than anyone else to reopen fishings; the amendment would cover whoever had the fishings. It has been so difficult to close some estuarine netting stations that it would be disastrous for conservation if they reopened. The provision would apply to everyone.

When the draft bill was published in February 2001, salmon fishings were part of the eligible additional land that crofting community bodies had to show it was necessary for them to acquire to

achieve sustainable development. However, when the bill was introduced, that requirement was dropped for salmon fishings; amendment 10 would restore it. Extra safeguards need to be in place in cases where crofting community bodies are allowed to buy neighbouring land, which is a more draconian power than that in any previous legislation.

Amendment 11 would introduce another criterion for use by ministers in considering an application by a crofting community body. Like amendment 10, it is designed to safeguard well-run salmon fishings, this time by placing a requirement on ministers to decide on which salmon fishings sustainable development is not taking place. If, as we heard many times this morning, the legislation is intended to apply only to badly managed salmon fishings, there is no harm in making that clear.

I expect that Jamie Stone will speak to amendment 38, in his name. The amendment proposes to safeguard employment, which we talked about this morning.

Amendment 59 seeks purely to show what sort of people are employed on salmon rivers and to make it easier to identify those people.

We have been told that well-run and sustainable salmon fishings have nothing to fear from the bill; we heard that time and again this morning. However, the bill includes no such assurance and the effect of that omission might be to deter investment by river owners. Investment is vital to conserve salmon stocks for the future. The incentive for river owners to invest in salmon conservation projects will inevitably be reduced if there is a possibility that the community may seek to acquire the fishings by compulsory purchase. Amendment 60 would give some security to the many salmon river owners who invest considerable sums with the aim of improving salmon stocks for the benefit of all. It is worth noting that Amhuinnsuidhe estate, which has some of the best salmon fishings in the Western Isles, has apparently attracted no bids for the estate as a whole. One cannot help feeling that potential buyers have been put off by the impending legislation.

I move amendment 58.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): There is no reason why a group of crofters or a community should not run a fishery. Anyone who suggests that they are incapable of doing so, or that they should not do so, is completely out of order. However, the fact remains that in a constituency such as mine every rural job matters. We heard, rightly or wrongly, that there is fear among the workers that their jobs are unsafe. We have had assurances from ministers and others in the chamber that that is the result of scaremongering.

Amendment 38 speaks for itself. It would act as a double lock on those jobs. The assurances that we have heard about the fact that the economic viability and sustainability of a community buy-out would lead to the jobs being retained are all well and good, but I see amendment 38 as a second lock on the jobs. I hope that the chamber backs my amendment.

Stewart Stevenson: Like Jamie McGrigor, I have a set of plus-fours in the cupboard, which I wear when I occasionally go fishing. Perhaps unlike Jamie McGrigor, I have also worked as a water bailiff—I have to confess that that was in 1968—so I have experienced both sides of the industry.

Mr McGrigor: I have to declare an interest, in that I am an honorary warden on a river system.

Stewart Stevenson: I thank Jamie McGrigor for that information. I do not know whether he has held a warrant card, as I did, under the various salmon fisheries acts.

I made the point that I have worked as a water bailiff purely to indicate that I have some personal experience. More to the point, the investigation on salmon fisheries that was conducted by the parliamentary committees was extremely extensive, wide ranging and in depth. The Rural Development Committee and the Justice 2 Committee both considered the matter. We visited salmon fishings.

The whole thrust of the argument about the salmon fishings is contrary to what I would have thought was normal economic theory. The price of a commodity will rise when more people wish to buy it. The bill creates a new class of people who are in the market to buy fisheries. Therefore, one would normally expect to see a sustained price.

Murdo Fraser: Will Stewart Stevenson take an intervention?

Stewart Stevenson: No.

One would expect to see a sustained market because there will be a wider market for fishings. In addition, the bill provides for the purchase of a fishing only if the purchase will make a contribution to sustainable development in the crofting community. That must mean that the fishing would have to be a net contributor to the cash flow in the crofting community. Therefore, in terms of sustainable development, a crofting community could probably not justify buying an expensive and well-developed fishery that it would require a lot of cash to run.

The real value to a community of having an active fishery in its area is to the industries that are thus enabled. The real benefit to fishing, fishermen, those who are employed in supporting and sustaining the fishing industry and the

communities that are granted new rights under the bill is the opportunity to buy derelict or undeveloped fishings. Through such fishings, a substantial increase in value and economic activity might be derived from an incremental investment.

To be blunt, I have a great deal of sympathy with many people in the industry, some of whom are in the public gallery and many of whom have lobbied members. I do not attack those people, but many of the provisions of the bill have been misrepresented to them for purposes that are absolutely nothing to do with salmon fishings or the interests of those people. That deals with many of the issues in the amendments in the group, which are largely wrecking amendments.

Jamie Stone's amendment 38 relates to employment issues. I have some sympathy with it, but it touches on issues of employment law and, more critically, would offer a degree of security that even members might wish for—we get only four years. The amendment goes too far and, although we recognise the concerns behind it, provisions such as the Transfer of Undertakings (Protection of Employment) Regulations cover the matter.

Unless a compelling argument emerges, we will not support any of the amendments in the group.

Fergus Ewing: During the Rural Development Committee's consideration of the bill, we heard and took on board evidence about the vital contribution that salmon fishings make to the economy, particularly in the north of Scotland. I for one am grateful that the river workers have made their views known to members. The SNP has most certainly taken those views on board.

There are 14 tests and criteria in the bill that must be satisfied before a purchase can go ahead. I echo Stewart Stevenson's remarks that we must be satisfied that any proposal by a crofting community for a purchase under the scheme satisfies the test of sustainable development. Sustainable development was defined for the committee as providing

"increasing social and economic advantage to the crofting community"

and protection for the environment.

There is one point to which Mr Aitken and Mr McGrigor have not alluded. It is important to add this comment to the debate, because it provides a complete answer to their grossly exaggerated concerns, which have characterised the Conservative party's contribution to the debate. The point is that not only must the purchase be in the public interest before the minister can approve an application to buy a fishing, but that, as section 71(2) states,

"the public interest includes the interest of any sector

(however small) of the public which, in the opinion of Ministers, would be affected by the exercise of the right to buy”.

One of the groups that might be affected by such a sale would be river workers. It is absolutely clear that this Administration, or the next Administration—certainly if it is SNP led—will take the approach that is laid out in section 71(2). We will not do anything to jeopardise or put under threat the livelihoods of those who work in salmon fishings. We recognise those people’s contribution to the economy and to the community of which they are part. To suggest that we would be part and parcel of destroying their jobs is an outrageous and ridiculous calumny and I hope that we put it to rest today.

15:45

Ross Finnie: I am grateful to Fergus Ewing for drawing attention yet again—as we tried to do earlier in the debate—to the provisions in section 1 that must be met before the salmon interest could be acquired as part of a crofting community right to buy. The point has been made, and I shall try not to repeat it. However, I wish that the Conservative spokespersons would not misrepresent the position. As many members have said, the bill sets out clear conditions that require to be met, not least of which are those concerning sustainability and having regard to the public interest, no matter how small.

Amendment 58 is, therefore, not needed. The provision that ministers may consent to an application only if it delivers sustainable development and is in the public interest is sufficient to prevent the right to buy from leading to unsustainable exploitation of the salmon stock. In any case, as we pointed out at stage 2, netting rights cannot readily be separated from salmon fishings. The effect of amendment 58 might be to preclude the purchase of any salmon fishings associated with historic netting rights. As has been made clear, those arrangements would be close to what was in the bill as it was originally drafted. However, the bill’s provisions now allow the acquisition of salmon fishings, whereas the draft bill arrangements made that difficult—as would amendment 10. The bill is about empowering communities. We want to shift the balance of power between the landowner and the crofting community. To achieve that, there must be a real possibility that crofting communities could acquire salmon fishings if they so wished.

The purpose of amendments 11 and 60 is completely contrary to the aim of the bill. We want to extend opportunities for crofting community bodies to acquire salmon fishing associated with their croft land, where that will contribute to sustainable development. The effective

management of salmon fishings to maintain stocks has to be in the public interest. Amendments 11 and 60 also seek, in different ways, to compare the plans of the existing owner with those of the prospective community purchaser. We are not seeking to create a beauty contest and we will not guarantee an owner protection simply because salmon fishings are being managed effectively.

Jamie McGrigor should note that amendment 11 might not protect those fishery owners who claim to invest large sums of money in their fisheries for little return. Such a practice could hardly be described as sustainable.

There are two issues in relation to Jamie Stone’s amendment 38. First, a community bid has to meet the criteria concerning sustainability. Given that that is the first test, amendments 38 and 59 are unnecessary. They would give additional rights that other workers do not enjoy—indeed, other workers do not even enjoy the protections that are afforded in the main conditions that are set out in the bill. Secondly, as ministers must be satisfied that the public interest would be served by granting a crofting community right to buy, any impacts on people who are employed to manage a property would be a subject of the application and would have to be considered. Amendments 38 and 59 would add a needless and complex hurdle.

I invite members to reject amendments 58, 10, 11, 38, 59 and 60.

Mr McGrigor: In relation to amendment 38, it is worth emphasising that ensuring continuity of employment would benefit the crofting community, as the community would be able to draw on the existing knowledge and professional expertise of the river workers who already worked on the rivers. It would also help the crofting community to maintain the existing angling tenants. Many ghillies are old friends of tenants, going back years and years, and they draw the tenants back to the rivers each year.

I am amazed by Stewart Stevenson. He seems to have had more jobs than any man I have ever met. It would not surprise me if he told us that he had been an astronaut.

With regard to what Fergus Ewing said, the fact that salmon fishings are falling in value, or have fallen in value, by as much as 75 per cent in some cases, is evidence that we are right and that the bill will damage the value of salmon fishings.

Anyone who says—as Stewart Stevenson did—that the bill would widen the scope is wrong, because limiting the buying to crofting communities will certainly not widen the scope, but will narrow it.

The Deputy Presiding Officer: The question is, that amendment 58 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)

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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 97, Abstentions 0.

Amendment 58 disagreed to.

The Deputy Presiding Officer: Mr Aitken has a point to make before we move on.

Bill Aitken: Prior to the lunch-time suspension, I intimated to members that there might be a difficulty with regard to the remaining amendments in group 30. Clearly, I could move those amendments individually, which would take up a great deal of time. Can you clarify, Presiding Officer, whether the amendments can be moved en bloc and a single question put on them?

The Deputy Presiding Officer: I am grateful, Mr Aitken, for your attempt to assist the chamber.

The situation is tricky. We can take amendments en bloc only when they appear in consecutive order on the marshalled list. There are 31 amendments in group 30, some of which appear in consecutive order on the marshalled list and some of which do not. Therefore, the safest course—otherwise people's scripts will be all over the place—would be for you to confirm again those amendments that you intend not to move. In each case, I shall say, "Amendment X not moved," because members must have the right to move an amendment, even if you do not do so. Would that be acceptable?

Bill Aitken: I do not wish to take up members' time by making them sit for 30 seconds to press a button for each amendment. That would be a waste of members' time and would possibly be discourteous on my behalf. I propose to make it clear at this stage that the Scottish Conservative and Unionist Party is firmly in favour of the particular amendments in group 30; basically, those amendments were encapsulated in one speech. However, I think that it is clear from the attitude of other members in the chamber that the amendments are unlikely to be successful. Subject to that being clear in everyone's minds, I shall not move the amendments.

