

MEETING OF THE PARLIAMENT

Wednesday 23 November 2005

Session 2

£5.00

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Scottish Parliament

Wednesday 23 November 2005

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Mr George Reid): The first item of business is time for reflection. Our leader today is Father Joe Boland, parish priest of St Matthew's in Kilmarnock.

Father Joe Boland (Parish Priest of St Matthew's, Kilmarnock): There is an incident in the Old Testament that immediately came to mind when I was invited to lead time for reflection today. Solomon has just become king, on the death of his father, David. One night, not long afterwards, he has a dream. Dreams often reveal our anxieties or arise out of our deepest longings, and Solomon's is no exception. In the dream, God asks Solomon, "What would you like me to give you?" and Solomon replies by telling God how inadequate he feels. He is young, unskilled and inexperienced in leadership, and surrounded by a people who expect so much of him.

Far be it from me to suggest that you are inadequate or unskilled in leadership—perish the thought—but in parliamentary terms you are young, only six years old, and so, like Solomon, inexperienced in leadership. Who could doubt that, like him, you are surrounded by a people who, six years ago, had such high expectations of you? Given the parallel between Solomon and yourselves, it may be useful to hear what he asks for in the dream: "Give your servant a heart to understand how to govern your people," he says, "and how to discern between good and evil, for how otherwise could anyone rule this people?"

What Solomon asked for was the gift of discernment of spirits. In this context, the spirits are the things that move and motivate us. Some are healthy, constructive and life-giving; others are unhealthy and destructive and can never lead to anything good. As Jesus himself says in the most basic of all rules for discernment, "A rotten tree cannot produce good fruit." So the key is to distinguish between the different spirits as they move us, to separate them one from another and, most crucially of all, to make all our decisions on the basis of those that are healthy and lead to life, having no truck with those that are destructive and that can only be a source of trouble for ourselves and others.

Parliaments exist, of course, to make decisions, and the decisions that you make have long-term

implications for the people of Scotland. So it is vital that, to use the language of discernment, your decisions emerge from the movement of good, not bad, spirits—and you can be sure that both are at work in this place. Among the bad spirits that will be hard at work here are the spirits of personal ambition, narrow self-interest, greed, jealousy, envy and—most corrupting of all—hunger for power. If you make your decisions influenced by those things, then, as surely as night follows day, your decisions will be bad ones. Only if they are made under the influence of what we call the good spirit can your decisions ever be good for the people of Scotland. Allow yourselves to be moved at all times by the spirit of humility, generosity and service of others. Then your decisions will be good ones.

Points of Order

14:34

The Presiding Officer (Mr George Reid): I have received notice of at least two points of order and one motion without notice, which I intend to group and take now.

Nicola Sturgeon (Glasgow) (SNP): On a point of order, Presiding Officer. Have you received any request from the First Minister, under standing order 13.2, to make a statement to Parliament on the rules governing the removal of asylum seekers from Scotland?

You will be aware that in recent weeks the First Minister gave assurances to the Parliament that the inhumane practice of dawn raids would materially change in Scotland following on-going negotiations with the Home Office. On 29 September, he stated that

“a clear protocol should be established”.—[*Official Report*, 29 September 2005; c 19655.]

Therefore, I am sure that the Presiding Officer will understand the concern that has been caused among members by the Home Office statements of yesterday that flatly contradict the First Minister. Those statements make it clear that there will be no protocol, no significant change to the practice of dawn raids in Scotland and no negotiations with the First Minister. I understand that it has now emerged that the First Minister has never even raised the issue of dawn raids with the Home Office—a quite astonishing revelation in the light of his previous comments in the chamber.

There are glaring discrepancies between the statements made by the First Minister in this chamber and those made by the Home Office. In the light of those discrepancies, the First Minister has a duty to explain the situation, here in the Parliament to which he is accountable.

Patrick Harvie (Glasgow) (Green): On a further point of order, Presiding Officer. As Nicola Sturgeon says, rule 13.2 of standing orders requires members to notify the Presiding Officer of their wish to make a statement to Parliament. For the past two months, we have heard repeated assurances and commitments. Nicola Sturgeon mentioned the reference to the matter on 29 September, when the First Minister also stated that the Home Secretary

“has agreed that the establishment of such an agreement in Scotland and, perhaps, elsewhere would be advisable.”—[*Official Report*, 29 September 2005; c 19655.]

On 27 October, the Deputy First Minister assured the Parliament that

“the First Minister and the Home Secretary have reached an agreement in principle on the issue”.—[*Official Report*, 27 October 2005; c 20097.]

He also made it clear that the protocol would change existing practices—which are known as enforcement home visits to the Home Office and as dawn raids to the rest of us—rather than entrench them.

Yesterday, as the Presiding Officer will know, the United Kingdom immigration minister, Tony McNulty, gave a clear statement that there would be no protocol and no separate arrangements in Scotland, regardless of our devolution settlement and the distinctive child protection mechanisms that exist in Scotland, and without much regard for the First Minister either. Since the scotching of the idea is clearly an outcome of the negotiations, on which the First Minister and the Deputy First Minister both promised to report back to Parliament, will the Presiding Officer tell us whether he has received a request to make a statement? If he has not, will he undertake to investigate whether any of the assurances, commitments and other such utterances that we have heard from ministers may be seen to have misled Parliament and to constitute a breach of the ministerial code?

The Presiding Officer: Margo MacDonald has a motion without notice.

Margo MacDonald (Lothians) (Ind): I apologise, particularly to the Minister for Finance and Public Service Reform, but the matter has only just arisen. I hope, Presiding Officer, that you will look favourably on my request to move under rule 8.2.6 a motion without notice, which reads:

“The Parliament requests that the First Minister should make a statement on the discussions that have taken place between himself and Home Office Ministers concerning the methods used to remove failed asylum seekers from Scotland in the light of his spokesman’s statement at lunchtime today making plain that the FM had not reflected this Parliament’s opposition to the dawn raids in his meetings with Home Office Ministers to date, and Parliament further believes that in advance of his meeting tomorrow with the Home Office Minister McNulty he must re-state the Scottish Executive’s position on this matter.”

The two previous points of order covered most of the ground that I want to cover.

I appeal to my fellow members of the Scottish Parliament, regardless of which part of the chamber they sit in, to take the matter seriously because, outside the chamber, there was an expectation and a clear understanding that this Parliament—in the person of the First Minister—would stand up for values that we hold dear. The motion is intended not to deny the right of the Home Office to make policy but to assert our right to do the correct thing and the moral thing—as a Parliament, we have a duty to do that. We also have a legal responsibility. We do not need to go into that too deeply today, but we must know what has been said, what has been left unsaid and what

should be said tomorrow in order to speak for this Parliament.

The Presiding Officer: I will deal with those matters, but there may be further points of order.

The Minister for Parliamentary Business (Ms Margaret Curran): I welcome the opportunity to respond briefly. I did not know that these matters were going to be raised until I came to the chamber. We may discuss that later, during the debate on the business motion.

I appreciate that many members have a long-standing commitment to supporting asylum seekers and refugees in Scotland and to meeting their needs. A good number of the members who are concerned about those issues are members of the partnership parties, which is why they supported the motion that was lodged.

Let me be absolutely clear: there is no requirement for a statement from the First Minister or from anyone else because there has been absolutely no change in the position of the First Minister or of the Scottish Executive.

Mr John Swinney (North Tayside) (SNP): What about the Home Office?

Ms Curran: I ask Mr Swinney to allow me to continue. Any change that there may be in the practice of the Home Office would be a result of the Executive's intervention. I would have thought that that might have been welcomed as a sign that we were doing our job, but I can understand that that gives Mr Swinney some difficulty.

In the parliamentary debate on the issue that was held in September, it was agreed that Scottish ministers should continue discussions with Home Office officials with a view to reaching an agreement that Home Office officials would work closely with services for children and young people before the removal of any family. I give the Parliament an absolute assurance that that is exactly what is being done and what will continue to be done. Time and again, the First Minister has made that clear.

The Parliament has a number of opportunities to hold the First Minister and other Scottish Executive ministers to account on the views that the Parliament expresses and the work that ministers undertake. Tomorrow, we will have such an opportunity at First Minister's question time. That slot provides members with a regular opportunity to question the First Minister and I urge members who have concerns to raise them then.

The Presiding Officer: This is an important and serious issue. The answer to the question that Ms Sturgeon and Mr Harvie asked, which was whether I have received a request from the First Minister to make a statement, is that I have not. Mr

Harvie further requested that I conduct an investigation. That is most certainly not a matter for me, as Presiding Officer. If it is a matter for anyone, it is a matter for the First Minister, as well as for the ministerial code.

In relation to Mrs MacDonald's request, I am not persuaded to set aside the business that Parliament has decided for today. I will give my reasons. The business motion will be contested by three amendments tonight, which will provide around 20 minutes of further discussion. As the Minister for Parliamentary Business has said, the matter will be the subject of at least one set of questions during First Minister's question time tomorrow. Therefore, Mrs MacDonald's request is declined.

Local Government Finance Settlement

The Presiding Officer (Mr George Reid): The next item of business is a statement by Tom McCabe on the local government finance settlement for 2006-07. The minister will take questions at the end of his statement, so there should be no interventions.

14:43

The Minister for Finance and Public Service Reform (Mr Tom McCabe): The purpose of today's statement is to outline to Parliament information that is important to both the public sector and the private sector. I will announce details of the local government finance settlement for 2006-07, as well as the non-domestic rate poundage and the small business rate relief supplement for the same period. In addition, I will have some good news for renewable power generators in Scotland.

We acknowledge that, in many respects, we have excellent public services in Scotland, but we are also in no doubt that they need to get much better. Local authorities deliver essential public services and the people of Scotland rely heavily on the core services that they provide. We are determined to secure improvements in the quality of those services for the benefit of everyone who lives and works in Scotland.

Following last year's spending review, I announced the local authority grant figures for the years 2005 to 2008. Those figures remain largely unchanged, although there are a few changes that I will explain shortly. However, there are important qualifications to the figures that I will announce today. Discussions continue with the Convention of Scottish Local Authorities about provision of more resources in specific areas, such as teaching, implementation of our smoking legislation, provision of additional support for Gaelic and reprofiling in connection with concessionary fares.

Today's provisional figures will enable councils to get ahead with setting their budgets for 2006-07 and will afford them the opportunity to comment on any details that require clarification. In submitting their comments, I expect councils to say not only where they think they have lost out but where they think they have been allocated money that is due to another authority. I expect openness, professionalism and transparency on all sides.

The local government finance order will allow final figures to be debated in February 2006; the order will create the statutory basis for the revenue support grant payments. With that qualification, I

can confirm that the revised level of Scottish Executive grant support for local government core revenue services for the next two years is £8.3 billion in 2006-07 and £8.5 billion in 2007-08. Those figures represent year-on-year increases in total aggregate external finance of 3.2 per cent and 2.3 per cent—a cumulative increase of 5.6 per cent over the two-year period.

Those amounts build on the substantial sums that have been invested in local government in previous years. By the current year, funding increased by almost £2.6 billion, or nearly 47 per cent, in the six years since 1999-2000. By the end of the current spending review period, funding will have increased by more than £3 billion—nearly 55 per cent—since 1999-2000. The increases year on year for each council vary, of course, but the averages of 3.2 per cent and 2.3 per cent are for all of Scotland.

The increases have, of course, to be set in the context of our efficient government programme. We believe that the efficiency target of £325 million that has been set for local government is achievable. Councils can retain £125 million of that to reinvest in front-line services. The level of grant announced today—together with those reinvested efficiency savings—will provide sufficient resources for front-line services over the next two years in a way that we believe will allow councils to exert downward pressure on tax levels.

Based on current figures, the extra funding that we are making available, together with what councils would get if they raised council tax in line with inflation, will enable councils to increase their total revenue spending on core services by more than £300 million and £540 million in the next two years. Every percentage point by which they can raise their council tax collection rates would add another £17 million to those totals.

I accept that there will be tough decisions for councils, which are facing a range of pressures. Some of those pressures are demand led and none could have been foreseen at the previous spending review. I have previously said that I would consider the case for additional resources for 2007-08 and I confirm that today. However, I emphasise again that a key determinant of how much progress we can make will be the performance of local government towards the efficient government targets.

That said, it is only right that I inject a note of caution. Our resources for 2007-08 are already committed and, following the Chancellor of the Exchequer's recent decision to postpone the next spending review until 2007, there is now no prospect that the Scottish block will be increased before then. Our room for manoeuvre is therefore extremely limited, so it becomes all the more important that councils work with us to

demonstrate that they are playing their part in delivering—and, where possible, exceeding—the efficiency targets that we have set. Work on providing the evidence for that is well advanced and I expect a report in the near future.

All that I have announced so far is designed to maintain and improve the standard of services that are received by taxpayers across Scotland. They rightly take great interest in that, but they also have an interest in the amount of local tax they pay. I have already said that the announced figures should allow councils to exert downward pressure on tax levels and, with the proper approach from all sides—including the Executive—the discussions that we will have on next year's settlement should contribute to that.

Notwithstanding those discussions, it is fair to say that the Convention of Scottish Local Authorities has expressed the view that our aspirations are challenging. We believe that they should be. We believe that councils can do much to ease pressures, to maximise their income and to ensure that spending is properly focused on their priorities. As I said, improving council tax collection rates will be an important part of that process.

In keeping with previous settlements, the Executive and COSLA have agreed on a stability measure—known as the floor—to protect councils that have declining populations. The level of the floor was set in the previous settlement and is unchanged. It guarantees that councils that have declining populations will receive increases in grant support of at least 2 per cent in 2006-07.

I turn now to non-domestic rates. Few people would challenge the proposition that a successful economy is key to our future prosperity. Such an economy should be populated by successful businesses that drive our economic growth. In that respect, we are helping business in a variety of ways and, within the resources that are available to us, we continually seek to target rates relief where it will provide maximum benefit.

In my statement on 6 October, I said that we will from 1 April next year reduce by half the gap between the Scottish and English poundage rate. In 2006-07, the poundage rate for Scotland will be reduced from 46.1p in 2005-06 to 44.9p. A technical note that explains how the figure was derived will shortly be published on the Scottish Executive website.

The 2005 non-domestic rating revaluation showed that, on average, rateable values in Scotland had increased by 13.3 per cent, compared with 17.7 per cent in England. As a result of our policy of limiting rates increases to the level of inflation or below, the rates burden on Scottish businesses has, relative to England, also

been falling over the past five years. That and the 2006-07 poundage rate will ensure that businesses here will have significantly reduced operating costs, which will give them a greater competitive edge. I look to them to take full advantage of that opportunity in the interests of our economic competitiveness.

I turn now to the small business rate relief scheme. After an independent evaluation and further consultation, the scheme will continue in its present form, which means that about 72 per cent of non-domestic subjects in Scotland will continue to receive rate relief of up to 50 per cent. I also announce that the supplement on the poundage rate payable by larger businesses to cover the additional costs of the scheme will be reduced to 0.4p from 0.45p in 2005-06.

On renewable energy and our on-going commitment to generate 40 per cent of Scotland's electricity from renewables by 2020, I should first point out that offshore wind farms are not rated in England and Wales. Where practical, we wish to harmonise our rating practice. As a result, we will soon introduce a statutory instrument to bring the Scottish position into line with that south of the border and we will ensure that the instrument is in force before the first offshore wind farm comes into operation.

More generally, we are committed to developing Scotland's tremendous renewable energy potential and to supporting as wide a range of technologies as possible. We want new jobs and potentially a new industry that places Scotland in the lead. Renewable energy will provide a substantial contribution to Scotland's economy and it will safeguard our environment from harmful emissions. In the years to come, such technologies will give our economy a competitive and comparative advantage. I therefore intend to issue in the first half of next year a consultation document on possible rates relief for renewable generators and thereafter to make an announcement on the way forward.

Today's announcements build on already high levels of investment and will underpin better services for the people of Scotland and better opportunities for business in Scotland. They will help to improve our quality of life, provide new opportunities and contribute to closing that all-important opportunity gap by drawing more people into economic activity. That process will offer our society increased stability and security.

I commend the measures to the Scottish Parliament.

The Presiding Officer: I will allow 20 to 25 minutes for questions to the minister on issues that were raised in his statement.

By the way, I advise members that, because of opposition to tonight's business motion and another motion, I have to find 20 to 25 minutes of extra time. Members should take that as an early warning that decision time tonight might be at about 5.15 pm.

Mr John Swinney (North Tayside) (SNP): I thank the minister for the statement and for advance sight of its contents and I welcome his announcement on the offshore renewables sector.

The statement bears a remarkable similarity to the local government settlements that were delivered by numerous Conservative secretaries of state, who added new burdens to local authorities, but did not provide new funding to deliver those burdens and demanded efficiencies to make up the difference. Does the minister remember that in the old days he used to attack those dreadful settlements from the Conservatives? Does he accept that once inflation is taken into account, the grant to local authorities will fall by £10 million by 2007-08? Is the minister aware that COSLA has identified more than £200 million in extra costs that local authorities will have to pick up in the next financial year, beyond the pressures that were referred to in his statement? In the light of that factor, will the minister confirm to Parliament his view that no council should increase the council tax by more than 2.5 per cent in the forthcoming financial year?

Will the minister also consider two possible measures to improve the financial position of local authorities? First, will he consider allowing local authorities to retain all of the £325 million in predicted efficiency savings for investment in their front-line services? Secondly, will the minister consider allocating to local authorities some of the £220 million that is held by the Treasury and is not yet allocated to public spending programmes—which he confirmed in a parliamentary answer to me on Monday—to assist in the delivery of key front-line services? If the minister refuses to accept the case for greater support to local authorities, does he understand that he will be responsible for inflicting significant council tax increases on already hard-pressed council tax payers throughout Scotland?

Mr McCabe: If ever there was an example of a distortion of the actual position, that was it. Mr Swinney is right, although I have been in a position that I do not think he has ever been in: I have been leader of two councils, during a period that is incomparable to the one in which councils now exist. I was leader of a council when we had to take horrible decisions because the Conservatives tried to devastate local democracy and local accountability.

In the five or six years since the turn of the century there have been increases that I was

never able to see as a council leader. Those increases amount to something like £2.6 billion by 2007 and £3 billion—or 55 per cent—by 2008. I have had discussions with local authorities in the past 24 hours, and they acknowledge that there have been significant increases in the resources that have been made available to them. Of course, they also say that in 2005 they are delivering services of greater volume and greater quality, but so they should be, given the significant level of public resources that has been pumped into the services that they deliver. However, they have acknowledged the extra resources; Mr Swinney is wrong to deny that, because what he says does not reflect the accurate position in Scotland.

I am a wee bit confused. On the one hand, when it comes to efficient government there are those who say, "You won't meet all the targets you've set—it's unrealistic." On the other hand, Mr Swinney tells me that all those savings I have identified for local government should be retained in local government. Those two positions are inconsistent.

On Mr Swinney's second point, I am sure that he was listening attentively to the statement and that he read in detail the copy that the Executive provided in advance of my making it. I made it clear that I am willing to discuss with COSLA the settlement for 2007-08, subject to a range of other conditions. Not least among those conditions is councils' performance relative to efficient government, their willingness to ensure that they focus resources on their priorities—as we are doing in the Scottish Executive—and the strong requirement that they pursue the highest possible level of council tax collection. Against that background, I am willing to discuss how we could assist in next year's settlement.

Mr David Davidson (North East Scotland) (Con): I thank the minister for the copy of the statement that I received before we came here today.

However, it is not smoke and mirrors that we have; what we are getting this week is rod now and carrot later, by the sounds of it. I find it unbelievable that the minister can talk about reduced operating costs and a greater competitive edge for business when his Government made the situation worse by increasing business rates in the first place.

The minister has identified £325 million of efficiency savings—although obviously if COSLA is discussing that with him it means that it disagrees. Where does the minister think those savings will come from? Can he spell out exactly what councils should be doing? Has he identified any benefits to councils that have resulted from savings on those fronts? Will the savings come

from jobs, from service cuts or from increased council tax?

The minister spoke about recognising demand-led pressure and COSLA talks about new burdens. How much has the minister allocated to allow for those pressures, which he recognises? I would like an answer because his statement was ambiguous: he said that some money may be available in 2007-08, only on the following page of his statement to say that the Executive has committed all its resources. Will the money come out of the war chest that he is so obviously building?

Mr McCabe: Business in Scotland has warmly welcomed the initiatives that we announced on business rates. It has welcomed year on year over the past five years the fact that we have held increases to the rate of inflation or below. I know from representations that I have received that business will welcome again today our announcements on renewable power. It will welcome the fact that here in Scotland there is a Government that acknowledges the needs of future generations by ensuring that we produce adequate quantities of power from renewable sources.

It is remarkable to listen to someone such as Mr Davidson. What percentage of our people was economically active when his Government was last in power? The greatest-ever percentage of our people is economically active now. We have, second to only one other country in Europe, the highest number of people in gainful employment. Those conditions bear no resemblance whatever to the conditions that existed when Mr Davidson's party was last in power, when millions of people were unemployed. I make no apology for saying that again. Then, macroeconomic conditions were in freefall and a Chancellor of the Exchequer almost ruined our entire economy. A Conservative chancellor made a fool of our entire country by dancing in and out of the Treasury and forcing mortgage rates through the roof. He forced hardworking families out of their homes because his Government was incapable of running an economy, yet the Conservatives have the cheek to criticise a situation in which people in Scotland are enjoying levels of prosperity that are unprecedented in our history.

Des McNulty (Clydebank and Milngavie) (Lab): I thank the minister for his statement, but I make reference to the fact that several of the authorities that will be at the floor have declining populations and high levels of multiple deprivation. Instead of setting an arbitrary figure for the floor, will the minister consider the same kind of arrangement that exists for the Barnett formula? That would allow a declining population to impact on new money only at the margins, rather than on mainstream grant-aided expenditure.

Mr McCabe: I am more than willing—I have said so to the Convention of Scottish Local Authorities—to look at the overall distribution methodology. Over the years, initiatives could have been taken but, because of the required collective nature of decision making, such initiatives have been difficult to implement.

I recognise that there are authorities in Scotland that consistently hit that floor calculation and over time they are being prejudiced. There are many views about how that situation could be rectified, but I am more than willing to confirm that I am keen to discuss with COSLA how we can re-examine the distribution methodology. There are authorities that are consistently challenged and unless we take corrective action—which requires a collective decision by all local authorities—that situation will continue. That would be unacceptable.

The Presiding Officer: Following those opening questioners, I would be grateful for shorter questions and answers.

Mark Ballard (Lothians) (Green): I thank the minister for advance sight of his statement and for his clear support for the renewable energy industry in Scotland. In that context, I very much welcome his commitment to harmonisation of our rates for offshore wind power with those south of the border. I also welcome the consultation on rates relief for the wider renewables industry.

Is the minister aware of the issues around the changes to rates for the energy generation industry that came into effect in April 2005? Since then, rates have not been set by prescription; they are set by local ratings officers. That has meant that rates have increased by a factor of four for many renewable energy generators, whereas the rates for coal, oil and gas generators have declined. Does the minister accept that that situation cannot continue if the renewables industry is to meet the potential that the minister set out in his statement? Can the minister therefore confirm that there will be not just a consultation, but real rates relief for renewable energy generators that face that fourfold increase in their ratings?

Mr McCabe: I would not dream of pre-empting the consultation. People in public life are accused often enough of issuing consultations on matters that the public think are predetermined. It would be very wrong of us to do that. I hope that what I said about the importance of renewable power shows that we are keen to consider ways of assisting that industry. We recognise its worth to the Scottish economy and the service that it will do for future generations, as sewerage and clean water have done for us. One of the crucial legacies that I believe we will leave to future generations is the ability to generate power sustainably and dependably.

We are mindful of the needs of the renewables industry and we are willing to work with it. I have received various representations from different sectors of industry and there are conflicting views about the best way ahead, but I will continue discussions and I will be receptive to suggestions.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I thank the minister for his statement, which challenges local authorities to improve their efficiency. I particularly welcome the commitment to maintain the system of small business rate relief, which makes a real difference to the 72 per cent of Scottish businesses that are better off under the scheme. I ask the minister to confirm that that excellent system will be maintained with equalised rates.

Does the minister agree that local authorities must be responsive and accountable to their electorates, and that that aim cannot be achieved should local authorities face replacement of the council tax by a nationally set service tax? Does he also agree that we cannot responsibly legislate for an end to the unfairness of council tax without consensus in Parliament on which system should follow in its wake?

Mr McCabe: I very much welcome the supportive statements that the member makes. I do not want to predetermine future years' announcements. We value the worth of the small business rate relief scheme. I have been asked about the matter previously. Year on year, businesses become concerned that we will somehow make major alterations, but I have seen nothing to support a case for major alternations to be made now or in the future. Of course, circumstances can always change, but I hope that what I have said at least provides some reassurance.

People will of course propose different methods of collecting local tax, on which the Executive and the Convention of Scottish Local Authorities often have robust discussions. COSLA has put forward many alternatives but, I am glad to say, it has yet to propose a service tax, as has been proposed by some people. Whatever the proper level of tax is and whatever frank discussions might go on between COSLA and the Scottish Executive, COSLA wants to maintain the link between democratically elected councillors and the level of tax that is set. That link is very important.

Bruce Crawford (Mid Scotland and Fife) (SNP): I am sure that the minister will agree that the level of council tax is significantly affected by the local government revenue budget, or aggregate external finance—AEF. Does he also agree with the statement that Bristow Muldoon made at the Local Government and Transport Committee on 1 November that the settlement

“implies a marginal reduction in real terms of £10 million in the revenue budget”?

Bristow Muldoon went on to state:

“The point that I am making is that revenue support is broadly static over the three years.”

George Lyon, the Deputy Minister for Finance, Public Sector Reform and Parliamentary Business said:

“I take your point about revenue”.—[*Official Report, Local Government and Transport Committee*, 1 November 2005; c 2990.]

The figures have not changed since 1 November. Given that revenue support to councils is broadly static in real terms and that councils are expected to deal with new demand-led financial burdens in areas such as adult care, waste management and—not least—equal pay, everyone in the chamber will be asking themselves whether the target that the First Minister has set on a number of occasions of council tax increases that are within 2.5 per cent is realistic. Does the minister support that target, which was entirely absent from his statement?

Mr McCabe: We have a confusing system of local government finance and I greatly favour our efforts to simplify it. We use terminology that must be difficult for the general public to understand in taking a view on what is happening. We talk about aggregate external finance and grant-aided expenditure, but what do those mean to somebody who is just trying to raise a family and get on with their life, and who hopes that the level of tax that they have to pay in their area is reasonable? The truth is that such phrases mean next to nothing.

However, such phrases allow people such as Mr Crawford not only to try to interrupt ministers when they are answering questions but to distort the position. Mr Crawford conveniently mentioned aggregate external finance, but he did not say that sitting alongside that is an additional £1 billion in other revenue streams that go towards local government. He did not say that there is also a prudential borrowing regime that is transforming local government's ability to meet communities' demands. In his efforts at disinformation he should not just mention one element of local government but all the elements that impact on people's lives.

Bristow Muldoon (Livingston) (Lab): One of the cost pressures on local government in years to come will be the pressures on local government pension funds in funded and unfunded schemes. What engagement has there been between the minister, the Office of the Deputy Prime Minister and local authorities on addressing potential gaps in pension funds?

Mr McCabe: The member is well aware that the Office of the Deputy Prime Minister is conducting negotiations on the local government pension

scheme south of the border, where public pensions in general were discussed in a separate forum. The Scottish Public Pensions Agency attends all those meetings. As members know, the generalities of pension policy are reserved to Westminster; however, Scottish ministers have the power to make regulations to put certain things into effect. The SPPA observes the discussions and involves itself in consultation and discussion with relevant trade unions in Scotland. That situation will continue into the future.

Carolyn Leckie (Central Scotland) (SSP): I thank the minister for the advance copy of his statement.

It really is amusing that the Liberal Democrats felt that they had to pre-empt a question from the Scottish Socialist Party. It is testament that the sweat is dripping from their backs because they are under pressure on their supposed policy to abolish the unfair council tax.

However, I am going to ask a question that the minister might not have pre-empted, which might be a mistake. Why was his statement absolutely silent on equal pay and on an overdue bill to get councils and the Executive to meet their obligations on achieving equal pay for women? The minister referred in a Finance Committee meeting to a holding account from which he was prepared to pull down funds to cut business rates. Why is he not prepared to pull down funds to meet councils' obligations to achieve equal pay for women who, in effect, have been subsidising public services for years? Is not it true that the minister is announcing a cuts and redundancy package, but is abandoning low-paid women and other vulnerable groups who can least afford the unfair council tax, and is just too much of a coward to be explicit and honest about it?

Mr McCabe: In deference to you, Presiding Officer, I will not answer all those questions. I have been doing this for a long time and, fortunately, some things just slide off me now, such as Ms Leckie's last comment. However, I cannot resist the temptation to say that, if my party had performed as badly in the Cathcart by-election as Ms Leckie's did, the sweat would be dripping off my back.

On many occasions, we have said that the pay and conditions of local government employees are matters for local government. We are talking about an agreement that was struck in 1999. That is important because, from 1999, Scottish local authorities have experienced record levels of increases in the resources that have been made available to them. I trust that, over that period, they took account of the need to meet the demands that Carolyn Leckie mentioned and that they have tried to make provision for them.

In discussions that I have had with the Convention of Scottish Local Authorities in the past 24 hours, it has confirmed that it is in discussion with its members and is trying to arrive at a consensus position that will enable it to discuss with me in detail the issues that are faced. I look forward to those discussions.

Derek Brownlee (South of Scotland) (Con): I thank the minister for his statement and for his lecture on economic policy as it was when I was 18 years old.

In relation to the efficiencies that John Swinney touched on and which the minister and I would agree are important parts of the settlement, the minister said:

"I expect openness, professionalism and transparency on all sides."

We would all echo that. In the spirit of openness and transparency—and, I hope, professionalism—will the minister later today publish details of the areas and programmes in which he thinks savings could be made, broken down by local authority area? That will enable local taxpayers to hold their local authorities to account. Will he also publish details—activity by activity and council by council—of the impact of all additional requirements that have been placed on local authorities since 1999?

Mr McCabe: The member might have been quite young not so long ago and I think that he is still quite young.

Never at any point has it been our intention to dictate policy to local government in the way that Mr Brownlee has just suggested. The people in local government are democratically elected and it is for them to decide which areas it would be most appropriate for them to deal with in order that they achieve their efficient government targets.

A firm of consultants has been employed by councils to analyse the efforts that are being made with regard to efficient government. I know that that report is due to be published in the near future and I think that it will paint a positive picture of local government's efforts, and allow councils to demonstrate where the savings are coming from. That does not surprise me. Local government has an excellent track record of identifying efficiencies year on year—it always has and there is nothing to suggest that the situation will change now or in the future.

Christine May (Central Fife) (Lab): Has the minister made any assessment of the potential impact on Scottish manufacturing of derating offshore wind farms? Can the minister confirm that the consultation process that is about to be embarked on will include power that is generated from municipal solid waste, sewage sludge and

clean coal technology as well as biofuels for agriculture, transport and industry?

Mr McCabe: On the second point, renewable energy is renewable energy, so the consultation will be as wide ranging as it needs to be.

With regard to the impact of derating offshore wind farms, the representations that I have received over the past year from the industry have expressed the strong view that such a measure would be an incentive to companies in the sector and would boost efforts to meet the ambitious targets that we have set. As I said earlier, those targets are critical if we are to leave a proper legacy to future generations.

John Swinburne (Central Scotland) (SSCUP): I congratulate the minister on his excellent statement. In one paragraph, he talks about rates of council tax collection, which he and I know are abominably poor. Millions of pounds go uncollected every year, which impacts on pensioners, who are at the margins and who do not get the benefit of their council tax being waived. Pensioners who have to pay the council tax find it an intolerable burden and the higher the amount of legitimate taxation that is not collected, the greater the burden becomes. How will the minister address that problem?

Mr McCabe: I agree with the member's sentiments. The rate of council tax collection in Scotland is lower than is desirable and I have expressed that view to COSLA. The average collection rate is lower in Scotland than it is south of the border. As I said in my statement, every 1 per cent improvement in that rate would generate an extra £17 million in revenue for local government, so it is not an inconsequential matter.

We have made it clear to local government that we encourage bids under the efficient government programme for more efficient forms of collection and we have encouraged local authorities to think laterally about how they can pursue unpaid debts.

I stress that there is a council tax benefit system. The rate of take-up of council tax benefit is not as good as it could be and I recognise that we need to work in conjunction with our colleagues at the Department for Work and Pensions to improve that take-up. However, councils need to recognise that pursuing unpaid debt does not necessarily involve pursuing the poor: far from it. There is a considerable amount of evidence to show that people whose means are adequate for them to pay—people who have access to different forms of professional advice—still owe considerable sums. They should live up to their responsibilities, like the vast majority of citizens. We strongly encourage local government to take that approach.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Scottish Borders Council proposes to close schools and to cut the number of teaching staff. Will the minister condemn the council—which is Conservative run, incidentally—especially in the light of the 4.3 per cent increase that it will receive under the minister's statement? Notwithstanding the minister's comments about areas that have declining populations, does he accept that there is a problem with areas that have growing but aging populations, particularly given the demands that such populations place on social work departments and the funding that they require?

Mr McCabe: I did not quite catch the second point but I think I got the drift of it.