The Deputy Presiding Officer: Thank you, Mr Aitken. That is helpful.

Amendment 2 not moved.

Section 67—Land which may be bought in addition to eligible croft land

Amendment 3 not moved.

Section 68—Crofting community bodies

Amendments 154 to 158 moved—[Ross Finnie]—and agreed to.

Amendment 4 not moved.

Section 69—Provisions supplementary to section 68

Amendment 5 not moved.

Section 70—Application by crofting community body for consent to buy croft land etc

The Deputy Presiding Officer: Amendment 6 is grouped with amendments 8, 9, 13, 159 and 27.

Bill Aitken: The purpose of amendment 6 is to prevent an application from being made to acquire the same land within five years of the previous application. That will prevent landowners from having to deal with frequent and repeated

applications to acquire their land, which would introduce an unacceptable degree of instability into the situation. Where there is a threat of compulsory acquisition, landowners are entitled to have to face that difficulty only once every five years.

I move amendment 6.

Allan Wilson: Amendment 6 proposes what would be a harsh penalty for a minor mistake or omission that might require an application to be withdrawn and replaced with a revised application. If amendment 6 were accepted, a crofting community body that withdrew an application would have to wait five years and conduct a new ballot before it could reapply. That would be unacceptable.

Amendment 8 would require ministers to compare the plans of the existing owner with those of the prospective community purchaser. It would guarantee an effective land manager protection from crofting community purchase. Of course, good land management practices are not the sole measure of a good landowner. Achieving sustainable development is not the sole objective of the crofting community right to buy. The legislation is primarily about community development and empowerment and ensuring that land resources are developed and used to benefit and sustain the local crofting community. Therefore, amendment 8 would be equally unacceptable.

Amendment 9 is cynically designed to make it almost impossible for ministers to agree to a crofting community right to buy application. It would require ministers to look up to 10 years into the future. They would then have to satisfy themselves absolutely that the applicant body would not require public funds within that period.

We are not interested in throwing good money after bad. Financial viability and probity are matters of concern and will be assessed when ministers consider applications. If it is apparent that a crofting community's right to buy application is ill thought out and will not result in a viable community business, it will not be in the public interest to approve such an application.

I am pleased to note Mr Aitken's new-found—and, presumably, short-lived—concern to meet the wishes of the Scottish Crofting Foundation. However, I am bound to question whether he would have been as keen to support its proposals if they had been likely to facilitate the right to buy. A requirement to achieve 75 per cent support for the right to buy is an unnecessary hurdle, which is presumably why he supports it.

Since Mr Aitken proposed amendment 27, he presumably believes that the legislation will affect land values. I put the same question to him that

Andrew Wilson and George Lyon put to him earlier: if he believes that, how will the effect be measured separately from all the other factors that have an impact on land values, not least the pre-existence of the individual crofter right to buy for the past 30 years or so?

Bill Aitken's concerns are misplaced. Once the legislation is enacted, the risk for a landowner in connection with the crofting community right to buy will be properly assessed. When that happens, it will be obvious that there is no cause for concern, and the scare that Bill Aitken is trying to monger will be seen not to exist. Amendment 27 is unnecessary.

Executive amendment 159 is a technical amendment.

I invite members to reject amendments 6, 8, 9, 13 and 27 and to accept amendment 159.

16:00

Mr Hamilton: The SNP supports entirely the Executive's position on amendment 6 because it would have the effect of debarring any further application for five years if an application were withdrawn. That seems unnecessarily restrictive, which is presumably precisely why it has been proposed.

I have always had a high estimation of Mr Aitken and Mr McGrigor, particularly with regard to their education. However, incorporating amendment 8 into the bill would leave us with an odd sentence of which I am sure Mr Aitken would not be proud. It would read that ministers would not consent to an application unless they were satisfied "that the exercise by the crofting community body of the right to buy under this Part of the Act will improve the achievement of sustainable development". I am not sure that Mr Aitken would want to support such an ugly sentence. Perhaps he means "will improve the chances of the achievement". The amendment may not make a great deal of sense.

More important, if amendment 8 is agreed to, it will change the meaning of the paragraph and narrow the definition to the extent that any purchase would have to be proven to be a cause of improvement in sustainable development, as opposed to being compatible with it. The idea is to establish a higher barrier for crofting community bodies to overcome. For that reason, the Scottish National Party will oppose it.

Amendment 9 is also a strange amendment. It seeks to debar the community from accessing any additional public funds for 10 years. The idea that a crofting community would not be able to receive a preferential loan from the Government, European Union funding, seedcorn funding from an enterprise agency or network or the subsidies

paid to farmers while neighbouring private owners could receive such funds seems extremely odd. Given that the Conservative party is always concerned about value for money for the public purse, I ask its members to consider whether, if public funds are to go towards the establishment of such a buyout, it might be sensible to give that buyout every chance of success by supporting it in all the ways that I describe.

On amendment 13, the minister has dealt adequately with the suggestion that we should move to a 75 per cent majority. The simple majority drives most aspects of our lives. That is more realistic. To go down the arbitrary route of a 75 per cent majority is simply not helpful. We had that debate at stage 2—I am sure that Mr Aitken remembers it. At that point, the decision was taken to promote the 50 per cent rule.

On amendment 27, which is also in Mr Aitken's name, I share the Executive's concerns that it may not be possible to do what the amendment seeks to do, which is to separate out the impact on the valuation of each part of the bill's reforms. If Mr Aitken thinks that amendment 27 somehow relates to the European convention on human rights, I suggest that that is not the case. I draw his attention to some of the signatory countries to the ECHR, particularly the Scandinavian countries. In those countries, it is perfectly possible to put restrictions on the way in which land is owned, despite the fact that they are signatories to the ECHR. Therefore the ECHR argument is bogus.

I was disappointed that the minister was so reticent on Executive amendment 159. He simply said that it was a technical amendment. Its effect is to remove the description of the seller as "knowledgeable and prudent" for the purpose of valuation. I cannot understand the advantage of removing that description. Presumably, the seller otherwise just has to be willing. If we are to have a proper valuation, would it not be sensible to keep that phrase in so that the valuation can be based on the view of a knowledgeable and prudent seller?

If the minister has something more substantial to say, I would be delighted to give him the opportunity to say it. Unless he does so and gives further clarification, I suspect that the SNP will have to vote against amendment 159.

Bill Aitken: On amendment 8, although I concede Mr Hamilton's point that the wording might be a trifle inelegant, it still fits the bill, because it ensures that crofting community bodies demonstrate that, if they are to acquire land, the sustainable development of the land will improve. Under the existing wording, they are required only to demonstrate that the acquisition is compatible with sustainable development. That test is not nearly strong enough.

On amendment 9, the minister and Mr Hamilton seem to fail to realise that many salmon fisheries operate at a loss. Given that premise, it is surely not too much to ask that a third criterion be introduced for ministers to take into account when they consider an application from a crofting community body. Such bodies are expected to seek and be given public money—mainly from the lottery, although I have no doubt that direct taxation will eventually contribute—to buy the land that they acquire under parts 2 and 3 of the bill. Amendment 9 would ensure that no further calls are made on public funds.

On amendment 13, Mr Hamilton advances the argument that life is basically governed by a simple majority, and he suggests that we should adopt a similar rule. Significantly, the Liberal party has not contributed to the debate on this group. In that party's case, a majority would presumably be achieved by single transferable vote.

The thinking behind amendment 27 is that there is uncertainty behind the existing wording. Because salmon fishings are classified as "eligible croft land", the method of valuation for croft land, rather than that for salmon fishings, might be used instead. That would simply not be appropriate.

The answer to written question S1W-28095 goes some way towards answering the point. It states:

"Section 85 does not constrain the valuer to any particular methodology".—[*Official Report, Written Answers*, 26 August 2002; p 1405.]

Amendment 27 ensures that the proper, appropriate method of valuation will apply.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)

Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
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 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
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 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 95, Abstentions 0.

Amendment 6 disagreed to.

Amendment 7 not moved.

Section 71—Criteria for consent by Ministers

Amendment 8 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (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)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)

Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Simpson, Dr Richard (Ochil) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
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 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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 16, Against 97, Abstentions 0.

Amendment 8 disagreed to.

Amendment 9 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)

Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
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 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 98, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 not moved.

Amendment 11 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 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)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 96, Abstentions 0.

Amendment 11 disagreed to.

Amendment 38 moved—[Mr Jamie Stone].

The Deputy Presiding Officer: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 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)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 MacDonald, Ms Margo (Lothians) (SNP)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Ullrich, Kay (West of Scotland) (SNP)
 Wallace, Ben (North-East Scotland) (Con)
 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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 17, Against 96, Abstentions 0.

Amendment 38 disagreed to.

Amendment 59 moved—[Mr Jamie McGrigor].

The Deputy Presiding Officer: The question is, that amendment 59 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
Goldie, Miss Annabel (West of Scotland) (Con)
Harding, Mr Keith (Mid Scotland and Fife) (Con)
Johnstone, Alex (North-East Scotland) (Con)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McIntosh, Mrs Lyndsay (Central Scotland) (Con)
McLetchie, David (Lothians) (Con)
Mundell, David (South of Scotland) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Tosh, Mr Murray (South of Scotland) (Con)
Wallace, Ben (North-East Scotland) (Con)
Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Alexander, Ms Wendy (Paisley North) (Lab)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brown, Robert (Glasgow) (LD)
Butler, Bill (Glasgow Anniesland) (Lab)
Campbell, Colin (West of Scotland) (SNP)
Canavan, Dennis (Falkirk West)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
Eadie, Helen (Dunfermline East) (Lab)
Ewing, Mrs Margaret (Moray) (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)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (Edinburgh Pentlands) (Lab)
Hamilton, Mr Duncan (Highlands and Islands) (SNP)
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, Ettrick and Lauderdale) (LD)
Kerr, Mr Andy (East Kilbride) (Lab)
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, Lewis (Aberdeen Central) (Lab)
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)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Matheson, Michael (Central Scotland) (SNP)
McAllion, Mr John (Dundee East) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McLeish, Henry (Central Fife) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
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)
Oldfather, Irene (Cunninghame South) (Lab)
Paterson, Mr Gil (Central Scotland) (SNP)
Peacock, Peter (Highlands and Islands) (Lab)
Peattie, Cathy (Falkirk East) (Lab)
Radcliffe, Nora (Gordon) (LD)
Raffan, Mr Keith (Mid Scotland and Fife) (LD)
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)
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
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, Allan (Cunninghame North) (Lab)
Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 99, Abstentions 0.

Amendment 59 disagreed to.

Amendment 60 moved—[Mr Jamie McGrigor].

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 97, Abstentions 0.

Amendment 60 disagreed to.

Amendment 12 not moved.

Section 72—Ballot to indicate approval for purposes of section 71(1)(n)

Amendment 13 moved—[Bill Aitken].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Mrs Margaret (Moray) (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)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)

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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 18, Against 99, Abstentions 0.

Amendment 13 disagreed to.

16:15

The Deputy Presiding Officer: We now have a whole run of "not moveds".

Amendment 14 not moved.

Section 73—Right to buy same croft land exercisable by only one crofting community body

Amendment 15 not moved.