We face considerable demographic challenges in Scotland. As has been mentioned in the chamber on many occasions, our population is aging. In the next 15 years, there will be a 55 per cent increase in the number of people aged 85 or over. That will produce real challenges for our care services and our health service. The Scottish Executive is closely examining those issues and is trying its best to predict the model of requirement for the years to come. I do not have specific details of Scottish Borders Council's proposals, but clearly it has to assess its own requirements.

I know that Conservative Governments in the past have never shown a lack of willingness to wreak havoc in communities. However, I am not fully acquainted with the particular circumstances of the area that the member mentioned.

Brian Adam (Aberdeen North) (SNP): The minister rightly referred to the effects that any council tax increase would have on hard-pressed working families. What rises does he expect in the coming year as a consequence of the settlement? Should the cap—as the First Minister suggested would be appropriate—be 2.5 per cent?

Having discussed issues such as equal pay with COSLA, will the minister tell us what impact that might have, not just on council tax levels but on services? Might he be willing to discuss those costs with COSLA?

Mr McCabe: Our discussions with COSLA are wide ranging. The First Minister has made clear our expectations, as I have. I said in my statement that the resources that are made available, together with efficient government success, a drive to ensure that councils' expenditure is properly targeted and a drive to increase their income generation, will ensure that councils in Scotland should be exerting downward pressure on tax levels. We have never said anything different. We will continue to say that—[*Interruption.*] We will continue to say that even when we are rudely interrupted by Scottish National Party members.

The Deputy Presiding Officer (Murray Tosh): I am sure that members will appreciate the minister's sensitivities in the future.

Sewel Convention

The Deputy Presiding Officer (Murray Tosh): The next item of business is a debate on motion S2M-3594, in the name of Donald Gorrie, on behalf of the Procedures Committee, on its seventh report of 2005, "The Sewel Convention".

15:25

Donald Gorrie (Central Scotland) (LD): Father Boland called on us to exercise humility and generosity, so I am happy to be humble and generous as a recent member and convener of the Procedures Committee and to give credit to other members who have been on the committee—particularly Iain Smith, the previous convener, and Karen Gillon, the deputy convener—and to the committee clerks and witnesses. I am sure that committee members who went through the arduous work will be able to explain their thought processes. I will try to explain the outcome.

Because we are tight for time, I will spare members a history lesson about Sewel motions. As everyone knows, they evolved as a way of dealing with the problems of having a devolved system of government. We have been feeling our way, but now is the time to codify a better system than the ad hoc system of the past.

Although members will not have a history lesson, they will have to have a new English lesson. We will now be talking about legislative consent motions and legislative consent memorandums. If members agree, those will be the official terms that are used in reports and all official documents. However, I suspect that most members will continue to talk about Sewel motions, because that is a wee bit easier.

What members are being asked to agree to has two main thrusts. The first is a change from the ad hoc arrangements that have hitherto existed to clear procedures that everyone should understand and which will be set out in standing orders. The second relates to the removal of the misconception, which exists in some quarters, that Sewel motions are about handing powers back to Westminster, whereas they are often about increasing the powers of ministers and the Parliament and clarifying other matters.

The Executive has produced a document rather at the last minute, so members might not have had a chance to read it. The Executive does not oppose the committee's proposals or recommendations to change standing orders. It has some concerns about one or two matters on which I think, with all due respect, that the committee is right and the Executive is wrong, but it does not contest the changes to standing orders, on which we will vote—the rest is all waffle.

Members are being asked to support a set of standing orders that will try to give the Parliament as much notice as possible of probable Sewel motions coming down the track. The proposal is that the Executive will produce a legislative consent memorandum within two weeks of a bill's appearance at Westminster. Similar arrangements will apply to amendments that will make bills relevant to devolved matters and, under a slightly different timetable, to private members' bills.

The Executive will send to all members a memorandum that sets out the extent of the impact on our affairs of a Westminster bill, its purpose and whether it affects the legislative competence of ministers, our competence or just bits of the law. The memorandum will set out why the Executive is or is not proposing a Sewel motion. The Executive does not see why it should produce a memorandum if it does not propose a motion, but the committee felt that it should set out the arguments, because somebody else might feel that a Sewel motion should be lodged. We must look forward to a time—perhaps “look forward” is the wrong phrase. I should perhaps say that we must anticipate a time when the Governments at Westminster and here are of different complexions, which might mean a tug-of-war between the two.

The Executive will publish and circulate a memorandum and the motion will be referred to the relevant committee or committees, which will scrutinise the issues and call witnesses as necessary. As we know, some Sewel motions are on small technical matters and can simply be nodded through, but others are serious and need the sort of scrutiny that is given to bills. If a proposal would give ministers more power to make subordinate legislation, it will have to go to the Subordinate Legislation Committee—we are not going to have any sneaky greater powers for ministers through the back door.

After a memorandum has been produced and the committee has considered the issues seriously, a legislative consent motion will come before the full Parliament, which will refer to a particular bill on a particular date. That is a slight bone of contention. The Procedures Committee felt that, if a bill at Westminster is withdrawn and reappears, a new motion should be required, because changes might have been made. If no changes have been made, the new motion can go through on the nod, but we feel that another motion should be required. The motion will also have to set out exactly the parts of the bill on which members are being asked to vote. Members will not need to agree to the bill as a whole at Westminster; they will vote on particular parts of the bill as they affect the powers of the Scottish Parliament. A vote will then be taken on the motion.

The proposed changes to the standing orders, which can be found in annex A of the committee report, use the word “normally” quite a lot. The aim is to give flexibility, because, along with the Executive, we accept that some measures may be more hurried than others. The committee feels that there must be co-operation between the Parliaments, not just between the Governments. As part of that, the Scottish Affairs Committee at Westminster has recently set up an inquiry into the issue. It is important that the Scottish Parliament plays a full part in that inquiry—we must give written and, if necessary, oral evidence. A better relationship between the Parliaments, not just between the Governments, would be extremely healthy.

I hope that the proposed changes will help us to handle better the thorny question of Sewel motions. By and large, the committee supported the changes totally. I hope that members will support the motion.

I move,

That the Parliament notes the Procedures Committee's 7th Report, 2005 (Session 2), *The Sewel Convention* (SP Paper 428); endorses its conclusions and recommendations, and agrees that the changes to Standing Orders set out in Annex A to the report be made with effect from 30 November 2005, subject to the requirement in new Rule 9B.3.1 applying only in relation to Bills introduced, or amendments agreed to or tabled (as the case may be), after that date.

15:32

The Minister for Parliamentary Business (Ms Margaret Curran): I thank the Procedures Committee for its thorough work on the Sewel convention. As the Minister for Parliamentary Business, I have many dealings with the committee and my experience is that its work is thorough on every front. I look forward to continuing to work with it. The work on the Sewel convention is particularly noteworthy, because it has allowed parliamentarians to put Sewel motions in context and to give them proper consideration. The committee's work was measured and considered. I also thank the Parliament's committees for their approach to the Sewel motions that have been passed. Although some members have issues with the convention, we have had thorough debates in committees and given Sewel motions proper consideration while dealing with the business efficiently and effectively.

As the convener of the Procedures Committee said, the report recognises the need for the Sewel convention and puts it into its appropriate context. The report acknowledges, and the Executive concurs, that the convention is there to be used in appropriate circumstances. However, it would be wrong for me to imply that we are complacent

about the operation of the convention; indeed, we had already turned our minds to its effective operation, which is why the inquiry was timely and why we took great interest not only in the inquiry's conclusions, but in its proceedings.

I acknowledge the Procedures Committee's impact in dispelling misconceptions. I have attempted to do that, too, but the committee has made an effective contribution. The committee's rejection of any suggestion that the number of Sewel motions that the Parliament has passed can be meaningfully compared with the number of bills that it has passed is particularly helpful. The report has helped to establish a realistic assessment of the role of the Sewel convention.

As the committee's convener said, the convention has been used mainly for small and technical matters, but it has also been used to address important issues. He got the balance right in that respect. As we have seen, the convention has conferred functions on Scottish ministers in reserved areas, which is important. The mechanism has therefore proved to be useful for us and the committee considered the implications of that in its inquiry.

The Executive has had the opportunity to read the committee's report and we have given our formal response. It would be inappropriate to go through each recommendation at this point, but, with permission, I will highlight a few of the report's most significant areas.

The Executive agrees with the committee and with many of those who gave evidence that the Sewel convention or something like it must exist and that the mechanism is vital to protect the rights of the devolved Scottish Parliament. If we did not have such a mechanism, we would have to invent one. It is appropriate to have such a mechanism and it seems to work effectively.

Nonetheless, we agree with the committee that, although improvements have been made over the years, the current informal Sewel procedures are no longer entirely adequate. We recognise that the Parliament must have the information that it requires in order to make the informed decisions that we ask it to make and that that information must be provided systematically and as early as possible. Therefore, we are happy to work towards enshrining the procedures for considering Sewel motions in the standing orders, including specifying when a memorandum should normally be sent to the Parliament and the details that it should contain. When I gave evidence to the committee, I tried to indicate that we had been working towards doing that and towards improving practices on my side of the fence. It is now appropriate that we formalise those procedures and ensure that our machine co-operates properly with the parliamentary process.

We are keen to take on board the committee's suggestions about better early-warning systems for upcoming Sewels and about building on the existing arrangements. From now on, formal notification will be given to the Presiding Officer and all members after the Queen's speech of any bills on which the Executive intends to propose a Sewel motion.

I take the point about the term "Sewel motion". Procedures have changed and the precise definition of what the Sewel convention involves has been overtaken. Therefore, we need to think more broadly. We will have to wait and see how things develop in practice.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Does the minister think that the term "Sewel convention" was right at the time, but that the change of name will perhaps explain to the general public a wee bit more about what the convention means?

Ms Curran: Yes. The committee made a helpful recommendation. Lord Sewel seemed to say that the term no longer applies to some of the processes that are associated with it. I understand the thinking behind the committee's recommendation.

We still need to talk to the committee about one or two issues. I am not sure about the points that were made about dates and I do not know whether there is any point in unnecessarily reconsidering procedures, but I am open minded about having discussions with the committee about that.

In conclusion, the report is a helpful contribution to the debate. We have moved on to much more systematic consideration of the issue, thanks to the work of the committee.

15:38

Mr Bruce McFee (West of Scotland) (SNP): It is important to establish clearly at the outset what the report does not do. It does not take a view on Sewel motions that have been passed or offer any opinions on the merits or otherwise of particular Sewel motions. It does not set parameters to determine which Sewel motions are appropriate and which are not—perhaps sections of the media were looking for that. Fundamentally, it does not propose taking away the political decision that members must take on whether they consent to the English Parliament at Westminster legislating on issues that fall within the devolved remit of the Scottish Parliament.

Karen Gillon (Clydesdale) (Lab): It may have escaped the member's notice, but we still live in a United Kingdom and the Parliament that he mentions is a United Kingdom Parliament.

Mr McFee: When we take the lid off and find out where the majority of its representatives come from, we know exactly whose Parliament it is. I support the people of England getting their Parliament back and look forward to the day when they re-establish their independence and no longer have to put up with Gordon Brown.

I make it clear that the report will offer not so much as a fig leaf of comfort to any Executive that seeks to duck its responsibilities or to shy away from sensitive areas by shuffling matters off to the English Parliament. No amount of changing the name of "Sewel motions" to "legislative consent motions" will prevent critical voices from being raised should this Parliament seek to dodge the bullets by passing the buck.

I put on record again my regret that the Procedures Committee voted by majority decision not to call Gerry Hassan as a witness to contribute to its deliberations. We only get the evidence that we ask for, as is often said, so I can conclude only that the majority of committee members did not want to call Mr Hassan as a witness because he is a well-known critic of the Sewel process. It is important that committees should listen to as many sides of an argument as possible. I regret that the committee was unable to listen, explore and challenge an alternative viewpoint.

Other evidence that was presented exploded the myth that the Scottish National Party always opposes Sewel motions just for the sake of it. A paper by Michael Keating and Paul Cairney analysed the 41 Sewel motions that were introduced in the Parliament until 2003. Of those 41 motions, only 20 were opposed, 19 of them by the SNP. Henry McLeish explained that, of those 19 motions, the SNP opposed

"13 for reasons of principle and six because the motions related to private members' bills, with which there is a particular problem."—[*Official Report, Procedures Committee*, 1 March 2005; c 823.]

Let me turn to some of the positive aspects of the report. There are areas of all-party agreement on Sewel motions, particularly where the motions involve the Scottish Parliament gaining additional powers. Because issues remain where the remits of the Scottish and English Parliaments cross and where Westminster bills partially infringe on devolved matters, no one can deny that there is a need for some form of agreement. Indeed, for devolutionists, if the Sewel motion procedure did not exist, it would have to be invented. Of course, Sewel motions could be done away with altogether if the Scottish Parliament were fully sovereign with the powers of the Parliament of any normal country. Areas of agreement extend to the need to formalise the existing process and to establish in standing orders a clearer foundation for the Sewel convention. In doing that, we would sweep away the present ad hoc arrangements.

I could have touched on many other areas and I am sure that others will do so during the debate. However, the most important issue to bear in mind is that, ultimately, it is for the Parliament to decide whether any matter should be Sewelled or consented to and that that is a political decision that no Procedures Committee report can or should seek to take.

15:43

Mr Jamie McGrigor (Highlands and Islands) (Con): I am standing in for my colleague Alex Johnstone, who is laid up with a back injury. However, I was a member of the Procedures Committee when the inquiry into Sewel motions was under way.

The Sewel convention originated with remarks made by Lord Sewel, who was then the junior Scottish Office minister responsible for steering the Scotland Bill through the House of Lords. Referring to the provision in the bill that asserts Westminster's continued right to legislate on devolved as well as reserved matters, he said:

"we envisage that there could be instances where it would be more convenient for legislation on devolved matters to be passed by the United Kingdom Parliament. However ... we would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish parliament."—[*Official Report, House of Lords*, 21 July 1998; Vol 592, c 791.]

I happily agree with that. In his evidence to the committee, Lord Sewel said:

"The Sewel Convention is an essential part of the constitutional architecture of devolution and prevents legislative competence becoming a contested area."

He warned against using Sewel motions in areas of major and controversial policy, saying that

"The Parliament should be very cautious in using the Sewel route for those matters",

because that was not what the Sewel mechanism was designed to do.

The Scottish Conservatives' view is certainly that a Sewel motion should not express an opinion on the merits of a bill, because the Scottish Parliament is not given enough time to scrutinise properly the subject in question. Neither should there be a presumption against the use of Sewel motions. It should be up to the Scottish Executive to prove that a Sewel motion is necessary.

We also think that the scale and scope of the proposed legislation should be considered and that there must be a consistent approach. A Sewel motion should not be driven by United Kingdom election timetables; we do not have to be driven by Tony Blair's agenda or by when he thinks that we should use Sewel motions. I mentioned consistency. We are introducing our own charities

legislation in Scotland—the Charities and Trustee Investment (Scotland) Act 2005—in which the Inland Revenue will play a key role, yet we used a Sewel motion to agree to the creation of a crime agency, which is a purely devolved matter. That seems a little inconsistent.

The Conservative group basically agrees with the Procedures Committee's report. We agree that it may be necessary to rename Sewel motions, although as a keen historian I do not see why Lord Sewel should not keep his little moment of glory. We agree that the procedure should be set down in the standing orders of the Parliament, that the Executive should issue a statement after the Queen's speech on Sewels that are likely to arise, that memorandums should become formal parliamentary documents and that the lead committee report should be published five working days before the debate.

15:47

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I am pleased to be taking part in today's debate and to have been a member of the Procedures Committee during its interesting inquiry into the Sewel procedure. At the outset, the committee anticipated that the inquiry would be extremely controversial. It would be fair to say that the media shared that view and were champing at the bit, spoiling for a fight. However, the evidence that we heard was consensual and in the end there was political agreement. Despite Bruce McFee's display of debating skills this afternoon, there was not such a big fight in the committee; he must have saved it all up for today.

The committee agreed that we need something like the Sewel convention to be in place; Lord Sewel himself said that we needed the convention or something similar. Important as the convention is, it is not the issue that our constituents have at the top of their list of things that they want MSPs to deal with, as was said a number of times by committee members.

Alasdair Morgan (South of Scotland) (SNP): Could not the same be said of the entire work of the Procedures Committee?

Cathie Craigie: Indeed it could not. The Procedures Committee plays a valuable role in the Parliament. Committee members found the subject of Sewel motions to be of great interest, but they often said that it was not the issue that the people of Scotland were talking most about. However, I have had second thoughts about that, because there is one resident of Scotland who is the exception to that rule—Barry Winetrobe, reader in law at Napier University, who I know takes a keen interest in the matter. I do not know whether he conveyed that interest to his MSP, but

I have certainly been grateful for his contribution to the debate and for the material that he provided to committee members.

The Sewel convention has been vital in ensuring the smooth functioning of devolution within the constitutional settlement. If the convention did not exist, I doubt that we would have had the parliamentary time to legislate in the areas that we have Sewelled since the Parliament's establishment. I can think of a number of Sewel motions on matters that were very important to constituents. For example, the Fireworks Act 2003, which started as a private member's bill at Westminster, has made a big difference. It would be wrong if we allowed our legislative programme to be thrown off course by what is happening down at Westminster, but it would be equally wrong if we did not take the opportunity to use a Westminster bill when we thought that it would be beneficial and would provide for the people of Scotland.

Donald Gorrie outlined the committee's recommendations to the Parliament. Like him, I encourage members to support the motion in his name. We had an in-depth look at the procedure. I believe that the recommendations that we produced are right and I encourage the Parliament to support them.

One issue is the name of the procedure, but, as has been asked before, what is in a name? Lord Sewel will go down in history. He has made his mark on the devolution process and I believe that we need to have a name that is understood by members of the Parliament and by the people.

15:51

Mark Ballard (Lothians) (Green): Like Jamie McGrigor, I was a member of the Procedures Committee when it got stuck into the vexed question of Sewel motions. I have therefore been asked by Chris Ballance, who is now on the Procedures Committee, to fill in for him in this debate. I am pleased to do so, because I welcome the report, which is a strong riposte to those who questioned the value of Sewel motions and how the process worked.

The report does the two things that Donald Gorrie described in his opening speech. First, it lays out a set of standing orders—a set of principles for how we use Sewel motions. It recommends replacing the term "Sewel motion" with "legislative consent motion", because it is important that we should not treat Sewel motions as if they were normal motions. We should not treat them according to the standard principles for motions set out in chapter 8 of standing orders and we should not treat them on an ad hoc basis.

We have instead set out their own standing orders.

We did not think that the motions should be named after a former Scottish Office minister, given that the situation has changed so much since he talked about the need for the convention. A new name is required. We thought that “legislative consent” captures what the process is about; it is about the Parliament consenting to legislation. That is much clearer and much more understandable than naming it after the Government minister from 1998. The name change is important as part of the recognition that the process is new. On the new procedures, I share Donald Gorrie’s belief that the committee is right and the Executive is wrong. I welcome that statement.

The second important matter that is dealt with in the report is the need for a political consensus on the use of Sewel motions. In the debates that we had in the committee, I learned a great deal about Sewel motions and how they interact with the UK constitution and the devolution settlement. I was particularly struck by Henry McLeish’s evidence to the committee on 1 March 2005. He made two key points. First, he reminded the committee that, as Westminster is sovereign under the current settlement, we need a structure for legislative consent because

“without it parliamentary sovereignty at Westminster would remain entirely intact. I am not saying that that sovereignty has been changed in a dramatic fashion, but the Sewel convention means that, to all intents and purposes, the parliamentary sovereignty of Westminster concedes to the Parliament in Edinburgh the ability to legislate”.—[*Official Report, Procedures Committee*, 1 March 2005; c 819.]

We must recognise that the Sewel convention—legislative consent—is a constraint on Westminster to legislate in devolved areas. That is a key understanding.

The second key point is that, in a situation in which Westminster is sovereign, legislative consent motions and Sewel conventions—even the Scotland Act 1998—can be changed by a single act of Parliament at Westminster, because the UK lacks any kind of written constitution. Scotland has the Scotland Act 1998, but the UK has no such act. Given that the UK Parliament remains sovereign, I think that we will still face troubles in the future, because everything is at the whim of Parliament.

The committee’s report represents a welcome contribution to the evolution of devolution and sets matters in a clearer framework. However, the process of change will continue. What is fundamental is that we avoid the consensus being undermined and that we avoid situations in which it can be argued that the legislative consent procedure is being used as a way of stopping the

Scottish Parliament taking decisions. I am convinced that the new process will result in a clearer, better and more understandable devolution.

15:55

Richard Baker (North East Scotland) (Lab): What we have known as the Sewel convention has often been controversial and the use of Sewel motions has often been criticised and been the subject of much media coverage—although the press gallery is not exactly packed this afternoon. However, the Procedures Committee’s inquiry into the issue has resulted in proposals that will undoubtedly improve the operation of the convention and it provides some helpful perspective on the debates about its operation thus far.

Lord Sewel himself has said that the convention has been used more than had been envisaged. The fact is that, as Henry McLeish told the committee, no one could be sure exactly how the process would work once the Parliament was established. That is why it is right that we should introduce reforms to the convention to improve the way in which it works. However, I argue that the inquiry received evidence that the convention had worked well in the past and that the fact that it might have been used more often than had been envisaged had to be put into perspective. Dr Paul Cairney pointed out to us that, in many cases, Sewel motions had been used to deal with relatively minor issues.

It is important to acknowledge that if Parliament agrees that it is desirable to have legislation that will apply UK-wide and be implemented UK-wide at the same time, with the right kind of scrutiny, application of the convention can be appropriate, even on what might be seen as an important issue—although, of course, the presumption should usually be for our own legislative process to be used. It is also important to note that, as other members have mentioned, the inquiry has established the principle that the use of the convention can in no way be interpreted as the Parliament handing powers on. In fact, the use of the convention establishes our right to legislate on an issue. In such cases, Westminster is given the right to legislate on an issue only once. The Scottish Parliament retains the power to make different laws on the same subject whenever it chooses.

Some of the criticism of the convention has arisen from the way in which it has operated in the past. Although the committee heard that there have been improvements in its operation in recent years, there is no doubt that further development of the system will help to instil greater confidence in it. The committee agreed that it was vital for the

Executive to flag up to Parliament as soon as possible when it intends to use the convention. There have already been improvements in that regard. Anne McGuire gave useful and encouraging evidence about the early contact between the Executive and Westminster departments on planned legislation that could result in the convention being used. Recently, an inspired parliamentary question that was asked at the time of the Queen's speech indicated when the Executive intended to use the convention. We believe that that information should be put in a letter to all members.

In addition, we want greater emphasis to be placed on the Executive memorandums, which should be formal parliamentary documents that are laid within two weeks of a bill's introduction. The key issue is that the Parliament is given adequate opportunity to consider and discuss a measure. That is why the committee recommends that when the convention is to be applied, that is flagged up as soon as possible to the relevant lead committee, which should publish its report five days before any debate on the motion. The inquiry frequently highlighted the need for adequate time both to debate such motions and for scrutiny in general, so the report contains recommendations that motions should be debated by the Parliament and that the Parliamentary Bureau should pay heed to the committee reports when deciding how much time to allocate to those debates.

Finally, it is important to note that, through the changes that we recommend, we are seeking to embed some of what is now protocol in the Parliament's standing orders because, in future, more than protocol and convention might be required to ensure that the vital relationship between our two Parliaments can be managed effectively. It is important that this crucial legislative process is improved and that there is greater confidence in it. By the implementation of the committee's recommendations, I am confident that that will be achieved, and I commend them and the committee's report to Parliament.

15:59

Susan Deacon (Edinburgh East and Musselburgh) (Lab): Many of us must often ponder on what the public make of some of our exchanges in this chamber—particularly our sometimes heated exchanges about Sewel motions. How accessible, or otherwise, is that topic to people who wonder what we are doing on their behalf?

The truth is that procedures matter. They matter because of what they deliver at the end of the day. Over the years I have been vexed that we have lost sight of that. One reason I am enthusiastic

about the Procedures Committee's report is that it could lead us to a watershed in this Parliament. To use a phrase that Richard Baker has used, the report could bring a sense of perspective back into the debate, and it could allow us to focus on what really matters—what we deliver for people.

I will make a wee confession: I moved the first ever Sewel motion in this Parliament. I do not know whether members feel that I set a good or a bad precedent. However, I recall that when we were considering how the new mechanism would work, we thought carefully about whether it was the right way to get results. In that particular case, the issue was the creation of a food standards agency for Scotland.

We should continually focus on finding the best way to get the right results for Scotland. The mechanism—whether it is called the Sewel mechanism or whether it is rechristened—is undoubtedly an effective and pragmatic way of getting the right results. However, everyone has acknowledged the need to improve the procedures.

I accept that the details are technical and quite impenetrable, but the specific recommendations of the Procedures Committee will bring about practical improvements to provide a framework and remove some of the ad-hockery in the way in which proposals are considered. That can only be a good thing.

The report that we are debating today represents a practical and pragmatic approach to further developing and improving the procedures of this Parliament. I hope that we can continue to build on that.

Since devolution, we have talked an awful lot about our processes and procedures. It is vital that we continue to do so. We need good processes and procedures if we are to make good decisions. However, let us never make the mistake of confusing means and ends. Good procedures are a means to an end; they are not an end in themselves. The recommendations in the Procedures Committee's report give us an opportunity to achieve better results and outcomes in future. When we achieve them, I hope that we will continue to show that devolution can and does work well and that we are making the very best of our strong constitutional settlement, which the vast majority of Scots supported.

16:02

Iain Smith (North East Fife) (LD): I apologise to the chamber for missing the start of the debate; I was on business for the Parliament, meeting a delegation from the National Assembly of the Republic of Serbia. I apologise for missing most of

Donald Gorrie's excellent—I am sure—opening remarks.

I was going to say that this is a bit of a Procedures Committee old boys club, but I should not use sexist language; I should call it an old bores club. Many former members of the committee have contributed to the debate. I should perhaps thank Susan Deacon in particular, because she has never been a member of the Procedures Committee in—

Susan Deacon: I must correct you.

Iain Smith: I mean in this session of Parliament.

I was the convener of the committee until September, so I was convener during most of the inquiry that led to the report that we are discussing today. I want to take this opportunity to thank my committee colleagues—especially my deputy convener Karen Gillon. I also thank the clerks—Andrew Mylne and Jane McEwan in particular, who led the clerking team. I thank them not only for their work on today's report but for their work throughout my time as convener. I greatly appreciated it.

When we started work on the report, a number of myths about Sewel motions persisted. The biggest was the idea that, when agreeing to a Sewel motion, the Scottish Parliament was somehow giving away power to Westminster. That has never been the case. This Parliament has always had the power to bring Sewelled issues back here and to amend legislation if it did not think that what Westminster had done was right or if it felt that the legislation required a change.

The vast majority of Sewel motions have concerned minor changes. For technical reasons, it has been sensible to deal with them as part of legislation that was going through Westminster in any case. More important, they often give additional powers to the Scottish Parliament by giving Scottish ministers additional executive powers. One very controversial example was the Gambling Bill, which although it legislated on a 100 per cent reserved matter, gave Scottish ministers the power to be involved in the process. Such a move, which should have been welcomed, could have been achieved only through the Sewel convention. However, some MSPs vehemently opposed the measure because they wanted to talk about the policy instead of the reality of the matter.

I do not agree with the claim that Sewel motions allow the Scottish Executive or the Parliament to run away from legislation. For example, the Executive did not run away from the legislation on civil partnerships; after all, the Scottish Parliament alone could not have delivered the Civil Partnerships Bill, which was hybrid legislation, in that it had to include provisions on matters that were completely reserved to Westminster. The bill

had to be achieved either jointly or through a Sewel motion, and we took the right course to get the legislation on to the statute book. I am delighted to have received invitations to civil partnership ceremonies in December; those ceremonies would not have happened if the Scottish Parliament had not agreed to the Sewel motion.

The minister referred to timetabling matters. In its consideration of the timetable set out in the draft standing orders that I hope will be approved today, the committee proceeded on the basis that, in the majority of cases, the Executive will have discussed in advance the content of the UK legislation with the UK Government and will know what is likely to come up. As a result, in most cases we should be able to issue within two weeks of the bill being tabled at Westminster a memorandum that contains the additional information that the committee recommended should be included. We accept that that might not happen in all circumstances, which is why the weasel word "normal" appears quite often in the draft standing orders. We simply want to establish a framework to allow the Parliament to scrutinise legislation properly.

I believe that the recommended procedure is a big improvement on the current Sewel process. Indeed, I hope that this is the last time that anyone in the chamber mentions the name "Sewel" and that we start to talk about legislative consent motions instead.

16:06

Alasdair Morgan (South of Scotland) (SNP):

As the committee has pointed out, one problem with the current system is that it is largely invisible in the public record. Of course, that encapsulates one of the worst elements of the Westminster system. As a result, one benefit of the proposals is that the process will be made more open and that all the documents, particularly the Executive memorandums, will be made available as parliamentary papers and therefore will be much more readily available to the public.

One remaining problem is the lack of a signing-off process when a bill completes its passage through Westminster. Indeed, Lord Sewel himself suggested that such a process was needed. We should certainly consider the possibility of having separate commencement orders for any substantive matters that are covered in such legislation.

I can well understand why the committee decided not to recommend a second process that would begin when a bill had completed its passage through Westminster but before it had received royal assent. After all, that would require

a change of procedure at Westminster and, quite frankly, that is not going to happen.

The minister herself alluded to the problem of a lack of a formal process at Westminster. However, changes to that system could be made; indeed, I noted the committee's reference to a joint statutory instrument committee involving either the House of Commons or the House of Lords—I am not sure which—and the National Assembly for Wales. I also thought that the suggestion that Westminster could possibly tag bills and flag up legislation that might have Sewel implications for Scotland was important. Indeed, such a move might be even more relevant if one or the other Tory leadership candidate—I cannot remember which—gets his way, because he wants all bills to be tagged according to members who are permitted to vote on them. The complexities of such a system with regard to votes at Westminster, whoever had the majority, would be quite interesting—although I notice that none of the Conservatives has stayed to hear out the debate.

I notice that the name "Sewel" has become not only an adjective, but a verb; indeed, Iain Smith has just used it in the past tense. I am going to split radically from my colleague Bruce McFee's position to say that I have sympathy with the committee's desire to do away with the name. Personally, I never thought that Lord Sewel's ministerial performance, when he dealt mostly with what is called ag and fish, merited the kind of immortality that we are in danger of giving him.

I believe that in matters of importance or substance, the Parliament should legislate to the full extent of its powers. The Scottish Parliament has different procedures for good reasons. We have an extended system of consultation and any substantial issue that we pass to Westminster will miss out on that system. This Parliament also has a different political balance from that which exists south of the border.

Susan Deacon made an interesting point about the best way to get the right results for Scotland, but the question implicit in that is: who decides whether we have the right results? She also talked about ends being more important than means. However, our ability to have the means here in Scotland was one of the main reasons for devolution, which is about the representatives of the people of Scotland making the decisions for Scotland. It is not just about what is said in a bill at the end of the day; it is about where the bill is decided and who decides it. Means are therefore very important.

I move rapidly to my conclusion. Sewel motions—or, to use the politically correct term, legislative consent motions—are a potential problem only if we are considering allowing substantive legislation in devolved areas to be

made by Westminster. The rest of the time, they do not really matter. If ministers would sign up to avoiding situations in which Westminster decides substantive legislation in devolved areas, we would avoid most of the problems.

16:11

Ms Curran: I suppose that it is conventional always to begin a closing speech by saying that the debate has been interesting and by congratulating all members on their constructive contributions. It might be impolite to say so, but Bruce McFee was slightly off-beam and out of temper given the spirit of the debate. The debates that he mentioned are for another day—I will focus on the issues.

It is very pleasing to have a reasoned debate about Sewel motions. As several members have said, the inaccurate and misleading public discussions that have taken place are extraordinarily frustrating. It is therefore good to get the debate back into context.

Our efforts to improve the procedures and put into practice some of the things that the report recommends have borne fruit. Through management and through giving members the time to undertake their responsibilities properly, we now have a much improved set of procedures.

I do not think that I could ever buy into Mark Ballard's sweeping statement that the Executive is wrong and the committee is right.

Mark Ballard: It was Donald Gorrie's statement.

Ms Curran: Well, I do not think that I can completely endorse it, although I quite like the phrase "evolution of devolution"; we might need to give that a bit more attention.

However, Mark Ballard made a point about consent and, whatever terminology we use, it is vitally important to emphasise the consent required from this Parliament. That is why I am interested in the change of name, which will be quite helpful.

Iain Smith can be quite intimidating at times, so if he is emphatic that we are not allowed to say the name "Sewel" any more, I will follow those instructions.

Alasdair Morgan is right that the means by which we do our business here has an impact on what we produce.

Finally, I pay tribute to the work of the Procedures Committee. It is a reflection on the structure of the Parliament that time was given to this issue. There were fairly constructive working relationships across the parties in making sure that we developed the right procedures for the Parliament. Perhaps, with one or two minor

disagreements along the way, we now have something that we can work with and which will reassure the committees and members of the Parliament that we are working in their best interests and that we can deliver effective legislation at the end of the day.

The Deputy Presiding Officer: I now call Karen Gillon to wind up the debate.

16:13

Karen Gillon (Clydesdale) (Lab): Aye, I get all the good jobs in this place.