Section 74—Reference to Land Court of purchase of eligible additional land without owner's consent

Amendment 16 not moved.

Section 75—Modification of section 74(3)(a) to (d)

Amendment 17 not moved.

Section 76—Additional land included at request of owner

Amendment 18 not moved.

Section 77—Consent conditions

Amendment 19 not moved.

Section 78—Reference to Land Court of questions on applications

Amendment 20 not moved.

Section 79—Notification of Ministers' decisions on application

Amendment 21 not moved.

Section 80—Leaseback to owner of sporting interests

Amendment 22 not moved.

Section 81—Effect on other rights of Ministers' decisions on right to buy

Amendment 23 not moved.

Section 82—Confirmation of intention to proceed with purchase and withdrawal

Amendment 24 not moved.

Section 83—Completion of purchase

Amendment 25 not moved.

Section 84—Completion of transfer

Amendment 26 not moved.

Section 85—Assessment of value of croft land etc

The Deputy Presiding Officer: Amendment 159, in the name of the minister, has already been debated.

Allan Wilson: Do I have the opportunity to

respond to the debate prior to moving the amendment?

The Deputy Presiding Officer: Yes, we have time in hand. You may say a few words.

Allan Wilson: I just want to talk briefly about a point that Duncan Hamilton made. I know that this has been a long day and that it is a long time since we debated amendment 159. The words that we seek to delete are words that the Justice 2 Committee deleted previously in relation to section 55, on the community right to buy compensation provisions. We are introducing consistency in relation to the crofting community right to buy. The explanation for amendment 159 is that the terminology is unnecessary.

I move amendment 159.

The Deputy Presiding Officer: That was a point of information. There will not be a debate on amendment 159.

Amendment 159 agreed to.

Amendments 27 and 28 not moved.

Section 86—Compensation

Amendment 160 moved—[Ross Finnie]—and agreed to.

Amendment 29 not moved.

Section 87—Grants towards crofting community bodies' liabilities to pay compensation

Amendment 30 not moved.

Section 88—Appeals against consent

Amendment 31 not moved.

Section 89—Appeals to Land Court: valuation

Amendment 32 not moved.

Section 90—Agreement as to matters referred or appealed

Amendment 33 not moved.

Before section 91

The Deputy Presiding Officer: Amendment 215 is in a group on its own.

Before Alasdair Morrison speaks to and moves the amendment, which is on common grazings, I have to say that there is a lot of murmuring going on. I know that this has been a long debate, but members should keep the noise down, as it is disrespectful to be too loud.

Mr Alasdair Morrison (Western Isles) (Lab): The right to buy envisaged in amendment 215

would be available only to grazings committees, trusts that comprise a majority of shareholders in the grazing or trusts that are nominated by an acceptable majority of shareholders. I know that the minister is well aware of the current formula that is used to allow crofters to buy their crofts. The amendment would extend that measure to allow crofters to buy the common grazings.

Before I decide whether to press the amendment, I would appreciate it if the minister would kindly indicate whether he believes that the proposal should be included in the bill or whether it would be better pursued in other crofting legislation that is being discussed, following the publication of the white paper some weeks ago.

I move amendment 215.

Bill Aitken: I am a bit concerned about Mr Morrison's intentions in amendment 215. I am not sure that the proposal is appropriate to the bill—it might be better pursued in another way. In order to be consistent with the attitude that we have taken so far, Conservative members will not support the amendment.

Mr Hamilton: The SNP is minded to support amendment 215. We agree with the direction that Alasdair Morrison is taking. Like him, we would appreciate clarification from the Executive on where it thinks the proposal would fit correctly. The case for separate crofting legislation has been made on a number of occasions today.

Alasdair Morrison outlined the importance of good management and of the acceptability to the majority of exercising the proposed right. Although we are minded to accept the amendment, we would welcome an explanation from the Executive of what it plans to do with the sound ideas in the amendment if we do not support it.

Allan Wilson: The bill is not the best place in which to deal with the proposal. The Parliament only recently expressed dislike of amendments that introduce significant new proposals at stage 3 and the terms of amendment 215 have not been the subject of discussion or consultation.

In addition, the amendment could be a means of undermining the crofting community right to buy. Members may ponder whether a crofting community would go to the trouble of raising funding and using the right to buy to acquire croft land if the grazings committee could come along later and take away those grazings. The amendment would give grazings committees the means to impose their will on their landowners, including community landowners. I am sure that that is not Alasdair Morrison's intention, but he, Duncan Hamilton and others may wish to consider how such a measure could have been used on Stornoway Trust lands or on Eigg.

To accept amendment 215 would jeopardise important sections of part 3, with all the carefully constructed protections that it contains. The effect would be that communities as a whole would have little say over what was done with the land on which they depended and would not share the benefits from any future developments. The bill is about community empowerment, but amendment 215 is not about that. Alasdair Morrison may wish to withdraw it and to consider where his proposals might fit in better.

Mr Morrison: I am grateful to the minister for his assurance and for his advice that the Parliament should revisit the issue in a different context.

Amendment 215, by agreement, withdrawn.

Section 91—Register of Crofting Community Rights to Buy

Amendment 161 moved—[Ross Finnie]—and agreed to.

Amendment 34 not moved.

Section 92—Avoidance of disposal other than to crofting community body

Amendment 35 not moved.

Section 93—Limitation on effect of this Part

Amendment 36 not moved.

Section 94—Scottish Land Court

Amendment 37 not moved.

Section 95—General and supplementary provisions

Amendment 162 moved—[Ross Finnie]—and agreed to.

Amendment 56 not moved.

Schedule 2

AMENDMENT AND REPEAL OF ENACTMENTS

Amendments 163 and 164 moved—[Ross Finnie]—and agreed to.

The Deputy Presiding Officer: Amendment 210 is in a group on its own.

Roseanna Cunningham: Amendment 210 would remove the offence of aggravated trespass from the law of Scotland.

Sections 68 and 69 of the Criminal Justice and Public Order Act 1994, to which the amendment refers, relate directly to aggravated trespass. Section 68 created the offence of aggravated trespass. It states:

“A person commits the offence of aggravated trespass if he trespasses on land in the open air and, in relation to any

lawful activity which persons are engaging in or are about to engage in ... does there anything which is intended by him to have the effect—

- (a) of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,
- (b) of obstructing that activity, or
- (c) of disrupting that activity.”

Section 69 gave powers to the police to direct someone to leave land if they reasonably believed that that person was committing, had committed or intended to commit the offence of aggravated trespass. Anyone who fails to leave the land in those circumstances is guilty of an offence.

Why repeal the offence of aggravated trespass? We believe that it is obsolete, inflammatory and confused. It is obsolete because the legislation was a Tory measure that was originally aimed at protesters who were trying to prevent fox hunts. The banning of fox hunting in Scotland seems to render the offence obsolete. The provision does not appear to have been used often. Since 2001, two cases involving contraventions under section 68(1) have been reported to the procurator fiscal—I do not think that there were any cases at all before that—and trials have been fixed, but it seems that matters could have been dealt with under other provisions.

The provision is inflammatory, because the criminal offence of trespass in Scots law was imported to deal with a situation in England and is out of place with the tradition of the law of Scotland on access and trespass. It is confused, because the power for the police to direct people to leave land because they are regarded as trespassing is inappropriate in the context of the bill. Trespass has always been a problematic concept in Scotland. I do not know what it means in terms of the bill.

When the provision in the 1994 act was about to be introduced, I understand that senior police officers in Scotland advised against it, because they felt that existing powers were adequate to deal with any such activity. Of course, those powers are still available.

There is another good reason why we should repeal the provision: Labour, the SNP and the Liberals promised on the record to repeal it. The relevant sections of the Criminal Justice and Public Order Act 1994 were strongly opposed by the Scottish Labour and Liberal parties and the SNP when they were dealt with at Westminster. In the debates, Jim Wallace said:

“Although a member of the Faculty of Advocates and of the Scottish Bar, the Minister”—

who was Lord James Douglas-Hamilton—

“quite clearly fails to appreciate that there is a distinctive legal system in Scotland. We may be a United Kingdom,

but we are a United Kingdom that contains different legal systems. The Minister has not addressed that point.

In this clause we are grafting on to the Scottish system measures that the Minister has made perfectly clear are not justified in terms of the mischief that the clause is meant to address. The Minister said that very few incidents have occurred in Scotland. He has not told the House where the pressure has come from within Scotland to bring forward such a measure. There have been some suggestions that the measure was forced upon the Scottish Office. There has been no openness whatsoever.”

Sam Galbraith, who was a member at Westminster and later in the Scottish Parliament, said:

“I am sure that the Minister must be somewhat ashamed of himself in having to introduce the amendment tonight. He knows that it offends the tradition of Scottish law and also the Scottish tradition of access to the Scottish countryside, be it high in the mountains or low in the plains.”

John McFall, who was then Labour home affairs spokesperson, said categorically:

“It is inappropriate to Scotland; it has no place in Scotland. When a Labour Government are elected we will make sure that the law is repealed.”—[*Official Report, House of Commons*, 13 April 1994; Vol 241, c 364-79.]

The Labour Government was elected in 1997 and the Executive has been in power in Scotland since 1999. Let us repeal the law.

I move amendment 210.

Bill Aitken: It was unclear from Roseanna Cunningham’s comments whether she objected to the provision under discussion because it was a Tory measure or because its terms were objectionable. I am willing to accept her assertion that the 1994 measure has not been used frequently. Nevertheless, it presents adequate protection in the extreme cases that unfortunately occur on occasion. New age travellers can cause landowners chaos, mayhem, considerable annoyance and distress when their conduct is unjustifiable and they trespass to a degree that detracts from the landowner’s amenity and genuinely concerns land users. On that basis, we believe that the 1994 act is adequate and we will not support amendment 210.

Lord James Douglas-Hamilton (Lothians) (Con): I mention my entry in the “Register of Members’ Interests”, but to the best of my knowledge I have no particular interest in the provision under discussion.

I will reply to Roseanna Cunningham’s comments. The provision in the 1994 act was introduced because new age travellers caused much damage at Stonehenge. Although there had been no problem in Scotland, we did not want a problem to arise here. Later, Sir David Steel asked at a Scottish Grand Committee whether action could be taken against new age travellers who had entered his constituency. I had to refer him to the

provision that he had voted against. I understand that appropriate action was taken.

16:30

Ross Finnie: Amendment 210 mirrors an amendment that Stewart Stevenson lodged at stage 2, which the Justice 2 Committee rejected. I will rehearse again some of the arguments that were made then.

As is self-evident, amendment 210 would remove the offence of aggravated trespass and the powers of the police to direct people to leave land on which they are committing or intending to commit aggravated trespass or on which they are intimidating others. Subject to what I have to say, the provisions have to be retained. They are needed to ensure that law-abiding members of the public, in exercising their right of access, have the backing of the law if other people commit or intend to commit an offence.

The issue has nothing to do with the bill as drafted, but the discussion enables us to make clear what is meant by the exercise of responsible access rights for recreation and passage. Those who exercise those rights responsibly have nothing to fear. However, we cannot ignore those who are irresponsible and cause a public nuisance—to do so would be to leave the bill unbalanced.