I thank members for their contributions. The debate has been another lesson for us that we should try to ensure that debates on committee reports in the chamber are not debates among those who took part in compiling the report as members, or ex-members, of the committee in question. The Parliament needs to move away from that idea.

I welcome the majority of the comments that have been made. I do not intend to rehearse all the arguments, but I will pick up on some members' concerns.

The first of the Executive's concerns is about the need to lay a memorandum when a Westminster bill that contains relevant provisions reaches a certain stage, whether or not the Executive intends to lodge a Sewel motion. The issue was subject to some considerable debate at the committee, but on balance it was felt that it was important that the Parliament should be aware of any legislation that could impinge on its interests, because that would enable MSPs to make well-informed decisions in each case. I appreciate the Executive's concerns, but I emphasise that that additional obligation should arise only very rarely, as long as the United Kingdom Government and the Scottish Executive pursue broadly similar policies and maintain effective communications. However, there was a need for us, in developing our processes and procedures, to ensure that we future-proof our standing orders and our processes, no matter how far into the future we think that those changes may happen. I hope that that reassurance will provide the Executive with the safety net that it needs.

The other issue is that of including in the Sewel motion the date of introduction. I know that there have already been examples in the Parliament of bills that have been introduced and Sewelled but which have fallen, with the process starting again. The committee is saying that although it would like a new Sewel motion to be lodged for such bills, if a bill contains entirely the same provisions, the committee does not see the need for a new consultation on the new Sewel motion, as the consultation that took place on the previous Sewel motion should be sufficient for the committee that

is considering the new Sewel motion. Of course, if the new bill raises new issues, the committee would like those to be considered.

Mark Ballard: Will the member comment on the new name—"legislative consent motions"? She has just spent the past few moments describing those motions as Sewel motions.

Karen Gillon: Although I do not want to predetermine the decision of the Parliament, I intend to comment on that.

Mr McFee *rose*—

Karen Gillon: I will give way in a minute.

I want to deal specifically with a comment that Bruce McFee made about the Procedures Committee's decision not to call a certain individual to give oral evidence. All committees make such decisions regularly. The convener made it clear in public session when that decision was made that individuals, including those who were not called to give oral evidence, were welcome to provide us with written evidence. As the individual in question decided not to provide the committee with written evidence, we could not consider his views. Written evidence is as valuable to a committee as oral evidence; we want to place that point on the record.

I move on to the comments that Alasdair Morgan made about Lord Sewel—well, the member might say that, but I could not possibly comment. On changing the name of Sewel motions, "legislative consent motions" is a more appropriate title. I was very keen that we move away from the name of an unelected member of the House of Lords to something that would make more sense to people who listen to and take part in the debates.

I would not have liked to be in the public gallery today. Those there have my sympathies: this has not been the most exciting debate. However, it is important that we give our legislative consent to the UK Parliament to legislate on our behalf. We should be clear about what we are doing. Changing the name of the Sewel convention may not change the attitude of our colleagues in the press, who, apart from our good friends in the Press Association, have once again failed to attend a debate in the Parliament—despite being so interested in stimulating this debate before the report was considered and produced.

I finish with a comment that picks up on something that my colleague Susan Deacon said. Paragraph 6 of the Procedures Committee's report talks about what we are doing. It says that, in debates under the convention,

"the main focus can be on where legitimate differences will always arise – about what are the best policies for Scotland, and about the most appropriate means of delivering them."

If the Parliament accepts the report and the standing orders that go with it, we will have provided a suitable mechanism through which we can give our legislative consent to Westminster when, as a Parliament, we vote, deeming that consent appropriate. That is our responsibility. I hope that members will support the motion at decision time.

Public Petitions

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S2M-3595, in the name of Donald Gorrie, on behalf of the Procedures Committee, on its sixth report in 2005, on the admissibility and closure of public petitions.

16:20

Donald Gorrie (Central Scotland) (LD): Again, I pay tribute to Iain Smith, Karen Gillon and their colleagues on the Procedures Committee as it was when the report was produced. I have inherited the task of speaking to the motion. I thank Michael McMahon and the Public Petitions Committee, which made the proposals to which the Procedures Committee is now responding, as well as the clerks of the two committees who worked on the report.

There are three main points in what members are being asked to vote on. First is the question whether MSPs should be allowed to lodge petitions. Second is the submission of petitions that cover an area that has been dealt with recently under a previous petition. Third is who decides on the admissibility of petitions and the powers of any committee to terminate consideration of petitions. The proposed changes to standing orders are contained in annex A to the committee's report.

The first proposed new paragraph in standing orders says that the Public Petitions Committee should

"decide in a case of dispute whether a public petition is admissible".

The Public Petitions Committee takes that decision only in cases of dispute. Otherwise, submission of petitions is an administrative matter, with no action on the committee's part being necessary to get the petition into the system.

The Procedures Committee decided quite clearly that MSPs should not be allowed to submit petitions. There are other opportunities for us all to make nuisances of ourselves in a quite legitimate fashion. The proposed new wording for the standing orders refers to any person "other than a member" being able to pursue matters through petitions. That seems very reasonable. I think that petitions are for the general public to make their views known to the Parliament; they should not offer yet another way for members to make their views known. That is a clear and, I think, justifiable, decision.

I turn to the question of repeated petitions on the same subject. There was a view that any petition that covered ground that had already been

covered recently should not be allowed. However, the committee felt that that was unfair on people whom we might call newcomers to the subject, who might genuinely feel keen on and concerned about the subject in question, and who might not have been aware of, or in any way involved with, the previous petition. We will vote today on a rule to cover a situation in which a recent petition has been produced by the same people as a previous one—the wording covers such a situation whether the petition is submitted by a person, a corporate body or an unincorporated association. If the same people repeat a petition that is almost identical, the submission will be considered vexatious and unreasonable. Such a petition should, therefore, not be allowed, but it must be submitted by the same people, on the same subject.

A change to the standing orders is proposed to give power to a committee—whether it is the Public Petitions Committee or the subject committee to which the Public Petitions Committee has passed the petition—to close petitions. That seems reasonable. There are times when the committee in question might have chased a hare industriously, but that hare has dropped dead and that has to be accepted—the committee cannot go any further with the subject. Committees must have the power to close petitions.

There are one or two other minor proposed changes, about translations and so on, which I think are quite sensible. To reiterate, the three main points are, first, that MSPs may not submit petitions; secondly, that the same people may not resubmit petitions on the same subject after a short interval; and thirdly, that the Public Petitions Committee will decide on the admissibility of petitions if there is a dispute, and any committee may close a petition.

In each case, standing orders will say that the committee must tell the petitioner what it has decided to do. Keeping people informed of decisions is important. Often, it is the lack of information rather than the decision that causes aggravation. The petitioner must be kept informed. The proposals that the Procedures Committee made before I came aboard are sensible and I am happy to recommend that the Parliament should support them.

I move,

That the Parliament notes the Procedures Committee's 6th Report, 2005 (Session 2), *Admissibility and Closure of Public Petitions* (SP Paper 420), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 30 November 2005.

16:25

Ms Sandra White (Glasgow) (SNP): I thank the Procedures Committee. I have been a member of the Public Petitions Committee in both sessions of

the Parliament, so I can see how it has developed and I understand the reason for the concerns that were expressed to the Procedures Committee. A lot more petitions are being lodged now, which shows what a success story the Public Petitions Committee is and how popular the petitions system has become.

I will concentrate on three main areas, one of which is different from those on which Donald Gorrie focused. First, I agree with the recommendation that MSPs should not submit petitions. Most of the MSPs with whom I have had contact agree that there are other ways in which we can pursue issues that are raised in petitions. After all, the committee is called the Public Petitions Committee and, like Donald Gorrie, I think that it should be for the public. Members have the privilege of being able to speak to petitions when they are lodged—petitioners do not always have that privilege—and when the committee considers them later. Petitions are sometimes sent to other committees to consider or for their information. The Public Petitions Committee should be left open to the public. I have no problem with the recommendation on the lodging of petitions by MSPs.

The second main area, which has caused concern to me and to some members of the public, is the resubmission of petitions. I welcome the Procedures Committee's recommendations, which are sensible. Some members of the public attempt to make unfair use of the system. However, although the system can be abused, we must ensure that we protect the rights of the majority of genuine petitioners. That is why the Procedures Committee's recommendation is absolutely correct. To refuse to admit a petition that is similar to one that has been lodged in the same session and closed in the past year, but only if it is lodged by or on behalf of the same individual or group, is a protective mechanism that goes some way towards ensuring that the process is open and transparent.

The third main area of concern is the admissibility of petitions, which I have raised a number of times. Petitioners have contacted me about the fact that their petition has been ruled inadmissible. I acknowledge the amount of work that the clerks do in contacting and advising petitioners about their petitions, but I worry that members will not be made aware of petitions that are deemed inadmissible unless the petitioners contact them. I seek assurance from the convener of the Procedures Committee or the convener of the Public Petitions Committee that when a clerk explains to someone that their petition is not admissible, they will also tell them that if they disagree with that recommendation, the Public Petitions Committee will make a final decision on admissibility. For the rule change to work properly

and sensibly, the clerk must explain to the petitioner why the petition is inadmissible—I know that the clerks do that just now—and tell them that if they disagree with the decision, they are entitled to seek a final decision from the committee.

I have been approached, as have other MSPs, by petitioners asking about the admissibility of petitions. Would we be able to offer them advice? I congratulate the Procedures Committee on its sensible recommendations, but I have concerns and I would welcome clarification on whether, under the rule change, the clerk will have to tell petitioners that if they deem the information or advice that they have received to be incorrect, they can take the petition to the Public Petitions Committee, which has the ultimate responsibility in determining whether it is admissible.

16:29

John Scott (Ayr) (Con): In 2004, the Public Petitions Committee wrote to the Procedures Committee to request that changes be made to standing orders to prevent MSPs from lodging petitions, as it was felt that MSPs had sufficient opportunities to raise their concerns in Parliament by other means. In addition, the committee requested that the Procedures Committee consider the proposal that, once a petition had been closed, no further petition in the same or similar terms could be introduced in the same session of Parliament within one year of the date on which the petition had been closed.

In proposing those changes, the Public Petitions Committee did not want to limit the opportunity of members of the public to petition Parliament. However, we wanted to avoid the potential abuse of the system by a dissatisfied petitioner who resubmitted his or her petition and asked for it to be considered again. Of course, that practice is not widespread but, in the past, some discontented petitioners have resubmitted the same or similar petitions and that has clogged up the system.

Having dealt with more than 800 petitions since 1999, the committee felt that it was reasonable to tidy up the anomalies. The results of the Procedures Committee's consideration of the practices of the Public Petitions Committee are to be welcomed in that, by and large, our recommendations have been supported.

I welcome the recommendation of the Procedures Committee that MSPs should be prevented from lodging petitions. The committee also suggests that the resubmission of the same petition or a similar petition within one year should not be allowed, which concurs with the view of the Public Petitions Committee. In addition, the Procedures Committee suggests that, when the

Public Petitions Committee or any other committee closes a petition, the reasons for closing the petition must be given to the petitioner. That is a sensible recommendation, which will strengthen the process. In fact, I thought that the clerks usually did that as a matter of courtesy. If not, it is certainly a good idea.

Regarding the admissibility of petitions, I, too, welcome the recommendation that only in disputed cases should the Public Petitions Committee be asked to rule on the admissibility or otherwise of petitions.

We in the Conservative party welcome the changes that are under discussion and I am pleased to see so many of my colleagues here to support that view. We believe that the proposals will enhance the effectiveness of this award-winning committee. The refinements of practice will also make better use of members' time, which is vital in the fast-moving environment in which we all work. We support the proposals and thank the Procedures Committee for its positive consideration and recommendations.

The Deputy Presiding Officer: Before I am accused of bias, I point out that I will be calling three Labour members consecutively. However, they are all on their feet for different reasons.

16:32

Michael McMahon (Hamilton North and Bellshill) (Lab): I thank the Procedures Committee—especially Iain Smith, the former convener, Donald Gorrie, the present convener, and Karen Gillon, the deputy convener—for dealing with the matters that we brought to the committee's attention. I also thank the clerks of both committees, who helped to take the matter forward and arrived at such a good conclusion.

The Scottish Parliament's public petitions system is highly regarded, not only in Scotland but further afield. However, we cannot rest on our laurels, which is why the committee has consistently tried to improve practices and procedures and has been quick to embrace new technology and techniques, not least of which is the e-petitions system.

Things have moved on since 1999 and we now have six years' and 900 petitions' worth of experience under our belt. Although many changes and improvements have already been made to the process, it is time for us to consider a number of changes to the formal procedures to ensure that the public petitions system continues to develop.

I want to make it clear that, in welcoming the changes, the Public Petitions Committee does not seek to limit or hinder the opportunity for members

of the public to petition the Parliament. Rather, the rolling programme of committee events that the Public Petitions Committee is currently holding promotes awareness of the public petitions system and provides practical guidance on petitioning.

While I am on that subject, I take the opportunity to respond to Sandra White's concerns. It has always been the intention of the Public Petitions Committee to work with a petitioner. Only rarely is a petition submitted that meets the requirements of the petitions system with regard to wording. The clerks work closely with the petitioner to try to find a form of words that will enable that petition to become admissible and often they take legal advice in their attempt to find that form of words. Only when the petitioner insists on lodging a petition that does not conform to the advice of the clerks and the lawyers does a petition become inadmissible.

We had to clarify that. I hope that Sandra White understands that the committee has never tried to prevent people from lodging petitions. We always attempt to ensure that a form of words is found to allow the petition to be heard. However, when a petitioner insists on submitting their petition in their own way and the petition is inadmissible, the committee has to say why the petition cannot be taken forward. In such cases, the clerks always provide the committee with a briefing that explains why the petition has to be deemed inadmissible.

The new criterion of admissibility will prevent the resubmission of petitions that are the same as, or similar to, a petition that has previously been lodged. That will empower the committee to address potential abuses of the system. Under the existing rules, a petitioner who is dissatisfied with the outcome of the Parliament's consideration of their petition can simply resubmit the same petition. Clearly, such abuse of the system has resource implications for the Public Petitions Committee and, indeed, for the wider Parliament. It can also falsely raise expectations and undermine the credibility of the system. The rule change will ensure that petitions that raise new issues or present fresh evidence will continue properly to be scrutinised by the committee, while those that are raised by so-called vexatious petitioners will be prevented from clogging up the system.

In responding to the consultation that the committee undertook when it considered the change to the rules, one petitioner commented that such a change might help the petitioner's case as it would provide time for reflection and time to gather new information.

The Public Petitions Committee is pleased to support the amendments to rule 15.4.1, which will prevent MSPs from lodging petitions. Unlike members of the public, MSPs have at their

disposal many other mechanisms for raising issues of concern. The public petitions system should be the domain of members of the public. The rule change will ensure that members of the public, and not MSPs, set the agenda for the Public Petitions Committee.

The Public Petitions Committee welcomes the procedural changes that are recommended in the Procedures Committee's report. We believe that the changes will further improve the efficiency and effectiveness of the petitions system.

16:37

The Minister for Parliamentary Business (Ms Margaret Curran): I am grateful for the opportunity to take part in the debate. It is great to see so many members taking such an interest in the Parliament's public petitions system.

The petitions system is one of the Parliament's most noted features. As the Public Petitions Committee's annual report for 2003-04 states:

"The Public Petitions Committee is widely regarded as one of the Scottish Parliament's key successes in terms of promoting accessibility and public involvement."

However, it is right for the Parliament to consider improvements to the way in which we handle petitions and to consider how we can consolidate and build on that success. The Executive believes that the proposals are sensible measures that will address the issues that have been identified. Therefore, I put on record the Executive's support for the proposals.

MSPs can use a number of methods that are not available to the public to raise matters in Parliament. It is right, therefore, that MSPs should use those methods and that the public petitions system should be limited to the general public.

I understand from the report that, in practice, the clerks already advise petitioners on admissibility. It is sensible that that system be formalised and that the Public Petitions Committee's role should be limited only to cases in which there is dispute.

Like both committees, I am concerned that the present rules allow individuals or organisations to submit repeatedly the same or similar unsuccessful petitions. That has the potential to clog up the system and to use valuable resources. I understand why the Public Petitions Committee wanted to ban the resubmission of such petitions within a calendar year. On balance, therefore, I favour the Procedures Committee's proposal to allow other petitioners to submit similar petitions. However, committees should use the express powers to close petitions to minimise the effort that is spent on such petitions, the subject matter of which may have recently been dealt with by Parliament. Any other approach could serve to

raise unrealistic hopes in the petitioner and would use parliamentary resources on what may be a foregone conclusion. It follows, therefore, that I support the proposals for committees to be able to close petitions.

The Executive supports the Procedures Committee's proposal on the submission of petitions in any languages and the duty to report on individual petitions.