Such behaviour must be addressed. We have done that through the provisions of—and the amendments to—the Public Order Act 1986 and the Criminal Justice and Public Order Act 1994. Schedule 2 to the bill also amends other legislation that relates to the access provisions in part 1 of the bill. That is the correct way of proceeding. The bill is not the appropriate vehicle to consider the provisions of the public order acts. Accordingly, I ask Roseanna Cunningham to withdraw her amendment.

Roseanna Cunningham: The minister was not at Westminster when the subject was debated. At that time, his party opposed the provisions in the Criminal Justice and Public Order Act 1994. In summing up, I will simply repeat the words of John McFall, who, speaking for the Labour party, said of the measure:

“It is inappropriate to Scotland; it has no place in Scotland. When a Labour Government are elected we will make sure that the law is repealed.”—[*Official Report, House of Commons*, 13 April 1994; Vol 241, c 364.]

Is what we have heard today the worth of a Labour promise?

The Deputy Presiding Officer: The question is, that amendment 210 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Ms Margo (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
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 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 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, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 32, Against 85, Abstentions 0.

Amendment 210 disagreed to.

Amendment 165 moved—[Ross Finnie]—and agreed to.

Long Title

Amendment 176 moved—[Ross Finnie].

The Deputy Presiding Officer: The question is, that amendment 176 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)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
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 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
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 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
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 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
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 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Barrie, Scott (Dunfermline West) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 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)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 95, Against 22, Abstentions 0.

Amendment 176 agreed to.

Amendment 211 moved—[Stewart Stevenson].

The Deputy Presiding Officer: The question is, that amendment 211 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)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 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)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 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)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)

Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 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, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Jackson, Gordon (Glasgow Govan) (Lab)
 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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 98, Against 18, Abstentions 0.

Amendment 211 agreed to.

Amendment 57 not moved.

Land Reform (Scotland) Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3780, in the name of Ross Finnie, which seeks agreement that the Land Reform (Scotland) Bill be passed. I ask members to stick to their time limits. Ross Finnie has five minutes.

16:36

The Minister for Environment and Rural Development (Ross Finnie): It has taken more than a year to reach this point. I commend the Justice 2 Committee for its detailed work, which has enabled us to reach this point.

Before the work of the Justice 2 Committee started, I think that there was wider consultation on the bill than on any other bill that has gone through the Parliament. More than 3,500 written responses were generated. We can take credit for the fact that such an important bill was subject to such extensive scrutiny and generated such a wide public response and wide public interest.

The bill illustrates the real value of the Parliament in allowing and facilitating the bringing to fruition of measures that will hugely benefit all Scotland's public and its rural communities. It will bring about much-needed social, economic and environmental opportunities.

At the outset, Scottish Natural Heritage said about the need for legislation on access rights:

"there is a real prospect of creating in Scotland a modernised approach to access in the countryside which meets in a balanced way the needs both of the public and of owners and managers of land."

That is what the bill will deliver. There is an opportunity to move beyond the arguments that have gone on for years about the current law on access, which have at times impacted on the consideration of the bill. The new, clear and unambiguous rights of access that will be established by the bill will mean that, for the first time, everyone will know where the public can and cannot go and what they can and cannot do. That will give enormous confidence to those who wish to use the countryside, and certainly to landowners and managers.

Dr Sylvia Jackson (Stirling) (Lab): Does the minister agree that, to ensure that people use the countryside responsibly, the code will be important and will require considerable consideration?

Ross Finnie: I agree, and I shall deal with that matter in a moment.

The establishment of new rights and the provisions in the bill relating to core paths go a long way to fulfilling the commitment to providing

greater opportunities for all people to enjoy the countryside. That chimes with other areas of Executive policy—for example, in respect of social inclusion and rural development.

From the outset, we have recognised that the exercise of access rights must respect the privacy of those who live in the countryside. In addition, there is a need to ensure that owners can continue to manage their land, and conservation of the natural and cultural heritage must be addressed—again, the bill has achieved that. We have achieved a reasonable balance between the aspirations of the public for access to the countryside and the concerns of those who work there.

For many years there has been a gap, which must be bridged, between those who live in our towns and cities and those who live in the country. In recent months, we have heard a great deal about how the population at large lacks any understanding of issues in the countryside. The bill should be welcomed as an opportunity to encourage many more people to go into the countryside, and to increase their knowledge and understanding of rural issues. There is nothing to be gained from trying to keep the public out—quite the reverse. Again, the bill achieves that objective.

However, as Sylvia Jackson has pointed out, the bill is only one step. The outdoor access code has yet to be finalised. The bill places a duty on Scottish Natural Heritage to draft the code. I know that SNH intends to give priority to finalising the code so that it can introduce the code as quickly as possible after consulting the access forum on the final version. The draft code will be subject to a full public consultation, which I hope will occur very quickly indeed.

The community right to buy is a significant step forward in supporting rural communities and in empowering them in their wish to develop local amenities. Equally, the crofting community right to buy is about the empowerment of crofting communities. The entitlement of a crofting community right to buy is of vital importance in the aim of regenerating those communities.

At the end of this long and thorough stage 3 process, the Parliament can take pride in the fact that we will have produced a piece of legislation that makes a significant step forward for access rights for the whole of Scotland, that gives great substance to the claims to a community right to buy, and that adds considerably to the rights of our crofting communities. There may have been disagreements and there are those who might want to adjust some of the provisions in one way or another but, at the end of the day, the Land Reform (Scotland) Bill represents a very substantive and reforming piece of legislation. I commend the bill to the Parliament.

I move,

That the Parliament agrees that the Land Reform (Scotland) Bill be passed.

16:42

Roseanna Cunningham (Perth) (SNP): Dennis Canavan reminded me a few moments ago that it has taken us three centuries to get to this point. We should be vastly relieved that we are here, but we should also remind ourselves that this would not have happened at Westminster, despite the fact that the general principles of land reform have long been supported by the SNP, Labour and the Liberal Democrats. That support reflects the views of the vast majority of the Scottish people—despite some of the nonsensical assertions that I hear and read.

Commitments to significant land reform were given prominent positions in the manifestos of all three parties for the 1999 Scottish Parliament elections. I was therefore disappointed at the initial slow progress of the bill. When the draft bill was originally published, it gave us great cause for concern, as the legislative proposals on access were a bit of a dog's breakfast. Thankfully, the proposals were significantly improved and have now been further improved in the past few months and days. The right of responsible freedom to roam on the land of Scotland is a right that has long been asserted and dearly held by the Scottish people. I am glad that we have taken steps to secure that right.

There is no doubt that communities across Scotland want to take more control over the management and use of the land on which they live and work. There is a widespread agreement that an overhaul of the pattern of land ownership in our country is long overdue. We very much hope that the bill results in a significant change in the pattern of land ownership in Scotland. I have expressed some concern that that will not happen, but this is one occasion on which I hope to be proved wrong.

Other countries have taken far more radical steps than Scotland will do today. Let me provide some examples. In 1973, Denmark banned the ownership of land for recreation or hobby uses. Non-residents are banned from buying land. In some parts of the Netherlands, only local residents are allowed to buy houses for sale in order to stop them being purchased by absentees. In Norway, the purchaser of a farm must promise to live on it for five years and must manage the farm in the approved way. The Tories should be warned that much more radical measures could have been proposed. Perhaps the Tories should quit while they are ahead.

There has been a general agreement among progressives in the chamber on the need for the

bill. The exception has been the Tories. As a party, they are fast becoming an anachronism—like some of their positions during our proceedings on the bill.

As far as the SNP is concerned, the bill may not be perfect, but it has our support.

16:44

Bill Aitken (Glasgow) (Con): It is manifestly obvious from what has been said already that the Conservatives are firmly of the view that the bill should not be passed. The aims of part 1 are worthy but frequently impracticable. They are also largely unnecessary and are a classic manifestation of the Executive's constant need to legislate. If the Executive would treat the people of Scotland as adults, perhaps there would be a more positive image of the Executive and the Parliament.

That having been said, the damage that part 1 of the bill will do is fairly minimal. Parts 2 and 3, however, are much more malign. They contain within them the seeds of the destruction of some of the smaller rural communities, and ministers may rue the day that the bill was introduced. An inevitable consequence of the legislation will be a loss of jobs for some of our smaller rural communities, which will in time come to be maintained on a tenuous life-support system of Executive grants. It need not be so. Those communities are self-sustaining at the moment, but when the investment falls, as inevitably it will, there will be very real problems indeed.

This is undoubtedly a dark day for the Scottish Parliament. The bill has nothing to do with land reform and everything to do with the other parties in the Parliament being obsessed with replaying the class wars of 200 years ago. It is an extreme measure, as was well articulated by Roseanna Cunningham, who indicated exactly what more extreme measures might be forthcoming in the unlikely event of the Scottish nationalists ever gaining control of Scotland. It is a grim, grim prospect.

Frankly, the bill is a disgrace. If it is voted through, this will be a day of shame for the Parliament. To those outdated class warriors and political dinosaurs who regard the activities of today and yesterday as a triumph, I say this: they must forget the wrongs and injustices of the past and put aside their current prejudices. The bill reflects badly on the Executive and on the Parliament, and it should not be passed.

16:47

Mr Alasdair Morrison (Western Isles) (Lab): It is a privilege and an honour to open for the Labour party in a truly historic debate. The private

ownership of crofting land is an anomaly and an anachronism that should have been swept away at the same time that security of tenure, with all the rights that flow from that, was granted to crofting tenants. Security of tenure was necessary because, without it, the crofting population was subject to the whims and prejudices of landlords, often brutally exercised. That is the anomaly that has today been finally addressed.

The pattern of land ownership in the Highlands and Islands today is not a harmless relic from a bygone age, although it is a relic that is, of course, revered by the Tories and their vicar on earth, Alan Cochrane of *The Daily Telegraph*. That pattern of ownership represents a serious distortion of our social and economic life and the time has finally come to consign it to history. Today, we are lighting a beacon for radical and sweeping land reform right across the Highlands. Today, we are putting 19th century patterns of land ownership behind us and embracing a 21st century model that puts local communities firmly in control.

Generations of socialists in the Highlands have campaigned for land reform and the abolition of the landlord anomaly. They did so even when the cause was unfashionable and the political climate unpromising, but all that changed in 1997 with the election of a Labour Government, which included people who knew the importance of the issue and our commitment to it. That work continued in this chamber on 1 July 1999, when the late Donald Dewar said:

“today there is a new voice in the land, the voice of a democratic Parliament. A voice to shape Scotland, a voice for the future.”

Today, that voice has spoken in a clear and unambiguous manner.

Our work in this young Parliament has given us the bill that we have today. For our crofting communities above all, it will be a stepping stone to a better future. It goes a long way towards redressing an historic wrong, but the best memorial to those who championed the cause of land reform over the past century and more will lie in a successful implementation. That is what we must now address ourselves to.

It has been a privilege and an honour for my generation of Highland and Labour politicians to see a centuries-old aspiration becoming law and a Keir Hardie manifesto pledge being fulfilled. As the party of progress, we have delivered.

Finally, it gives me great pleasure and it is a great privilege to say the following in the language of my forebears. Tha latha an uachdarain seachad, agus an-diugh tha achd Pàrlamaid ùr againn: Achd Ath-leasachaidh an Fhearainn (Alba) 2003. Tha e crìochnaichte.

The Deputy Presiding Officer: Glè mhath. A large number of members have submitted their

names at the last minute to speak. The debate must be concluded within eight hours of its start yesterday. That gives us until 5.14 pm, and not a minute more. I shall do my best. Speeches will be three minutes.

16:51

Stewart Stevenson (Banff and Buchan) (SNP): One thing that has marked the progress of the bill is the energetic engagement in proceedings by many strands of Scottish life. That has been heartening and I hope it presages a golden age in the countryside—perhaps it will not.

Crofting communities may now have the opportunity to plan their futures with greater certainty than they could in the past, secure in the knowledge that if they wish to buy land, and they fulfil the requirements to do so under the bill, they can. Would that the decision had been made in the 19th century to include Aberdeenshire in the crofting counties—there would have been no limit to my delight today. However, I am happy to share in the pleasure that will be felt in crofting communities, even if the bill is more limited than what we wanted to achieve.

Under part 2, communities throughout Scotland “may” have the opportunity to acquire the land that will help their economic development. However, the bill, in its timidity, leaves much of Scotland’s land—that held by companies, trusts and enduring partnerships—beyond the reach of the right to buy that is provided under the bill. In reality, only land that is under private ownership when it comes up for sale will be open to communities. The history of land in rural areas of Scotland suggests that a very small proportion of land will be affected by the bill. It is a matter of regret that the SNP amendments that would have extended rights under certain conditions and allowed communities throughout Scotland to share in the opportunities that the bill will create were not agreed to.

I hope that all who walk in Scotland will enjoy the new secured access rights that the bill provides at least as much as we have enjoyed passing this legislation. Unlike Bill Aitken with his gloomy adumbration of a future led by Beelzebub, I am absolutely confident that, although the bill might not do everything that my SNP colleagues would have wished, it creates opportunities across Scotland for increased economic activity in many of our society’s vulnerable rural communities.

I am very happy to support the bill.

16:53

Pauline McNeill (Glasgow Kelvin) (Lab): I begin by thanking many people for their contributions to stages 1 and 2 of the bill, including all those who gave oral and written evidence. All the submissions were accounted for and read. I

know that I speak for the whole committee when I thank the Justice 2 Committee clerks for their exhausting work. They seemed to understand our ramblings and converted them into what I thought was an excellent stage 1 report. Despite our disagreements, the Executive kept its cool throughout the process and I commend the ministers for that.

Last but not least, I thank the members of the Justice 2 Committee, who worked tirelessly, as did members of the other five committees that were involved in the process. All the committees provided excellent reports. I am sure that all committee members will agree with Bob Reid of Aberdeen City Council, who said in a letter to me that the Justice 2 Committee “pursued the issues brilliantly” at stage 1. I hope that Magnus Linklater’s next article in *Scotland on Sunday* quotes that remark.

This is a landmark in the Parliament’s legislative programme and a proud day for devolution. With cross-party collaboration, we have achieved a great piece of empowering legislation for the people of Scotland. The bill gives legal rights to roam in the countryside. It is an achievement of which we should all be proud. Echoing Scotland’s first First Minister, who often said,

“There shall be a Scottish Parliament”,

we should be proud to say, “There shall be a statutory right to access.” This marathon bill began as a Labour commitment in 1997. We know that many others who have been notable for arguing for land reform will also be pleased by the decision that is about to be taken. The legislation will place Scotland in the lead on issues of civil rights, sustainable development and empowering local rural communities.

Although I reject the position of the Law Society of Scotland and the Executive on trespass, I am happy that that debate will now take second place to the real debate, which is on how we ensure that the statutory right of access begins to happen after we pass the legislation. The local access forums and the development of a core path network are crucial. We should emphasise that it is not only about access on foot; it is about access for cyclists, access on horseback and access to water, which we have not said a great deal about.

There has been a lot of scaremongering in the debate by many members, not least Conservative members. We have been told that Al Fayed will leave the country and that Madonna will never come back to Scotland—shock, horror. As a Madonna fan, I am not too shocked about that; she has never had a concert in Scotland, so I do not see why I should protect her interests.

However, there is an important point to be made. I stand up for those who want their privacy

to be protected. I see no reason why that should change, but there must be a right of responsible access to the large estates in Scotland. I, for one, will take advantage of it to visit the Ardverikie estate, better known from "Monarch of the Glen", which has broadcast its 36,000 acres of beautiful Scottish scenery. If it were not for that programme, many people would not know what they are missing. Ordinary Scots will see the relevance of the bill, because it gives them a right to roam that they did not have. There are good landowners who believe in the legislation and there are rambles and walkers who believe in it. I believe that it is a great piece of legislation. We should all commend ourselves for that achievement after an exhausting couple of days.

The Deputy Presiding Officer: I am minded to accept a motion without notice to move decision time to 5.15 pm.

Motion moved,

That motion S1M-3798 be taken at this meeting of the Parliament.—[*Euan Robson.*]

Motion agreed to.

Motion moved,

That the Parliament agrees under rule 11.2.4 of Standing Orders that Decision Time on Thursday 23 January 2003 be taken at 5.15 pm.—[*Euan Robson.*]

Motion agreed to.

16:57

Murdo Fraser (Mid Scotland and Fife) (Con): What the Executive has failed to do throughout the process is to make the case that what matters is the ownership of land, rather than the use to which it is put. If the right-to-buy proposals in the bill are to be successful, that will entail large sums of taxpayers' money—millions of pounds—being put into the transfer of property titles. That money will not be put into creating wealth or jobs; it will be put directly into the pockets of the very landowners whom proponents of the bill are so anxious to disinvest of their interests in the Highlands. If all that money is available for rural Scotland, would not it be better to use the money for job creation, economic regeneration and transport improvements rather than to use it to transfer the ownership of titles, which, in themselves, will do nothing to promote economic regeneration?

All sorts of comments have been made about the right to buy salmon fishings and the safeguards that will be available. I claim no expertise on those matters—the experts are the people who live and work in remote areas and who derive their living from salmon fishings. Those people have been treated disgracefully by the Parliament and its committees in not being allowed to give evidence to the Justice 2

Committee. The people on the ground—unlike the legislators, the parliamentarians or the civil servants—know what their experience is and what the outcome of the legislation will be. All the evidence points to disinvestment in salmon fishings as a result of the bill. That is happening already, although members should not take just my word for it: even Highland Council, which is hardly a bastion of landlordism, Toryism or even readers of *The Daily Telegraph*, came out and said that we should reject the right to buy salmon fishings. Members who support the proposal should listen to the people on the ground and trust them, even if they will not listen to us.

Stewart Stevenson: When Highland Council gave evidence to the Justice 2 Committee in Inverness, did it produce a shred of evidence to support its assertion?

Murdo Fraser: I am sorry that Mr Stevenson discounts so abruptly the views of Highland Council, which consists of the elected representatives of people in the Highlands. The evidence was already there and Mr Stevenson should have listened to it.

The bill does not address the real issues in rural Scotland, such as low farm incomes, unemployment, low pay, poor transport links, loss of local post offices and the closure of rural schools. The bill is merely a sop to the land reform cranks outside the chamber and the members of parties who wish to refight old battles. If a fraction of the time, energy and money that have been expended on the bill had been spent on the real issues, the prospects for rural Scotland would be much better than they are today.

It does not matter to me one whit that, in the chamber, the Tories are the only people who oppose the bill, because we know that, outside, in the real world, there is widespread opposition to the bill. I hope that I am wrong, but I fear that, in years to come, we will look back on today and say that we made bad law.

17:01

George Lyon (Argyll and Bute) (LD): The Liberal party has been committed to land reform for more than 100 years. Indeed, the Liberal anthem at the time of Gladstone's land reform legislation stated:

"'Twas God who made the land,
The land, the land,
The ground on which we stand.
Why should we be beggars with the ballot in our hand?
God gave the land to the people."

It is appropriate that the Liberal and Labour parties, in the first Scottish coalition, should have placed land reform at the heart of the legislative programme in our first parliamentary session.

There have been four pieces of legislation on the matter.

As I said, the Liberal party has been committed to land reform for more than 100 years and today we deliver on that commitment. There is a clear division among members, which was obvious from the speeches of the Tory party members—or the landlords' lapdogs, as some would describe them. The narrow, concentrated and often absentee pattern of land ownership is failing rural Scotland. It is easy to tell that Bill Aitken has not ventured out of Glasgow many times in his life, because the failure is there for all to see. There are rundown farm buildings, a lack of investment—

Alex Johnstone (North-East Scotland) (Con): That is the Scottish Executive's fault.

George Lyon: Calm down.

Communities are frustrated because of a lack of access to land for housing and community facilities, such as halls. Of course there are exceptions: there are good landlords who invest, are paternalistic and have their community's interests close to their hearts. However, I reject the proposition, which has been expressed by the Tories and other opponents of land reform, that rural development in modern Scotland should be predicated on whether people are lucky enough to have a good landlord. That is arrant nonsense and, during the past 100 years, that system has been shown to be a failure.

The bill seeks to tackle that failure by widening land ownership in Scotland. The Liberal and Labour parties believe fundamentally that wider land ownership is a good thing. We believe that it will be a spur to rural development and that it will create jobs and opportunities for all who live and work on Scotland's land. The most important point is that the bill seeks to empower people and give them responsibility for their destiny. That is also a good thing.

The Tories, who have opposed the bill since day one, are on the side of those who take the absent view; they see land as a tax shelter or an investment vehicle. The coalition parties are on the side of the many ordinary Scotsmen and women who live and work on Scotland's land. By backing the bill, we will empower the many and diminish the power of the few. I support the motion.

The Deputy Presiding Officer: I call Stewart Ewing, to be followed by Rhona Brankin. I am terribly sorry—I meant Fergus Ewing.

17:04

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Actually, Presiding Officer, Stewart is my middle name.

My constituency contains many of the high mountains in Scotland, including the Cairngorms, Glen Coe, the Aonachs, Creag Meagaidh, the Monadhliath hills and the Drumochter hills. Because of that, it perhaps contains more people who are dependent for their livelihood on access to the outdoors than does any other constituency. Those people will be celebrating the passage of the bill today.

I would like to look forward to the tasks that lie ahead, as I do not believe in allowing too much self-congratulatory stuff. There is a job of work to be done. The first task is to establish the access code, which SNH has a duty to formulate. I hope that, in the light of what I have said about my constituency—which contains the Glenmore Lodge outdoor centre—the minister will accept that the logical place for the access code to be formulated by the small number of SNH staff who will work on it is Scotland's outdoor centre. I hope that that dispersal of civil jobs will begin right here, right now.

Secondly, there is a problem as far as community purchase is concerned. Today we have passed the mechanism for community purchase, but what about the money, which is dependent on a £10 million budget line from the new opportunities fund? We heard from Beverley Francis the other day that the money is running out: there is only £2 million of that budget left. I know that people in the community land unit are concerned about that. We have not heard whether the money will be renewed. The Department for Culture, Media and Sport at Westminster refuses to say that it will be renewed because it is undertaking a review of all lottery funding. That is placing in jeopardy the expertise—which has been built up over a long period—of the staff in Inverness, who are on short-term contracts that will expire in August. If those people are lost, their expertise will be lost. I hope that the minister will sort that out with the DCMS soon.