The proposed rule changes will increase the effectiveness of the public petitions process. I urge members to support the proposed amendments to standing orders so that we may continue our proud record of achievement of encouraging public participation in the political life of this country.

The Deputy Presiding Officer: I call Karen Gillon to close for the committee and I ask members to be quiet, please.

16:39

Karen Gillon (Clydesdale) (Lab): I thank the Procedures Committee's clerks for their work on this report and the other report that we have debated. It cannot be easy to work with the vast range of views that Procedures Committee members have on these interesting and absorbing subjects, which I see members are all here to debate. I am glad to see them all; it is nice of them to join us, even at this late stage. Members are very welcome. If any Labour member wants to take my place on the committee, I will be happy to oblige.

The Public Petitions Committee brought the issue to the Procedures Committee. After some consideration and tweaking of the measures, we acceded to that committee's requests. On resubmission, we wanted to have safeguards to ensure that people were not excluded routinely but that, if an issue had essentially reached the end of its process, the process would not be restarted for the sake of it and because the answer was not the one that the petitioner wanted.

As members of the Parliament, we are afforded many opportunities and privileges. We can raise issues in a variety of ways. [*Interruption.*] I ask some Labour members to shut up—thank you. We should not take up the Public Petitions Committee's time with our own political interests. If members of our communities feel strongly about an issue, we should encourage and enable them to submit a petition on their own behalf or as a community. That is the right way for us to move forward.

I could speak for a considerable time on the subject, but I am aware that something else seems to be going on and that members want to

raise unrealistic hopes in the petitioner and would use parliamentary resources on what may be a foregone conclusion. It follows, therefore, that I support the proposals for committees to be able to close petitions.

speaking about something else. In the interests of parliamentary unity, as long as members all vote for the motion, I will shut up now and let them get on with their other debates.

Motion without Notice

16:42

The Deputy Presiding Officer (Trish Godman): As the business motion is opposed, up to half an hour will be allocated for its discussion. At this juncture, I am minded to ask that we take a motion without notice to move decision time to the close of the debate on the business motion.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time on Wednesday 23 November be taken at 5.15 pm.—
[*Ms Margaret Curran.*]

The Deputy Presiding Officer: In accordance with the protocol on the use of the division bell agreed by the Parliamentary Bureau, the division bell will now be rung and the meeting will be suspended for five minutes. I remind members that the bell will not be sounded again—members will not hear this if they are talking to one another—in advance of the start of decision time.

16:42

Meeting suspended.

16:48

On resuming—

Motion agreed to.

That, under Rule 11.2.4 of Standing Orders, Decision Time on Wednesday 23 November be taken at 5.15 pm.

Business Motion

The Deputy Presiding Officer (Trish Godman): The next item of business is consideration of business motion S2M-3617, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme, and three amendments to the business motion. As it is somewhat unusual for there to be amendments to a business motion, I will explain how the procedure will work. The standing orders state that there can be only one speaker for and one speaker against a business motion and any amendment to that motion. In accordance with rule 8.11.3 of the standing orders, each speaker will be permitted to speak for a maximum of five minutes.

16:49

The Minister for Parliamentary Business (Ms Margaret Curran): I will move the business motion but, as there are three amendments that call for a debate on the issue of asylum seekers, it is important that I lay out the context of this debate, so that the Parliament can make a decision. Members who were here earlier this afternoon will be aware that a request was made for a ministerial statement on the matter. The request was also made yesterday at the Parliamentary Bureau.

At the bureau meeting, I offered the Scottish Socialist Party a slot for a debate in which it could have discussed anything that it wanted to discuss. On the Tuesday it refused that slot, but on the Wednesday it wants a debate and I am being asked to disrupt parliamentary business on the basis of an allegation against the First Minister and the work of the Executive that has no substance whatever. In fact, as the Presiding Officer emphasised earlier, members have opportunities to question the work of the First Minister and ministers at First Minister's question time and question time respectively, which are programmed into our business every week.

I appreciate and acknowledge the Parliament's interest in these matters and recognise that it has expressed a view that endorses the work of the Executive and the First Minister's comments. That work continues. Disrupting parliamentary business is unnecessary and I urge members to support the business motion.

Substantial work has been undertaken since the Parliament first passed the motion on the children of asylum seekers. The First Minister has made clear the results of that work and it has been regularly indicated that on-going discussions will be brought before the Parliament.

I agree with the Presiding Officer that these matters are significant, which is why it is inappropriate to disrupt business in such a manner. The Executive will bring information to the Parliament when that is appropriate, as we have always said that we would. The Parliament has opportunities to question and clarify—there are appropriate slots for doing so. Disrupting business is not the proper way to proceed.

I move,

That the Parliament agrees the following programme of business—

Wednesday 30 November 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Stage 1 Debate: Human Tissue (Scotland) Bill
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 1 December 2005

9.15 am Parliamentary Bureau Motions
followed by Executive Debate: Ambitious Excellent Schools – One Year On
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—
 Finance and Public Services and Communities;
 Education and Young People;
 Tourism, Culture and Sport
 2.55 pm Executive Debate: Sea Fisheries
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 7 December 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Executive Business
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 8 December 2005

9.15 am Parliamentary Bureau Motions
followed by Executive Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—

Health and Community Care;
 Environment and Rural Development

2.55 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business.

16:51

Bill Aitken (Glasgow) (Con): Let me make it clear at the outset why the Conservative group thought it necessary to seek to amend the business motion. Asylum is generally an emotive and difficult issue and there has been a public debate in Scotland in which emotions have run high. However, we have never deviated from the view that once the appeals procedure has been exhausted, those who have failed to satisfy the Home Office as to the validity of their asylum application must be returned to their country of origin. There are concerns about the methodology that is used and other concerns that the Conservatives have previously articulated about the ludicrously long time that it takes to determine asylum cases, which is by any standard unfair to applicants, their families and the wider community.

However, that is not the principal issue—the real issue is the First Minister's credibility. This is the third time in the past 14 months that Jack McConnell has been snubbed by Whitehall. First, his much-vaunted fresh talent programme turned out to be simply a Westminster-based pilot scheme. Then he promised a specific Scottish measure to deal with air-guns, but he was given only a registration of retailers that applied to the whole of the United Kingdom. Finally, the answer that he gave in the chamber last week, in which he said that he was in discussions with the Home Office about an asylum protocol and that he hoped to

"progress towards the right conclusion",—[*Official Report*, 17 November 2005; c 20859.]

has received a humiliating rebuff from London.

Those episodes question the very credibility of the First Minister and reveal his lack of influence with his Labour colleagues in the UK Government. He is either trying to punch above his weight and grandstand on reserved issues or attempting to step into the vacuum of inactivity on reserved measures with an impact on Scotland that has been created by the uninterested Secretary of State for Scotland, Alistair Darling. Let us make it clear that such ineffectiveness harms devolution, hurts the union and plays into the hands of separatists. Whether the First Minister is a pawn in a Whitehall farce or the intended target of Home Office ridicule is not the point. His lack of stature and standing—and, by association, that of the

Parliament as an institution—is damning in the extreme. It is humiliating that the First Minister of Scotland should be the subject of such a dismissive approach by the previously unheard-of Minister of State for Immigration, Citizenship and Nationality, Tony McNulty.

It will be interesting to see how the Liberals vote this afternoon, bearing in mind what Nicol Stephen said on 27 October and what the Deputy Minister for Education and Young People, Robert Brown, said only a few weeks ago in reply to a Green-sponsored debate in which the Executive's amendment undertook to convey to the Home Office the widespread concerns about dawn raids. It is now claimed that dawn raids have not even been discussed with the Home Office, which has made it clear that they will continue.

The First Minister has been caught out again. When the Scottish National Party conference was meeting on the eve of the debate, he attempted to get out of a political hole by committing himself to providing a Scottish solution to a Scottish problem. He has failed spectacularly to deliver. The Parliament must have an early opportunity to debate the matter in the light of the humiliating rebuff that the First Minister has received from his Labour colleagues at Westminster.

We have not sought lightly to change parliamentary business. We appreciate that our amendment seeks to remove an education debate of considerable importance from the business programme. However, what is surely of even greater importance is the Parliament's standing in the United Kingdom constitution, the First Minister's personal credibility and the fact that he is seen as a political pygmy by those at Westminster who have scant regard for the deliberations of this Parliament. The Parliament must debate the matter at the earliest opportunity and make a determination on it.

I move amendment S2M-3617.1, to leave out

“followed by Executive Debate: Ambitious Excellent Schools – One Year On”

and insert

“followed by Executive Debate: Protocol between Scottish Executive and UK Government on Treatment of Asylum Seekers”.

16:56

Chris Ballance (South of Scotland) (Green): For two months now, the Parliament has heard repeated assurances from the First Minister about his desire for a protocol with the Home Office to govern the operation of enforcement home visits, which are otherwise known as dawn raids. The issue has been raised by many members, but it

has also been the subject of broad public debate for longer than we have been discussing it here.

The notion of a protocol was raised not by campaigners or by Opposition parties but by the First Minister who, on 29 September, said that the Home Secretary agreed with his idea. The First Minister told us of the need to ensure that the asylum system operates humanely. That is the principle with which all those who feel strongly about the matter can agree. We might have our different views about what the asylum rules ought to be, but we all agree that the inhumane operation of the system cannot be tolerated and that unannounced dawn raids are—to borrow just three of the phrases used by ministers over the past two months—heavy handed, over the top and completely unacceptable. That is why so many people in Scotland welcomed the First Minister's commitment to put the protocol into place.

The Executive tells us today that its position has not changed, but it takes two to tango. The establishment of a protocol might remain the goal of the Executive, but the Home Office has ruled it out clearly and finally. Whatever it does throughout the UK, the Home Office will not recognise the distinctive child protection mechanisms in Scotland, the responsibilities of the Executive or the First Minister's call for a protocol—in short, it will not recognise the devolution settlement.

Margaret Curran was right when she said this morning that members of the Executive parties have expressed concerns. Indeed, many of them have worked for years in the interests of refugees and asylum seekers in Scotland. I say to those Labour and Liberal Democrat members—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the member give way?

Chris Ballance: Mr Rumbles's First Minister stuck his neck out on the issue of dawn raids. His Deputy First Minister and fellow ministers backed the First Minister on that and 22 Executive party members supported them by signing the motions that were lodged by Patrick Harvie, Bill Butler, Michael McMahon and Sandra White. Cannot those members see that if they now refuse to debate the snub that has been issued by the Home Office, they will be seen by the whole of Scotland as members of a doormat Parliament? If they agree to our amendment to the business motion, the debate on the removal of asylum seekers will give Jack McConnell and Nicol Stephen an opportunity to acquit themselves well and to explain not only what the Executive's position is and whether it remains the same in the face of the changing circumstances but what the Home Office's position is.

Two months ago, the First Minister acknowledged the constructive tone with which the

Greens brought the issue to the chamber. I hope that members of all parties will acknowledge the patience and persistence with which we have pressed the issue since then. In that spirit, I ask members to remember that the Executive's acknowledged responsibilities for the welfare and protection of the children of asylum seekers have not gone away. We need the debate urgently, to allow the Executive to explain how it will now seek to discharge those responsibilities following the announcement by the Home Office this week. I urge all members to back my amendment.

I move amendment S2M-3617.2, under Wednesday 30 November 2005, after

"2.30 pm Time for Reflection

followed by Parliamentary Bureau Motions"

to insert,

"followed by Executive Debate: Removal of Asylum Seekers".

17:01

Colin Fox (Lothians) (SSP): I lodged my amendment to the business motion because the Parliament needs the fullest and earliest opportunity to discuss the important issues that arise from yesterday's announcement by the Home Office regarding the non-existent protocol over the forced removal of asylum seekers and their children in dawn raids. There can surely be no one in the chamber who does not believe that the First Minister owes us a full and thorough explanation of events and of the opposing views that we have been offered by him and by the immigration and nationality directorate.

I am disappointed that the Minister for Parliamentary Business, Margaret Curran, does not accept that point. She is failing in her duty to the Parliament by not acknowledging that that debate should take place. Rather than slating the Scottish Socialist Party, she should understand that it is the Executive, not the Scottish Socialist Party, that has questions to answer about the matter. She should be making proposals for the Parliament to discuss the matter thoroughly in due course. It does her case no good to refer to the completely separate matter of her offer to the Scottish Socialist Party, at one day's notice, of a debate in eight days' time—and she has not yet even returned our phone call on that. I remind her that it is the Executive that has responsibility for the matter.

Margo MacDonald (Lothians) (Ind): Will Mr Fox take an intervention?

Colin Fox: I will take an intervention. It might make members listen for once.

Margo MacDonald: Most members know that I was in favour of a quick resolution, if at all possible, of the dilemma that we are now in. However, does Colin Fox agree that this is merely another instance of what many of us expected, which is that the concordat that was supposed to guide the co-operative working between this Parliament and Westminster would not be worth the paper that it was written on? Does he agree that we therefore need a much wider examination of how it should work?

Colin Fox: I agree with Margo MacDonald's point of view. As the minister knows, and as the Deputy First Minister has said, members on these benches did not think much of the proposed protocol in the first place.

Given the gravity of the situation, the concerns of the people of Scotland about forced removals in dawn raids and the detrimental effect that those removals are having on communities across Scotland and on our international reputation, it is simply not good enough to say that a couple of sentences from the First Minister tomorrow will be sufficient. The business for tomorrow had already been agreed and the Parliament needs to have a full opportunity to discuss these important matters as soon as possible.

The First Minister assured Parliament two months ago, and has repeated on several occasions, that there would be a new role for those dealing with asylum seekers and a change to the disgraceful situation in which we see the brutal, forced removal of children. He is on record as saying that education and social services must be fully informed in advance of any forced removal.

The First Minister must explain why there is no protocol. If there was one, what happened to it? If there is not one, why did he say repeatedly that there was? He must explain why it takes officials from London to come up here and give an off-the-record briefing to bring to an end the pantomime that he has been acting out for the past two months.

The First Minister must give assurances to the Parliament that education and social services would be informed in advance of any forced removal. What grounds does he have for suggesting that that proposal will be taken up not only in Scotland but throughout the United Kingdom? Above all, the First Minister must answer this question: how many more 13-year-old girls must be dragged from their bed in tears in the dead of night and slammed in the back of a van before change occurs? Forced removals are happening at the rate of four a week. Those are the questions that the Parliament deserves to have answered.

I move amendment S2M-3617.3, after

“followed by Stage 1 Debate: Human Tissue (Scotland) Bill”

to insert

“followed by Executive Debate: Removal of Asylum Seekers”

17:06

Linda Fabiani (Central Scotland) (SNP): On behalf of the SNP, I speak to oppose the business motion. We believe whole-heartedly that a debate is now necessary, especially after what we have heard earlier in the afternoon and this evening. The confusion on the issue is now immense. The First Minister has said that the Home Office briefing is cack-handed.

I would like to talk about the substance of the matter, which we have discussed before. The First Minister stated that he wants

“to ensure that we in Scotland have a regime that ensures not only that there is consistent application of immigration and asylum rules but that the system operates humanely.”—[*Official Report*, 29 September 2005; c 19655.]

Nicol Stephen stated:

“We want asylum seekers in this country—particularly in cases in which children are involved—to be treated with dignity, respect and fairness when they require to be removed from the United Kingdom.”—[*Official Report*, 27 October 2005; c 20096.]

The Executive’s amendment at the debate on the matter stated that the Executive would

“convey to the Home Office the widespread concerns about practices such as so-called ‘dawn raids’, handcuffing of children, and the removal of children by large groups of officers in uniform and body armour.”

I think that everyone in the Parliament agrees that those practices mean that people are not treated with dignity, respect and fairness. Malcolm Chisholm said during the debate that what was happening was “absolutely appalling.”

It seems to me that we all want the same thing, despite the spin that Executive ministers have been putting on what exactly the protocol means. We all want the practices to stop, because such treatment offends us and it offends the people against whom it is meted out; it offends those who have come to care for those people in their community and it offends everyone who has dignity.

Let us have a debate. I ask the First Minister to accept one of the amendments that have been moved to allow us to have the debate in which he can reiterate his true views and feelings about what is happening. I also believe that if we have an unequivocal pledge from the First Minister, not in the rammy that is First Minister’s question time

but during a structured debate, the Parliament will come behind him and say that it is pleased that he is taking a stand and saying to the Home Office, “This is not acceptable in our country. You have no alternative but to stop it and to deal with this.”

The First Minister would have behind him not just the Parliament but civic Scotland, including all the voluntary groups and the professionals who work every day with the people who are being treated in this way and see the sorrow that is caused. He would also have behind him the general population of this country, because we all want to know that Scotland stands for dignity, respect and fairness. We want our First Minister, with the backing of the Parliament, to go down to the Home Office and tell it that that is how Scotland is going to be.