Two members have referred to the fact that the Labour and Liberal parties have had commitments to land reform, community ownership and access for about 100 years. They have claimed credit for their parties for what has been done today. However, one does not have to be Einstein to realise that we have achieved what we have achieved today because we have a Scottish Parliament. No single party can claim credit for what we have achieved today, because it is an achievement of the Parliament, not of one party. The fact that it has taken 100 years of failure in Scotland to achieve it speaks for itself.

17:07

Rhona Brankin (Midlothian) (Lab): Colleagues, today is indeed an historic day. Land reform has been a central policy of the Labour

party for more than 100 years. Indeed, the Labour party was founded on a call for land reform. [*Interruption.*]

The Deputy Presiding Officer: Order. We are almost finished. I ask members to keep their voices down, please.

Rhona Brankin: I believe that the bill is a radical piece of legislation; however, for the Tories to characterise it as a Mugabe-style land grab is an absolute disgrace. The bill is radical, but it is not a revolution. It is about having a responsible right of access and creating opportunities for rural—often remote and fragile—communities to become involved in building a future for themselves and their families. It is about empowering communities and it is about sustainable rural development. Colleagues, the bill is pro-countryside.

I turn to the issue of access for people with disabilities, which I was concerned about at an earlier stage of the bill. Responsible access to the countryside must mean access for everybody, whatever their ability. That has important implications for local authorities and the access forums that will be set up. They will be required to consider opportunities for access and to develop a core path network that will enable everybody in the community to get out, take exercise and enjoy the countryside, whether they are young or old, on foot, on horseback, on a bicycle, in a wheelchair or on an electric scooter. The bill, as amended, will achieve that, which I very much welcome.

The second issue that I have been concerned about is the issue of charging horse riders for access when walkers and cyclists go free. I am aware that that could still happen under the bill. Although I am disappointed that existing charging schemes can continue, Forest Enterprise's decision to cease charging is very welcome. I also welcome the minister's assurance that continuing to charge horse riders would not be in the spirit of the bill or its intent.

Many of us have argued for land reform and access to the countryside for many years. This is an important bill and today is an historic day for Scotland. I urge all members to support the Land Reform (Scotland) Bill.

17:09

Dennis Canavan (Falkirk West): I thank the Executive for accepting two of my amendments: the Balmoral amendment and the anti-curfew amendment. The former will ensure a public right of access to the Queen's estates in Scotland; the latter will ensure that people have a right of responsible access to the countryside during the hours of darkness as well as in the daylight.

Scotland's mountains, hills, glens, lochs and rivers are not simply the property of the landed gentry but part of our natural and national heritage, which ought to be accessible to the people of Scotland and to visitors who come here to enjoy outdoor pursuits in some of the finest natural environments in the world. The bill will help to achieve those objectives and that is why it deserves the unanimous support of the Parliament.

Members: Hear, hear.

17:10

The Deputy Minister for Environment and Rural Development (Allan Wilson): Like Pauline McNeill and other members, I begin by thanking the clerks to the Justice 2 Committee, who put an enormous amount of work into the bill, which is a historic piece of legislation. I thank all the committee members and I give a special mention, of course, to Bill Aitken, who made it so easy to get the bill through. I thank Opposition members for their stamina in coping with the volume of evidence and amendments.

There are days when we remember why we got involved in politics and why that brought us to the Scottish Parliament. Yesterday and today have been—for me at least—two such days. To see Jamie McGrigor during the debate this afternoon, flapping in the wind and impaled on a hook of his own making—like one of the salmon that he talks about in the chamber—as he spoke of land grabs, was the icing on the cake of my political career so far.

As I said to comrade Finnie, commander in chief of the Scottish land-grab unit—[*Laughter.*—it was the prospect of this day that kept so many of us going through the dark and often desperate 18 years of Tory government. We were determined to create the Scottish Parliament. The joint determination of the Liberal Democrats and the Labour party in the Scottish Constitutional Convention was to realise this day and to deliver land reform.

Like others, I quote Donald Dewar:

“Who could imagine such a land reform bill passing unscathed through the massed ranks of the House of Lords?”—[*Official Report*, 16 June 1999; Vol 1, c 406.]

Not I, nor anyone here.

A Tory press release this week spoke of revenge for the Highland clearances. However, it is the Tory party that is living in the past. Comparing mild-mannered, west Highland crofters with the thugs of Zanu PF, or ramblers with the North Korean people's militia, does a disservice not only to the struggle for the liberation of the people of such countries, but to the Tory party.

As Brian Fitzpatrick and Alasdair Morrison said, from the first days of the Labour movement in Scotland, land reform has been unfinished business. From the land league men of Raasay, Skye and Lewis through the mass trespass of the 1930s and on to today, I am proud and privileged, as a Labour minister in the Liberal-Labour Executive, to propose to a Scottish Parliament that the land of Scotland should belong to its people and that the Parliament should pass the Land Reform (Scotland) Bill.

Commissioner for Children and Young People (Scotland) Bill: Financial Resolution

17:13

The Presiding Officer (Sir David Steel): The next item of business is a motion on a financial resolution. I ask Peter Peacock to move motion S1M-3781, on the financial resolution in respect of the Commissioner for Children and Young People (Scotland) Bill.

Motion moved,

That the Parliament, for the purpose of any Act of the Scottish Parliament resulting from the Commissioner for Children and Young People (Scotland) Bill, agrees to the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Parliamentary Corporate Body in respect of—

- (a) the appointment of the Commissioner for Children and Young People in Scotland;
- (b) salary and allowances of, and pension for, the Commissioner; and
- (c) the administrative costs (including staff salaries and other staff costs) incurred in the exercise of the Commissioner's functions.—[*Peter Peacock.*]

Parliamentary Bureau Motions

17:14

The Presiding Officer (Sir David Steel): We have two Parliamentary Bureau motions to consider. I ask Euan Robson to move motions S1M-3791 and S1M-3792, on the approval of statutory instruments.

Motions moved,

That the Parliament agrees that the draft Extended Sentences for Violent Offenders (Scotland) Order 2003 be approved.

That the Parliament agrees that the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 be approved.—[*Euan Robson.*]

Decision Time

17:14

The Presiding Officer (Sir David Steel): The first question is, that motion S1M-3780, in the name of Ross Finnie, on the approval of the Land Reform (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (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)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 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, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 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, Lewis (Aberdeen Central) (Lab)
 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)

Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 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)
 Oldfather, Irene (Cunninghame South) (Lab)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 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, Allan (Cunninghame North) (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)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (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)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 101, Against 19, Abstentions 0.

Motion agreed to.

That the Parliament agrees that the Land Reform (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S1M-3781, in the name of Andy Kerr, on the financial resolution in respect of the Commissioner for Children and Young People (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament, for the purpose of any Act of the Scottish Parliament resulting from the Commissioner for Children and Young People (Scotland) Bill, agrees to the expenditure out of the Scottish Consolidated Fund of the expenses of the Scottish Parliamentary Corporate Body in respect of—

- (a) the appointment of the Commissioner for Children and Young People in Scotland;
- (b) salary and allowances of, and pension for, the Commissioner; and
- (c) the administrative costs (including staff salaries and other staff costs) incurred in the exercise of the Commissioner's functions.

The Presiding Officer: The next question is, that motion S1M-3791, in the name of Patricia Ferguson, on the approval of a statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Extended Sentences for Violent Offenders (Scotland) Order 2003 be approved.

The Presiding Officer: The final question is, that motion S1M-3792, in the name of Patricia Ferguson, on the approval of a statutory instrument, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 be approved.

Renewable Energy (Rural Communities)

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S1M-3751, in the name of George Lyon. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the ambitious targets set by the Scottish Executive for renewable energy generation; recognises the potential job benefits to be gained from a Scottish manufacturing support base for renewable energy; further recognises the crucial importance of communities benefiting from wind farms and other renewable energy developments in their areas; notes the growing number of wind farm planning applications across rural Scotland; notes with concern the hostile reception such applications have received from members of the local community, who perceive no benefit to the community; further notes that benefits can be delivered through community ownership, rental income, reduced electricity bills or other methods, and considers that the Executive should ensure that the Scottish economy and affected communities benefit from the expansion of renewable energy.

17:16

George Lyon (Argyll and Bute) (LD): I wish to draw to the attention of the Parliament and the Executive my concern about the impact of the development of renewable energy throughout Scotland, particularly in the coastal communities of the west coast of Scotland.

My constituency is in the forefront of renewable energy development in Scotland. Currently, we have five operational wind farms, one that has passed the planning stage, four that are pending planning approval and eight that have been refused planning permission. Also, Scotland's only operational wave-power machine is based off Islay in my constituency. The UK's only dedicated fabrication facility for wind power turbines, which employs 140 people, is based in Campbeltown, which is also in my constituency. Argyll and Bute is reaping the benefits of the Scottish Executive's commitment to renewable energy.

As we all know, the Scottish Executive has a target of 18 per cent of our generation coming from renewable energy by 2010 and is currently consulting on a new target of 40 per cent. I believe that a commitment to a 40 per cent target could bring further benefits not only to my constituency, but to fragile communities all along the west and north coasts of Scotland. Many of us believe that there exists the potential for a North sea oil-boom type of situation in the west coast of Scotland, which would be based on the development of renewable energy.

However, concerns are emerging in my constituency that the long-term financial benefits

from the generation of renewable energy will not accrue to the communities in which the towers are based, although they will have to put up with having the wind turbines on their doorsteps for the next hundred years. To encourage development and ensure that growth continues, we must ensure that there is a financial incentive for those communities to grant planning permission.

Of course, financial benefits flow into the communities during the construction of the wind farms; for example, from construction jobs, from contracts for local firms that service those who bring the towers into the sites, from purchase of cement for the project and so on. There are many short-term jobs and short-term benefits but, so far, companies such as Scottish Power plc and Powergen Ltd have dominated the take-up of renewable energy in my constituency.

For comparison, members should consider a previous development in renewable energy in my constituency, which happened when the hydroelectric dams—of which there are a good number in my constituency—were constructed. The situation was exactly the same: in the beginning, there were lots of jobs in the construction phase, but after the construction phase was past, very few jobs were associated with the generation of hydroelectric power. There are some jobs to be had in maintaining dams, but not huge numbers of them.

The one community wind-power development in my constituency—the exception—is Shane Cadzow's in Ling. Shane Cadzow is an individual farmer-landowner who has constructed three wind towers of his own with help from the Scottish Executive through Highlands and Islands Enterprise, from which he received a grant. By and large, communities and individuals show little interest in renewables. Most landowners seem to think that the best way forward is to negotiate a lease deal with Powergen and Scottish Power that will run over the lifetime of the wind turbines that are situated on their land. That is completely the opposite of the experience in Denmark and Germany, where community-developed wind turbines and wind farms drove the huge expansion in wind power because of the way that the renewables obligations in those countries were constructed. Those obligations gave small communities the ability to borrow against future earnings.

My great concern is that, if we do not develop mechanisms that will encourage small scale wind-farm developments in our communities, and which will also encourage financial benefits from wind power to flow to communities over the long term, we will see greater and greater protest against, and objections to, the construction of wind farms in constituencies such as mine. In the motion, I

allude to a number of ways in which we could encourage community ownership, and to small-scale wind-power developments that we could consider. I realise that some of the matters that I mention might be reserved.

Rental income is one way in which to encourage financial benefits into a community. One company that runs some of the wind-power developments in my constituency has voluntarily committed itself to paying £16,000 to £18,000 per year to local community councils around Beinn an Tuirc over 25 years. That is only the generosity of the company; there is no requirement for it to do that. I suggest that such a requirement is one mechanism that we should consider.

The reason why I have raised the matter in Parliament is to flag up the concerns that are starting to emerge in my constituency, which is at the forefront of developing renewable energy. It is in the Scottish Executive's interest not only to consider how we encourage community development and individual development of wind power in future, but to ensure that the communities that must put up with wind turbines for the next 100 years can see clear financial and community benefits over that period. I encourage the minister to consider closely how we might achieve that.

17:23

Robin Harper (Lothians) (Green): I congratulate George Lyon on securing the debate. It is a timeous debate, because this week has been a renewable energy week. The Executive launched its community renewables initiative a couple of weeks back and then relaunched it at Our Dynamic Earth on Tuesday, at which I was privileged to be invited to speak. Then, at the Scottish Parliament renewable energy group—SPREG—at which John Scott was present the other day, we also discussed renewable energy in the light of what the Executive has started for small-scale renewable energy developments.

There are two aspects to the debate. One is the effect of large-scale renewable energy developments and the other is how to engage local communities—as George Lyon correctly pointed out—so that they will not only get benefits from the developments, but see those benefits and want the developments to come to their areas. We should be trying to set up a mechanism whereby communities pledge to engage with big companies and help them to set up wind farms in their areas—such communities will be able to see the benefits not just for the nation and the world, but for themselves.

The cross-party group received a presentation from Angela Williams on the problems of merely

refurbishing a small-scale hydro scheme that had come into the ownership of a community in Knoydart. That presentation highlighted the urgent need for the Executive to come up with very detailed advice for local communities once they have started up their community energy schemes. Such advice is very much required.

I emphasise my strong support for the general thrust of George Lyon's speech, which was that we must find ways in which to get the big companies to engage in such schemes, not only in communities but through taking advantage of the huge possibilities that Scotland offers in the engineering sector. We have the inventiveness and the technology-development capabilities. All sorts of exciting things are happening in that area, but not enough is being done by the Executive to get all those things together in a combined thrust that will allow Scotland to make the most that it can from the development of renewable energy.

17:26

Fiona McLeod (West of Scotland) (SNP): I join Robin Harper in thanking George Lyon for bringing the topic before us. Scotland has such huge potential in renewable energy, and we have to start at the beginning if we are to ensure that we get it right so that, when we exploit that potential, we will gain benefits for everybody.

George Lyon spoke about the ambitious targets that have been set and about the fact that the Scottish Executive has put out to consultation the idea of exceeding its target of 18 per cent for renewable energy by 2010; it is hoped that it will achieve a level of 40 per cent by 2020. The minister will not be surprised to hear me say that I would like the Executive to be a lot more ambitious. Based on the current figures and on the capacity that we are already planning for, it would be possible to achieve a lot more. That is why the SNP has set targets of drawing 25 per cent of electricity from renewable sources by 2010 and 50 per cent by 2020.

Robin Harper spoke about Scotland being inventive in this area. We have a history of being inventive, but of not reaping the economic benefits of that inventiveness, which the SNP would be very keen to see. We must ask the Executive where the green job strategy is. We must ensure that we are not just dealing with inward investment by foreign companies to build wave or other turbines here. We should use the expertise that exists here and we should employ our people here in Scotland.

Much of George Lyon's speech concentrated on the worries that communities might have. Although they might be unfounded, those worries exist. When we plan for renewable energy, the SNP

would very much like it if we considered community involvement. On local plans for individual local authority areas we could, in consultation with communities, consider zoning areas for renewable energy, which would give rise to much more co-operation from those communities. Similarly, communities could reap some of the direct economic benefits. That is already happening—I am aware that Evanton community council receives a substantial sum of money each year from the wind farm in that area. We could also consider setting up trusts, through which a community would receive, say, a penny per megawatt. To deal with things in those terms might ensure that the benefits were reaped locally.

The minister will not be surprised to hear that I hope that the Scottish Executive will use its devolved powers in the matter to ensure that we go all out to ensure that renewable energy schemes go ahead. We might have to re-examine the renewables obligation Scotland scheme—ROS—to give more of a leg-up to wave power and tidal power, which have huge potential for Scotland.

We know that some of the issues that are related to renewables are reserved, but let us not worry about those. Let us go for independence, so that we can have a renewable Scotland in an independent Scotland.

17:30

John Scott (Ayr) (Con): I agree with almost everything that Fiona McLeod said—apart from her last statement, in which she lost the plot.

I congratulate George Lyon on securing the debate. Although I do not agree with the motion in its entirety, I am happy to support many elements of it. In particular, I welcome the growing realisation in the Parliament of the job creation opportunities that renewables present. Every engineering company, university department and inventor should turn their mind to developing or refining machinery that is capable of harvesting our natural resource of renewable energy.

Recently, someone said that no one comes to Scotland for our weather, but that is not true; people in the renewable energy business are coming to Scotland in numbers because of our weather. Most of them are in the wind-power business. Scottish Power, Powergen and other international companies, such as ATCO, recognise that we have a valuable wind resource in Scotland, but the problem lies in harvesting that resource. All those who are taking part in tonight's debate, including Conservative members, want a thriving renewables sector. It is absolutely vital that we encourage the development of wind farming, but only on appropriate sites. We do not

believe that Scotland should be covered with thousands of 300ft-high concrete towers. The appropriate places for wind farms are places where local communities are happy to welcome them. There is no point in forcing wind farms on communities if they are opposed to them. As with so many projects, in this instance location is everything.

That is why George Lyon's motion moves the debate forward. It is human nature that people's disapproval of wind farming might evaporate if they feel that, notwithstanding the visual intrusion or noise of turbines, they will receive benefit from them. Although it might go against the grain for landowners to give away some of their potential gain when developing sites, it might be necessary to deliver community enhancement projects from profits. That is a well-established principle in urban areas and it is known as planning gain.

Where planning gain takes the form of local electricity provision or enhancement of public facilities, it is vital to involve and seek the approval of local communities so that they feel the benefit of wind farming. The Knoydart Foundation, which, as Robin Harper mentioned, gave a presentation to the SPREG on Tuesday night, is a good example of that. Communities will be able to exercise their right to buy land under the Land Reform (Scotland) Bill, which was passed into law today, in order to build wind farms on it.

That is all very well, but significant harvesting of our wind resource will not happen unless the infrastructure—the national grid—is enhanced and upgraded. Many potentially ideally situated wind farms will never get beyond the concept stage unless the electricity that they produce can be fed into the national grid. As we all know, that capacity does not exist at the moment.

I look forward to hearing the minister's response to the debate. In his summing up, he might tell us how his plans—and those of the Department of Trade and Industry—to upgrade power lines in the west of Scotland in order to allow us to harvest our Scottish wind resource are developing. In the meantime, I look forward to hearing other members' speeches and to finding out about their views on the matter.

17:33

Donald Gorrie (Central Scotland) (LD): George Lyon is to be congratulated on lodging a well-balanced motion, which sets out the plus side of renewable energies, but indicates clearly the potential dangers posed by local concern about wind farms.

The best motor of human progress is enlightened self-interest. Some are motivated by idealism, which is very nice, but not enough

people go for that. However, if there is something for people in a measure, they may support it. I cannot understand why, if people in urban and rural areas install solar panels, they cannot gain from that. They should be able to contribute to the grid, as well as drawing from it. In rural areas, the community as a whole should benefit from the presence of wind turbines and wave machines. We need to have investment in the grid to ensure that the waves beating on the rocks of Skye can contribute to the electricity in Glasgow or London and that local people can benefit from that.

We need much more investment in advancing technologies. We nearly missed the boat on a lot of things. We could have had very much more advanced wave power if previous Governments had invested in research.

The other side of the picture is that we have to have rigorous monitoring to ensure that the renewable energy systems deliver and do not cause local troubles.

There are two sides to this. We need more investment from the Government, to get other interested parties involved in developing better renewable energies and we need better monitoring to ensure that they deliver.

A valuable underlying issue in George Lyon's suggestion is community benefit. We are not very good at considering that at the moment—it is all private enterprise and devil take the hindmost. If we can get better co-operation among communities and make it worth while for them to co-operate, we will improve the quality of life of a lot of people. The issue is important and I hope that the minister will take it seriously.

17:36

Mrs Margaret Ewing (Moray) (SNP): I congratulate George Lyon on bringing this debate before the Parliament, because I think that the issue is extremely important.

My memory goes back far enough for me to remember the days when Tony Benn was the Secretary of State for Energy in the 1970s. Those members who read what I sometimes find to be his very tedious diaries will know that he ruled in favour of nuclear energy rather than Salter's duck and claimed that he had been misled by civil servants.

The SNP's record is substantial on this issue and Fiona McLeod has expounded the party's policy on it, so I will not rehearse our stance.

When we talk about renewable energy, we discuss aspects other than wind power. My understanding is that the wave power experiments that we have held in Scotland have examined only onshore wave power and not offshore wave

power. That matter should be considered and I think that there is a strong demand to see more research and development in Scotland on renewable energy. We welcome what is being done, but a centre for excellence, perhaps based at Robert Gordon University in Aberdeen, would be helpful.

Robin Harper: I hope that the member will be glad to know that Ocean Power Delivery Ltd is shortly to test an offshore system.

Mrs Ewing: That is good news indeed. I thank Robin Harper for that information.

I want to make a couple of points quickly on the communities that now face wind farms. Earlier this week the Minister for Environment and Rural Development approved the development of Cairn Uish in my constituency, which will be the biggest wind-farm site in the UK, producing 56MW, which is 10 per cent of Scotland's renewable energy target for 2010 and one third of Moray's domestic, industrial and public sector needs. Constituents raise with me the question whether it will make any difference to their costs and the use that they have or whether it will all just go into the national grid.

The Executive is also considering proposals for Paul's Hill at the moment. People in my constituency want me to ask why, if the Executive has considered two sites—which I visited and where, I have to say, I rather inelegantly fell off an agocart—there are three further applications in the Moray Council area.

There is a genuine concern that that beautiful part of Scotland is going to become just a mass of wind farms. Some of the industries, such as the whisky industry, are worried about the impact that that might have on the area. We should look more effectively at the planning procedures and ensure that it is not just certain parts of the country that take all the renewable energy wind farms, but that they are spread across the whole of Scotland.

17:40

Tavish Scott (Shetland) (LD): It is nice to see Mrs Ewing speaking in the chamber this afternoon.

I have some sympathy for the minister, who has had to sit through two days of land reform, although by the look of his winding-up speech in the stage 3 debate he was thoroughly enjoying himself. We look forward to a thoroughly entertaining winding-up speech this evening.

Margaret Ewing raised an interesting point. Policy makers and Government have to confront two important dilemmas with renewable developments. The first is the concerns of communities, representatives, environmentalists and environmental non-governmental

organisations about the siting of renewable energy developments. As George Lyon—my colleague who has brought this debate before us—said, that conflicts with the desire to reduce greenhouse gases and develop renewables to meet the United Kingdom's energy needs.

The second dilemma, which is equally important, is the desire of consumers and the Office of Gas and Electricity Markets for cheap power, against the requirement to upgrade transmission lines and the national grid, in order that we can move the renewable power from areas such as the constituencies of George Lyon and Margaret Ewing into areas of Scotland where the power is needed most, in other words where the great mass of our population lives. Those are two fundamental policy issues that we must confront.