17:09

Ms Curran: I repeat that there is no change in Scottish Executive policy. The position that the First Minister has outlined week after week at First Minister’s question time remains the same. I speak on behalf of the Executive when I say that we will take no lessons on our commitment to asylum seekers and refugees in this country. The Executive has delivered substantial funding packages to support the integration of asylum seekers and refugees and has been given credit by many organisations throughout Scotland for undertaking that work. We are supporting first-class work on integration in schools. Glasgow City Council, two of whose former leaders sit on the partnership benches, has led the field in Scotland on asylum seekers.

Members and ministers in the Executive have a consistent and on-going track record on such matters. The First Minister has been considering them for some considerable time and has examined how the concerns of schoolchildren can be pursued. He and the Executive are working to establish an effective role for education and social work services in addressing those issues. As I say, that work is continuing and will be reported on as appropriate. The Executive will remain focused and will not be distracted. The practical results of our work are what matters—they are what we should focus on.

This afternoon, we have seen evidence of a truly unholy alliance in the Parliament. It would appear that the Scottish Socialist Party does not believe in having any immigration controls at all and does not feel obliged to care about any of the consequences of that policy. We know that the Scottish National Party wants to have a set of border controls between England and Scotland; I am not sure what other immigration controls it wants. As for the Tories, what a confused bunch they are. I know that they are debating their

political direction, but an alliance between them and the Trots on immigration, which is a reserved issue, is truly breathtaking. They are also lining up with the Greens and the nationalists. Although I often listen to what the Green party has to say on such matters, I was distressed by Chris Ballance's implication that if improvements are made in the situation for kids in England, that is of no interest at all to us.

Let me be clear about the Executive's priority—it is kids not constitutions that matter to us. Our focus is on the practical improvements that we will bring about in the circumstances of those children to whom the First Minister has drawn attention. We will not be distracted by amendments to the business motion. We repeat that work on asylum seekers and refugees is on-going. Rather than playing around with parliamentary business motions, people should take note of the Executive's dedication. Let us get on with our work by supporting the business motion.

The Presiding Officer (Mr George Reid): The question is, that amendment S2M-3617.1, in the name of Annabel Goldie, which seeks to amend business motion S2M-3617, in the name of Margaret Curran, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)

McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahan, 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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)

Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Swinburne, John (Central Scotland) (SSCUP)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

The Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The second question is, that amendment S2M-3617.2, in the name of Chris Ballance, which seeks to amend business motion S2M-3617, in the name of Margaret Curran, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)

Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, 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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 51, Against 66, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The third question is, that amendment S2M-3617.3, in the name of Carolyn Leckie, which seeks to amend business motion S2M-3617, in the name of Margaret Curran, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, 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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Presiding Officer: The result of the division is: For 51, Against 66, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The fourth question is, that business motion S2M-3617, in the name of Margaret Curran, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (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)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 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)
 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)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McMahon, 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)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Baird, Shiona (North East Scotland) (Green)
 Ballance, Chris (South of Scotland) (Green)
 Ballard, Mark (Lothians) (Green)
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 Davidson, Mr David (North East Scotland) (Con)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
 Fox, Colin (Lothians) (SSP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Lochhead, Richard (North East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Mrs Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Robison, Shona (Dundee East) (SNP)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinburne, John (Central Scotland) (SSCUP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)

The Presiding Officer: The result of the division is: For 65, Against 51, Abstentions 1.

Motion agreed to.

That the Parliament agrees the following programme of business—

Wednesday 30 November 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Stage 1 Debate: Human Tissue (Scotland) Bill
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 1 December 2005

9.15 am Parliamentary Bureau Motions
followed by Executive Debate: Ambitious Excellent Schools – One Year On
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—
 Finance and Public Services and Communities;
 Education and Young People;
 Tourism, Culture and Sport
 2.55 pm Executive Debate: Sea Fisheries
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 7 December 2005

2.30 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Executive Business
followed by Business Motion
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 8 December 2005

9.15 am Parliamentary Bureau Motions
followed by Executive Business
 11.40 am General Question Time
 12 noon First Minister's Question Time
 2.15 pm Themed Question Time—
 Health and Community Care;
 Environment and Rural Development
 2.55 pm Executive Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business.

Parliamentary Bureau Motions

The Presiding Officer (Mr George Reid): The next item of business is consideration of Parliamentary Bureau motions.

Motion moved,

That the Parliament agrees that the draft Transfer of Rail Functions to the Scottish Ministers Order 2005 be approved.—[*Ms Margaret Curran.*]

17:18

Mr David Davidson (North East Scotland) (Con): I speak against the draft order because I believe that the Executive has misled Parliament over the intended role of Strathclyde Passenger Transport in the management of rail services. In June 2004, Nicol Stephen, the then Minister for Transport, said:

“I still expect SPT to have a direct role in the management and development of rail services in the west of Scotland.”—[*Official Report*, 16 June 2004; c 9099.]

He went on to say that he looked forward to SPT expanding and to “further development” of its powers.

In a written answer in December 2004, Nicol Stephen said:

“the Regional Transport Partnership in the West of Scotland will continue to manage, develop and monitor rail services in its area.”—[*Official Report, Written Answers*, 20 December 2004; S2W-12526.]

We are now being told that, as a result of an agreement that was forced on SPT by the Executive, the powers of SPT in key areas such as fares and branding will be curtailed. The Executive has merely agreed to consult SPT.

SPT, in its use of its rail powers, has been a beacon of success and has earned public confidence. It is a tried and tested model that delivers, yet it seems that, for the Executive, SPT is an inconvenience in the Executive's efforts to centralise rail powers within the new agency. Rather than continuing to undermine an organisation with such an impressive record of delivery, members should seize this final opportunity to reverse this misguided policy and to restore to SPT all the rail powers that it previously had.

17:19

The Minister for Transport and Telecommunications (Tavish Scott): This is the final legislative stage of delivering the commitment that we first gave in the 2004 transport white paper to transfer the relevant rail powers of SPT to Scottish ministers. We have been clear and

unambiguous in our statements to Parliament that a transfer of powers would take place.

The order before Parliament this evening is the right step to ensure a coherent approach to rail strategy and delivery in Scotland. Unlike the Tories, we feel that we cannot afford to have a fragmented structure as we try to improve the railways and their role in Scotland's integrated transport system. We were always committed to SPT's having a role in the development, management and monitoring of rail services. However, I understand that, despite the agreement reached at the meeting on 8 November, SPT cannot recommend signature to its authority. That state of affairs is regrettable.

As a result, SPT will no longer work on the management and monitoring of rail franchise services and the staff involved in those activities will be transferred and begin work in the Scottish Executive next week. The process of transfer is being progressed with SPT this week and I thank it for its co-operation.

Last week, I reassured the Local Government and Transport Committee that staff who transfer will not be disadvantaged by the move. Transferring staff to the Executive will allow us to retain their experience and expertise, which we will need if we are to continue to improve rail services in Scotland.

This devolved Government argues for a unified, simplified rail structure for Scotland and a rail service that delivers for passengers and the Scottish economy. The Tories argue for fragmentation. [*Interruption.*] I will repeat that, because the Tories missed it the first time. They argue for fragmentation, chaos and no accountability—but they would, wouldn't they? After all, it was the Tories who privatised the rail industry; it was the Tories who were directly responsible for the resulting chaos; and it is the Tories who now admit that they got it wrong—but not, of course, in Scotland. I urge the Parliament to have no truck with a party that, when in government, made such mistakes. This devolved Government is now putting those things right.

The Presiding Officer: I ask Margaret Curran to move motions S2M-3611 to 3614 inclusive, on the approval of Scottish statutory instruments, and motion S2M-3615, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that the draft Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005 be approved.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (No. 2) (Scotland) Order 2005 (SSI 2005/548) be approved.

That the Parliament agrees that the draft Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 be approved.

That the Parliament agrees that the draft Victim Statements (Prescribed Courts) (Scotland) Revocation Order 2005 be approved.

That the Parliament agrees that the Enterprise and Culture Committee be designated as lead committee in consideration of the Bankruptcy and Diligence etc. (Scotland) Bill at Stage 1.—[*Ms Margaret Curran.*]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:22

The Presiding Officer (Mr George Reid):

There are eight questions to be put as a result of today's business.

The first question is, that motion S2M-3594, in the name of Donald Gorrie, on the Procedures Committee's seventh report of 2005, "The Sewel Convention", be agreed to.

Motion agreed to.

That the Parliament notes the Procedures Committee's 7th Report, 2005 (Session 2), *The Sewel Convention* (SP Paper 428); endorses its conclusions and recommendations, and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 30 November 2005, subject to the requirement in new Rule 9B.3.1 applying only in relation to Bills introduced, or amendments agreed to or tabled (as the case may be), after that date.

The Presiding Officer: The next question is, that motion S2M-3595, in the name of Donald Gorrie, on the Procedures Committee's sixth report of 2005, "Admissibility and Closure of Public Petitions", be agreed to.

Motion agreed to.

That the Parliament notes the Procedures Committee's 6th Report, 2005 (Session 2), *Admissibility and Closure of Public Petitions* (SP Paper 420), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 30 November 2005.

The Presiding Officer: The next question is, that motion S2M-3610, in the name of Margaret Curran, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Byrne, Ms Rosemary (South of Scotland) (SSP)
 Canavan, Dennis (Falkirk West) (Ind)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Frances (West of Scotland) (SSP)
 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)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)

Finnie, Ross (West of Scotland) (LD)
 Fox, Colin (Lothians) (SSP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Henry, Hugh (Paisley South) (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)
 Kane, Rosie (Glasgow) (SSP)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Leckie, Carolyn (Central Scotland) (SSP)
 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, Margo (Lothians) (Ind)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Mather, Jim (Highlands and Islands) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 Maxwell, Mr Stewart (West of Scotland) (SNP)
 May, Christine (Central Fife) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McFee, Mr Bruce (West of Scotland) (SNP)
 McMahan, 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 (South of Scotland) (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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Wallace, Mr Jim (Orkney) (LD)

Whitefield, Karen (Airdrie and Shotts) (Lab)
Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)
Brownlee, Derek (South of Scotland) (Con)
Davidson, Mr David (North East Scotland) (Con)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Goldie, Miss Annabel (West of Scotland) (Con)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (Con)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Swinburne, John (Central Scotland) (SSCUP)
Tosh, Murray (West of Scotland) (Con)
White, Ms Sandra (Glasgow) (SNP)

ABSTENTIONS

Baird, Shiona (North East Scotland) (Green)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
Scott, Eleanor (Highlands and Islands) (Green)

The Presiding Officer: The result of the division is: For 93, Against 17, Abstentions 7.

Motion agreed to.

That the Parliament agrees that the draft Transfer of Rail Functions to the Scottish Ministers Order 2005 be approved.

The Presiding Officer: The next question is, that motion S2M-3611, in the name of Margaret Curran, on approval of an SSI, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Civil Partnership (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2005 be approved.

The Presiding Officer: The next question is, that motion S2M-3612, in the name of Margaret Curran, on approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Alexander, Ms Wendy (Paisley North) (Lab)
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)
Baillie, Jackie (Dumbarton) (Lab)
Baird, Shiona (North East Scotland) (Green)
Baker, Richard (North East Scotland) (Lab)
Ballance, Chris (South of Scotland) (Green)
Ballard, Mark (Lothians) (Green)
Barrie, Scott (Dunfermline West) (Lab)
Boyack, Sarah (Edinburgh Central) (Lab)
Brankin, Rhona (Midlothian) (Lab)
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)

Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Butler, Bill (Glasgow Anniesland) (Lab)
Canavan, Dennis (Falkirk West) (Ind)
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Crawford, Bruce (Mid Scotland and Fife) (SNP)
Curran, Ms Margaret (Glasgow Baillieston) (Lab)
Davidson, Mr David (North East Scotland) (Con)
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)
Fergusson, Patricia (Glasgow Maryhill) (Lab)
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)
Finnie, Ross (West of Scotland) (LD)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallie, Phil (South of Scotland) (Con)
Gibson, Rob (Highlands and Islands) (SNP)
Gillon, Karen (Clydesdale) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
Godman, Trish (West Renfrewshire) (Lab)
Goldie, Miss Annabel (West of Scotland) (Con)
Gorrie, Donald (Central Scotland) (LD)
Grahame, Christine (South of Scotland) (SNP)
Harper, Robin (Lothians) (Green)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Paisley South) (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)
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)
Macintosh, Mr Kenneth (Eastwood) (Lab)
Maclean, Kate (Dundee West) (Lab)
Macmillan, Maureen (Highlands and Islands) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
Marwick, Tricia (Mid Scotland and Fife) (SNP)
Mather, Jim (Highlands and Islands) (SNP)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)
May, Christine (Central Fife) (Lab)
McAveety, Mr Frank (Glasgow Shettleston) (Lab)
McCabe, Mr Tom (Hamilton South) (Lab)
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
McFee, Mr Bruce (West of Scotland) (SNP)
McGrigor, Mr Jamie (Highlands and Islands) (Con)
McLetchie, David (Edinburgh Pentlands) (Con)
McMahon, Michael (Hamilton North and Bellshill) (Lab)
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Milne, Mrs Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (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)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (Dundee East) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Eleanor (Highlands and Islands) (Green)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Tosh, Murray (West of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Byrne, Ms Rosemary (South of Scotland) (SSP)
 Curran, Frances (West of Scotland) (SSP)
 Fox, Colin (Lothians) (SSP)
 Kane, Rosie (Glasgow) (SSP)
 Leckie, Carolyn (Central Scotland) (SSP)
 Swinburne, John (Central Scotland) (SSCUP)

ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 108, Against 6, Abstentions 1.

Motion agreed to.

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Paralytic Shellfish Poisoning) (Orkney) (No. 2) (Scotland) Order 2005 (SSI 2005/548) be approved.

The Presiding Officer: The next question is, that motion S2M-3613, in the name of Margaret Curran, on approval of an SSI, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005 be approved.

The Presiding Officer: The next question is, that motion S2M-3614, in the name of Margaret Curran, on approval of an SSI, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Victim Statements (Prescribed Courts) (Scotland) Revocation Order 2005 be approved.

The Presiding Officer: The final question for tonight is, that motion S2M-3615, in the name of Margaret Curran, on the designation of a lead committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Enterprise and Culture Committee be designated as lead committee in consideration of the Bankruptcy and Diligence etc. (Scotland) Bill at Stage 1.

Micro-renewables Technologies

The Deputy Presiding Officer (Murray Tosh):

The final item of business today is a members' business debate on motion S2M-3320, in the name of Sarah Boyack, on promoting energy saving using micro and small-scale renewables technology. The debate will be concluded without any question being put.

Motion debated,

That the Parliament believes that micro and small-scale renewables technology offers huge opportunities to tackle both fuel poverty and the causes of climate change; notes the Scottish Executive's target of achieving a 20% improvement in energy efficiency on 2000 levels by 2010; believes that, to help achieve this target, building standards should be amended to include micro-renewables technology as permitted developments and should require generation capacity to be included in all new developments; particularly notes examples of good practice in Edinburgh Central such as Dunedin Canmore Housing Association's European award-nominated Slateford Green Development; believes that local authorities should be required to consider the role that micro-generation targets could deliver in achieving sustainable energy and to set appropriate targets accordingly; notes the Energy Savings Trust's proposal of a flat rate reduction on council tax or its replacement for houses which incorporate certified energy efficiency or micro-renewables technology, and believes that fiscal measures such as these should be actively considered.

17:27

Sarah Boyack (Edinburgh Central) (Lab):

I thank colleagues for signing my motion and helping me to bring this debate to the chamber tonight. I am particularly delighted by the range of cross-party support, and the 38 members who took the time to sign the motion.

Most members know that I have been working on this issue and bringing it to the Parliament for a long time. It crops up in many questions to ministers and it is regularly raised in written questions. We have also dealt with it in the cross-party group on renewable energy. We have been working on the grid, and Nora Radcliffe, Robin Harper and I have been involved in work on small-scale renewables for the past few years.

We have now moved from talking about small-scale renewables as a future possibility, to talking about the micro-renewables option. I have also been working with my colleague Mark Lazarowicz, who has been working on the issue in the United Kingdom Parliament. I am pleased to report that he managed to get more than 100 of his colleagues to stay in London on a Friday to vote his bill through the first stage of the private member's bill process. That is not something that happens every day of the week in the House of Commons.

I strongly believe that we must not let Scotland fall behind in this debate. We need to legislate to make micro-renewables happen here too. That technology needs to be part of the Scottish Executive's renewables targets. I firmly believe that the idea's time has come and I acknowledge the tremendous support that there is for the proposals outwith the Scottish Parliament—from the environmental non-governmental organisations, the fuel poverty and energy efficiency campaigners, the renewables industry and the Scottish renewables forum.

There is widespread support within and outwith the Scottish Parliament because it is a win-win idea for Scotland. Much support for the proposals comes because there are huge environmental benefits to using energy from buildings as part of our overall strategy to create zero or low-carbon heat and power. It is also a potentially significant way of tackling climate change and there are huge opportunities to gain benefits for our fuel poverty strategy.