I share Robin Harper's enthusiasm for the Scottish community renewables initiative. I have two thoughts on that. The potential for the draughty public hall in many outlying areas to be warm all through the winter, so that youth groups or whatever can take advantage of that, and so that the snooker table's cloth is not so slow that the ball hardly crosses the table, is considerable. The fact that grants of up to £100,000 are available is highly desirable, as is the fact that grants are now available to individuals. I suspect that the minister's budget will quickly be exceeded, because the demand for such projects will be considerable. That is only to the good, because the issue is also one of raising awareness and helping to confront the dilemmas that I mentioned by encouraging an understanding of renewables and developing it.

I was pleased on Tuesday night to attend the Shetland renewable energy forum in Scalloway, instead of my group meeting—it was preferable to my group meeting. At that we discussed a series of issues, and I will reflect on one or two of them. One of them was the point that George Lyon made about community ownership of, or involvement in, the development of renewable power. The planning bill that an Executive will bring forward after May will provide an opportunity to consider such issues. I hope that such matters are considered in the minister's discussions with his planning colleagues. I know that Shetland Islands Council and Highland Council and, I presume, others are examining carefully the provisions that could be put into such a bill to deal with some of the issues that Margaret Ewing rightly raised, and the point that George Lyon raised about community involvement.

It would be remiss of me if I did not quickly mention one of the great problems with renewable developments, and that is the disgraceful activities of the Crown Estate Commission, which will take money away from, and affect the financial viability

of, renewables offshore, because it will charge for the use of the seabed. As I have politely suggested to him in the past, I hope that the minister will continue to make representations to colleagues south of the border on removing such a power.

I have one final thought, which concerns the benefits to engineering and the potential manufacturing benefits. We need to develop the industry by using the engineering talents that we have in many parts of Scotland—not least on the Clyde—to develop the necessary manufacturing techniques and to use that expertise for the development of what can be a great Scottish industry for the future.

17:44

Stewart Stevenson (Banff and Buchan) (SNP): I thank George Lyon for giving us the opportunity to discuss this important topic. As my colleague Fiona McLeod made clear, SNP members are enthusiastic about the future role of renewables in Scotland. She asked me whether I could come up with an idea for exploiting one resource that we have not talked about: rain. I know that that is exploited through hydropower, but I have come up with another idea. You never know—I could be a millionaire yet.

We are at a crossroads. About 100 wind farms might be constructed in Scotland in the coming years, if the Executive rubber-stamps everything. We must ensure that we take the right direction, especially for our rural communities, which will be directly affected by the construction of such wind farms.

How do we get that right? We must think about several issues. It is all very well for the commercial companies that develop the wind farms graciously to provide some funds for local development, but that must be part of the process and locked in—not just an act of good will.

I say to Tavish Scott that we must ensure that we are not snookered by the objections of those who live closest to wind farms. Perhaps they should benefit from the cheaper power sources. Some who live next to proposed wind farms are concerned that their houses are being devalued. It would be great if those houses were heated for free by the commercial wind farm that was on their doorstep. I know that difficulties are encountered in stepping down voltages for domestic use, but they are solvable. In our more rural western and north-eastern communities and in other rural communities, that would be a huge benefit.

Fabrication yards will be needed to manufacture turbines. We have one; let us get more.

Other members referred to the national grid. What they talked about will not happen unless we have the capacity to take the product to market.

My constituency has a large gas-fired power station, but one third of its capacity cannot be operated as the facility to take away the product does not exist. Because of that absence, we lose many benefits.

For local communities that have wind farms on their doorstep, we need a rigorous and clear planning process. Some of my constituents in Stoneyhill near Peterhead are exercised by the prospect of a wind farm near them. We need clear evidence and criteria—not just a preset agenda in support of renewables—to determine the decisions on any planning requests.

Evidence that was published in 2000 said that wind farms were viewed more favourably after their construction by people who lived closest to them, but a parliamentary answer says that that survey had some technical flaws. My conversations suggest that those flaws are purely technical. They might or might not invalidate the results, but we need clarity. I hope that the minister can tell us that that will be sorted out soon.

We look to the minister to assure all of us whose constituents might be affected by wind farm developments this year, next year or in the coming years as we proceed to the Executive's target, or our target, that we will consider the needs of the people who live close to the wind farms and protect them from any actual or perceived disadvantages.

17:48

Mr Jamie McGrigor (Highlands and Islands) (Con): I agree with the thrust of the motion, but I also agree with John Scott that attention must be paid to local communities' concerns about the siting of wind farms when they impinge on people's lives. I have heard many concerns about wind farms from people in the Inverliever area of Loch Awe side and from residents of Skye.

I am excited by the suggestion that an enormous ocean energy plant might be established off the Western Isles. Construction might revitalise the Arnish yard in Stornoway, which would be enormously important for that town, just as the construction of the Vestas factory at Machrihanish has been important for Campbeltown.

I will talk briefly about a subject that I raised during the Executive debate on forestry the other day. It would be a good idea to put the non-fossil-fuel premium on forestry wood chips. That would open up a new industry in Scotland with a material that is carbon neutral and eternally renewable and can be used for heating and light. In Malmö in Sweden, 100,000 houses are heated with that material. A pilot project near Lochgilphead in Argyll heats some 50 homes.

Putting the non-fossil-fuel premium on wood would give an added bonus to the forestry industry, which is going through a hard time. It would also allow extra employment through the creation of new mills. Finally, it would cut down on the waste of forest products, which would mean tidier and cleaner forests in Scotland.

17:50

The Deputy Minister for Environment and Rural Development (Allan Wilson): Like other members, I want to express my appreciation to George Lyon for securing today's debate. I applaud his commitment to the development of our rural communities; it is a commitment that is well known in the chamber.

I will touch on the comments that three or four members made about the grid. The introduction last year of the renewables obligation to Scotland prompted a huge increase in the number of applications for consents for large and small renewable energy projects. Those projects require hooking up to the grid, which is a reserved issue and one that is primarily a matter for the operators of the grid.

I reported to the chamber comparatively recently that progress continues apace in discussions that are taking place between the Department of Trade and Industry, the Scottish Executive, the operators and Ofgem, with a view to a fair and equitable charging mechanism that will help to pay for investment in the grid being introduced. I say to Fiona McLeod that far from facilitating that process, independence would be the death of it. We need a single market in energy across the United Kingdom and a fair and equitable distribution mechanism to finance improvement in the grid. We cannot rely only on Scottish consumers, as that could force up electricity prices and might not finance the investment that is required.

Stewart Stevenson: Does the minister accept that, as the UK exports electricity to other states, the market is not confined by the boundaries of the current state?

Allan Wilson: Of course we export energy. We also wish to continue to export energy. For the SNP's targets to mean anything in terms of Scotland having a market for the final product, we have to get electricity to the consumer in the south of England and, preferably, beyond. In order to do that, we have to upgrade the interconnectors in England. If we are to do that, we have to invest. Where does the money come from? It comes from the consumer—the UK consumer—and, for a fair and equitable charging system to be applied to pay for that investment, a single UK energy market is required. The SNP's policy of independence in

relation to energy production and its distribution is fatally flawed. Anyway—where were we?

I believe that most of us agree with George Lyon that Scotland's communities should share in the economic and environmental benefits that are associated with the new developments. To illustrate the wider benefits, we can point to the establishment of the Vestas wind turbine facility near Campbeltown, which created 150 new jobs in an economically deprived part of George Lyon's constituency. The 65 new jobs that have been created in our island communities have also been mentioned.

The wider position is not always the most important. The crucial aspect of the motion is that it acknowledges the opposition that some projects engender at the local level and calls upon the Executive to ensure that local communities can and do benefit from the projected increase in developments.

I agree fundamentally with the motion. I am a wee bit worried by some of the noises that the nationalists and the Tories have made. It is one thing to set targets and aspirations and for members to stand up in the chamber and say how much they support renewable energy projects, but if their troops at local level go out and support or engender opposition to planning applications, those people are frustrating the parties' objectives. The Opposition parties have to address that challenge.

Fiona McLeod *rose*—

Allan Wilson: I have to move on—I think that the SNP gets the point I am making. It is simply not possible for planning applications to be rubber stamped or for people to ride roughshod over them, and nor should it be.

This week, as Margaret Ewing mentioned, Lewis Macdonald announced the first section 36 wind farm consent in Scotland, at Cairn Uish in Moray. Cairn Uish serves as an example of how such developments can benefit local communities in terms of construction jobs and subsequent employment. We are talking about millions of pounds-worth of contracts.

More important—to answer a point that Fiona McLeod made—the developer, in line with industry best practice, has provided for a community trust fund to develop community projects in Margaret Ewing's constituency. The fund will give thousands of pounds to community projects each year during the lifetime of the scheme. That is how to demonstrate to local people the benefit of renewal energy projects and how to overcome some of the opposition to the construction of such farms that can arise.

In that context, today's debate is timely. As Robin Harper said—he was there—we launched a

major initiative last week to encourage the uptake of renewables technologies by Scottish communities and householders. Some £3.7 million will be made available over the next three years for the Scottish community renewables initiative grant scheme. That will enable grants to be made available for communities to set up renewable energy projects in schools, hospitals and community centres, for example. We have also established the first network of community renewables advisers throughout Scotland to assist those communities to take their first steps.

Robin Harper: In the light of John Scott's vision of wind farms marching across Scotland, does the minister agree that it is important to reflect that even if we exploited commercially available wind power in Scotland to the absolute maximum, it would take up no more than 3 per cent of Scotland's surface land area?

Allan Wilson: Yes—hence the importance of other sources of renewable energy generation, not least wave and tidal power, which other members have mentioned. My priority, which is possibly shared by all members in the chamber, is to get those projects off the drawing board and into production so that we can begin to receive the benefits of the technology to which members have referred. In theory, such technology exists, but it has not proven itself in practice in respect of wave and tidal energy production.

Tavish Scott spoke about the potential for district heating schemes. We will support heat and electricity projects under the Scottish community renewables initiative. We want that to act as the first step towards developing a viable network of businesses specialising in the installation of renewable energy technologies to community and household properties throughout Scotland. The initiative can perform an important task by educating and demonstrating to the wider public how our communities can benefit from renewable energy development.

The recent injection of new funds to which I referred has created tremendous interest. We have received more than 100 expressions of interest since the launch of the grant scheme last week. That is indicative of the potential. We will also financially support the establishment of a wave test centre off the coast of Orkney. I expect to make a further announcement about that shortly.

We will continue to urge full and proper involvement of local interests in communities in renewables development and continue to empower communities to set up their own renewable energy projects—as George Lyon wishes—so that they can reap the economic and sustainability benefits that such schemes can afford.

I assure Tavish Scott that I will continue to press the Crown Estate Commission in respect of its tax of the foreshore so that we can return the foreshore to the people.

Fiona McLeod: That could take 100 years.

Allan Wilson: I hasten to add that the last part of my speech was not in the ministerial script.

The Deputy Presiding Officer: We love it when the minister ad libs. Are you finished?

Allan Wilson: Yes, thanks.

The Deputy Presiding Officer: I am sorry—it was not clear that you had.

That concludes today's business.

Meeting closed at 17:59.

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