The era of cheap domestic power is now over. Energywatch reports that gas prices have gone up by 30 per cent, and electricity prices have risen by 20 per cent in the past two years. We know from the Scottish house condition survey that every 5 per cent increase in fuel costs drags 30,000 Scots back into fuel poverty. Barnardo's estimates that 46,000 children live in fuel poverty. That must end, and this is an opportunity to bring it to an end.

It is no coincidence that Scotland's social housing providers are leading the way in making use of the Scottish community and householder renewables initiative. Canmore Housing Association in my constituency has several projects that use micro-renewables, energy efficiency and management technologies. The Slateford Green project has won awards at European level, but there are others. There are families in my constituency who are already living with lower fuel bills and warm homes. I would like all my constituents to have the same opportunity.

That is beginning to happen across Scotland, though: Berwickshire Housing Association, Queen's Cross in Glasgow, and projects in Dundee and Aberdeen are examples; more are happening all the time. The technologies do work, especially when projects are linked between micro-generation and energy efficiency. That is the real win-win situation.

Bruce Crawford (Mid Scotland and Fife)

(SNP): I congratulate the member on securing the debate. Does she agree that if we managed to introduce net metering so that people could pay back into the grid from their own systems, that would be even more beneficial to many people?

Sarah Boyack: That must be part of the picture. It is not enough just to encourage people to use renewable energy technologies; we have to reward them for it by giving them a fair price and encouraging them to install the new technology.

The debate raises a huge series of issues about the grid. However, I do not have time to go into them in my brief slot tonight.

The technologies are working already. We know what the barriers are and we have to get rid of them. We need to make sure that the projects that are working away quietly become the norm across Scotland. We need to move up a gear; we need to incorporate those technologies as standard in every new building. That is why we need to change our building standards and make sure that the planning system grants permitted development to those projects.

We have to encourage and incentivise people to add the new technologies to their existing housing and buildings—we should not deal only with new buildings. By installing the new technologies we will create a mass market; we will bring down costs; we will stimulate manufacturing in Scotland; and, crucially, we will create a pool of skilled installers who know how to fit the technology.

We also need to raise awareness and make it easier for people to install renewable energy in their homes, as it is far too difficult at the moment. It can be done, but it requires a huge amount of personal research and commitment. We should reward everybody for using environmentally friendly heat and power technology.

The Energy Saving Trust pilot shows that if we knock £100 off people's council tax, they will start installing technologies that are energy efficient and renewable. I hope that the Scottish Executive will promote a micro-generation strategy as part of its overall renewables strategy.

If we are to hit the 40 per cent renewables target by 2020, we need to use every technology in the box, and micro-generation has to be part of that process. Let us use the power of public sector procurement with every new building that goes up in Scotland and, crucially, with every project that looks at regenerating the fabric of existing buildings.

This is a huge opportunity for us. I have set out ideas in my own member's bill, and I know that Shiona Baird has been working on the same topic. Tonight is a chance to get the debate going in the Parliament about how we deliver micro-generation and energy efficiency. It is a huge win-win for Scotland: we can protect our environment; we can tackle fuel poverty; and we can create jobs.

I thank everyone who supported me in bringing the debate to the Parliament. Let us see this as

the start of the debate and a continuation of the ideas that are already out there in Scotland. Let us make sure that we really make a difference and that we create a tipping point where not just every new building, but every existing one takes advantage of the massive benefits that are available from the new technology.

The Deputy Presiding Officer: I have a considerable list of members who wish to speak in the debate. I will start with speeches at four minutes, and that limit must be observed. I may have to reduce the time for members who speak later, but I will advise them then.

17:34

Richard Lochhead (North East Scotland) (SNP): I congratulate Sarah Boyack on securing this very interesting debate. I do not think that there will be too much disagreement on many of the issues. The debate is timely, given that energy is dominating the headlines after Tony Blair's ludicrous comments about the need for nuclear power.

It is disconcerting and infuriating that the energy debate in the United Kingdom, which considers the issues from a UK perspective, dominates our headlines in Scotland. Our energy debate is distinct from that of the rest of the UK—we are an energy-rich country. We do not need nuclear power, because we have huge renewables potential and other clean, safer alternatives.

Renewables are relevant to the debate. They offer opportunities for households, businesses and communities. The debate is about how we can bring renewables right down to the lowest possible level, away from industrial-scale projects towards small-scale renewables sources and embedding renewables in our homes, our workplaces and our communities.

Households can play a role through energy efficiency, which is an important debate as we consider how we can achieve our targets for reducing emissions. By using renewable energy in their homes, people can play their own little part in tackling global warming and we can get people thinking about their domestic energy use, how they can change it and how they can save money.

It is exciting to see projects such as the ones that Sarah Boyack mentioned, or Dundee City Council's sun city project, which is installing solar technology in about 700 houses over the next two years. Dundee can take advantage of being a particularly sunny city. It is estimated that half the homes in Dundee could benefit from solar technology. We often think that there is not a lot of sun in Scotland, but if we capture its potential, it can help us to heat our homes.

We need incentives to get renewable energy technologies off the ground, to get more people involved and to make renewable sources more affordable. We must ensure that commercial buildings, as well as homes, incorporate renewables technologies when they are built. That is key to making a huge difference in the future.

On local communities' role, smaller-scale, off-grid renewable energy production is full of potential. It can empower local communities, create jobs and give them their own income, as well as taking pressure off the national grid. We must remember that sector.

Housing is the big challenge facing Scotland when it comes to renewable energy and energy in general. The Swiss have adopted a target of cutting carbon emissions by 90 per cent by 2050, which would be a huge step that they will achieve through energy-efficient housing. In Scotland, we have a major problem in that respect. It is all very well to have energy-efficient design and to install energy-efficient equipment when we build new homes, but much of Scotland's housing stock is old and cold, and it will be difficult to do the same here. That is a big challenge for ministers.

The other barrier is reducing the cost of installing the technologies. We must do that, but we can do so only by increasing demand so that the price falls. The Government must take the lead. Government buildings will have to use renewable energy, as will Government-funded projects. That could make a huge impact on the demand for renewables technology.

As Sarah Boyack said, we need more installers. There are huge economic opportunities there for a new industry in Scotland that would create thousands of jobs the length and breadth of the country. To get people on board, we must ensure that householders have the maximum amount of information about energy use and about the types of energy that they can use in their homes. That means that every home in Scotland will have to have an energy rating that people understand and can relate to. They should be able to understand the amount of money that they could save in the long term if they switched to renewables in their homes.

There is much more to do, but I am glad that we are starting to work on this area in Scotland. The debate is welcome.

17:38

Murdo Fraser (Mid Scotland and Fife) (Con): I welcome the debate, and I thank Sarah Boyack for bringing the issue to the chamber. I was not quite expecting all the excitement of earlier this afternoon and I have a further engagement at 6 o'clock, so if I have to leave early, I offer my

apologies to Sarah Boyack, the minister and you, Presiding Officer.

I did not sign Sarah Boyack's motion because I was a little bit uncomfortable with the idea of the Executive setting targets for local authorities, but I agree with almost everything else in the motion. I am particularly attracted to the idea of

"micro and small-scale renewables technology",

not least because, as members know, I am something of a critic of the development of large-scale onshore wind farms. Developing micro-technology would be greatly preferable and would get us away from any of the problems associated with large projects. I will say more on that subject in a moment.

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I point out that the London Climate Change Agency is addressing the development of micro-renewables, as well as pushing for large wind farms. We need the two operating together. Micro-renewables can create base-load; wind farms can provide an intermittent supply.

Murdo Fraser: Mr Ruskell and I will have to agree to differ on that point. I am afraid that time will not allow me to elaborate to any great extent on the arguments on that subject, to which we can return on another occasion.

I agree with Sarah Boyack that micro and small-scale renewables offer opportunities to tackle both fuel poverty and the causes of climate change. The idea of amending building standards to include micro-renewables technology projects as permitted developments is interesting. Although I am no building expert, I would like to hear the minister's response on that.

I refer to some of the successful schemes that are being undertaken in my region of Mid Scotland and Fife. In May 2004, a small-scale wind turbine was designed and fitted on top of Collydean Primary School in Glenrothes. It was the first school in Scotland to have a purpose-built wind turbine and I congratulate all those involved who worked so hard to make it happen. Such schemes could be rolled out throughout Scotland. They are important, because they not only make a contribution to renewable energy but help to educate youngsters about the opportunities that green energy provides and to make them more aware of the environment.

Small-scale turbines do not have the disadvantages of visual or environmental impact that large wind farms have. Where I grew up in Inverness-shire, it was relatively common to see windmills on crofts and smallholdings not to provide electricity, because they pre-dated that technology in that part of the world, but to power water pumps to raise water from the well to feed

the water supply to the house and steading. Sadly, few of those windmills still exist, which is a shame, because they were quite a feature of the landscape, but there is no reason why we cannot replace them with small-scale wind turbines that provide electricity for dwellings, with any surplus being sold back to the grid.

I offer another example of small-scale renewable energy in action. Recently I visited two small-scale hydro schemes just outside Aberfeldy. They do not involve damming up the river or creating reservoirs; the river flow generates electricity by flowing down water pipes underneath the river. One small scheme is capable of generating enough electricity to power a small town. Strictly speaking, that is not micro-generation, but it shows what can be done, and with low visual and environmental impact.

There are great opportunities throughout rural Scotland to develop small hydro schemes, which would bring tremendous economic benefit to landowners, farmers and communities. Funding mechanisms for renewable energy should be altered to help to promote such small-scale renewables technologies, because the opportunities for Scotland are tremendous.

Small-scale renewables technologies, such as the ones mentioned in the motion, are the way forward for Scotland. Compared with large-scale wind farms, they cause near to no damage to the local environment and their visual impact is virtually non-existent.

I thank Sarah Boyack for lodging the motion and believe that the Executive should consider developing these opportunities to the benefit of us all.

17:42

Nora Radcliffe (Gordon) (LD): I congratulate Sarah Boyack on an excellent motion with a number of practical suggestions to encourage more use of the available means of meeting domestic energy needs more economically in both cash and carbon. A great deal of the debate on energy focuses on electricity generation, but it is vital to develop policies and incentives that reflect the use of all energy, not just electricity.

More than 80 per cent of household energy is used in heating and four fifths of it is non-electric, so there is great scope for home owners to save money and electricity. Solar cells can chop 30 per cent off electricity bills. Solar panels can save up to 70 per cent on water heating bills. Domestic wind turbines can reduce an electricity bill by 15 per cent. In new-build homes, I would like to see automatic fitting of a two-way electricity meter to cater for future opportunities to sell power into the grid as well as draw power from it. Although I

acknowledge that there are potential technical problems with that, they are certainly not insuperable.

We have already used building regulations to ensure that new homes have insulation levels that make them 25 per cent more energy efficient than homes built to previous standards. To me, it is far more sensible to tackle fuel poverty through home improvement than to give people what is in effect money to burn.

More energy demand should be met locally and directly either in individual homes or through district heating or combined heat and power plants, which give 80 per cent efficiency, rather than the 30 per cent energy conversion efficiency of electricity.

One of Scotland's underutilised resources is wood fuel. The Woodland Trust estimates that Scotland could produce up to 4 million tonnes of fresh wood fuel a year, which would save 2.5 million tonnes of CO₂ and 20,000 tonnes of sulphur dioxide emissions.

As the motion says, there is a huge opportunity to tackle fuel poverty and climate change through micro and small-scale renewables technology; we have only to grasp it. Many people and organisations are doing so, but change is not happening at the rate that it needs to. People are wary of change and we need encouragement and incentives if we are to get change moving and to build the skills pool that will support and accelerate such change.

I endorse the suggestions in Sarah Boyack's motion.

17:45

Shiona Baird (North East Scotland) (Green): I congratulate Sarah Boyack on securing this debate on a subject that is dear to my heart. The motion, which was lodged shortly after I announced that I intended to introduce a member's bill to promote micro-power, has been warmly welcomed by me and my colleagues in the Scottish Green Party.

As we have heard, Sarah Boyack has been thinking of introducing a member's bill for some time and, shortly after my proposal was launched in September, she announced that she would lodge a proposal for a bill on the subject. The fact that two MSPs from different parties have proposed similar legislation is significant and shows how important and relevant micro-power is. I am keen to work with Sarah Boyack on our proposals. It seems that only a technicality prevents two members from lodging the same proposal for a bill and I am investigating how that technicality can be removed so that we could

show real consensus among parties by taking forward a bill together. After all, the aim of the Scottish Parliament was to seek more co-operative ways of working.

Micro-power offers an alternative to obtaining energy from large-scale, centralised power stations that are fired by coal, oil or gas and to building any more nuclear reactors. Micro-power has the potential to reduce greenhouse gas emissions and to prevent more radioactive waste from being produced. It is also more efficient than conventional sources of energy because it reduces the losses that occur when energy is transmitted over large distances. Further, it would offer greater security of energy supply, because we would not be reliant on a few huge power stations that might go offline. That is a particular risk for nuclear power stations of similar design, some of which have had to be taken offline at the same time for safety reasons.

The potential for micro-power in Scotland is huge because almost every household and small business could become a small powerhouse. Although it is not envisaged that micro-power could totally replace the need for some centralised generation of energy—at least in the short term—it could reduce the need for polluting, inefficient and insecure centralised generation. Key to the effective use of micro-power is improving properties' insulation. That is why I welcome the Executive's commitment to set a target for achieving a 20 per cent improvement in energy efficiency on 2000 levels by 2010. Patrick Harvie will make proposals on exactly that at stage 3 of the Housing (Scotland) Bill tomorrow, and I would welcome the minister's confirmation that they would bring us in line with England and Wales.

Micro-power has already been installed in households and small businesses across Scotland and in other countries, playing no small part in permanently moving people out of fuel poverty. The Dundee sun city project is an extremely good example of partnership working.

I certainly support the call for the measures in Sarah Boyack's motion to be adopted, as they are all measures that I am consulting on for inclusion in my green power bill. It would be wonderful if the minister would give a commitment that the Executive will consider the measures that are outlined in the motion before either Sarah Boyack or I have to go to the length of pursuing a member's bill.

If micro-power is to realise its potential to improve efficiency, help to reduce climate change impacts and provide security of energy supply, Government action will be needed to reduce the barriers that affect it. I will be interested to hear the minister's response to the debate.

17:49

Dr Sylvia Jackson (Stirling) (Lab): Sarah Boyack has been working on renewable energy for some time and announced in June her intention to introduce a member's bill on the subject. I am supportive of all the work that she has done since then.

Earlier today, we heard the Minister for Finance and Public Service Reform, Tom McCabe, announce rate relief for offshore wind farms, which will bring us into line with England and Wales. We were all very happy about that announcement. He went on to say that there will be a consultation next year and, in his answers to questions, he made it clear that that consultation will address non-domestic or industrial concerns. However, it is also important that the consultation address micro and small-scale renewables technology such as Sarah Boyack talked about. For example, the consultation should address what other incentives would be useful in relation to existing housing and new housing.

Personal recycling should be a lot easier than it is, although we all do the best we can. I do not want to digress too much, but although I try my hardest with recycling, I do not think that I necessarily achieve the peaks that I should achieve. I know that more support is needed.

Sarah Boyack's motion mentions the Energy Saving Trust's proposal for a flat-rate reduction on council tax, and other measures that could be considered. I am sure that the minister who is sitting here with us today, Allan Wilson, will be communicating—and has communicated already—with the Minister for Finance and Public Service Reform about the importance of including incentives and support for householders in the consultation paper that will be published next year.

I know that Allan Wilson has visited Fintry in my constituency to see what is happening there. A community group was set up to consider how it could work with a developer—West Coast Energy Ltd—to own a turbine. There are 15 wind turbines in the field—it is relatively small—and Fintry will own one of them. The process has not been easy; many discussions were needed along the way, including discussions with RSPB Scotland when hen harriers were discovered on the site, but the community group has worked very well. It is now moving on to take a more holistic approach to micro and small-scale renewables technologies so that it can go that one step further. It is important that the Executive should also take an holistic approach, although I am sure that it does so through its sustainable development strategy and its cross-departmental working. We must consider all the different ways in which we can support such ventures.

Housing is obviously important, so we must consider how we can give housing associations more support. There is huge interest in the subject; for example, I saw lots of information in my local supermarket recently about how we could make progress by having turbines for our own houses. There really is massive interest in the matter, and we must capitalise on it.

17:53

Rob Gibson (Highlands and Islands) (SNP): I congratulate Sarah Boyack on securing the debate. Micro and small-scale renewables are part of the overall blend that we in Scotland must have a continuing debate about so that we can make best use of our fantastic and infinite resources.

The Scottish National Party led a debate on energy two weeks ago. We see good prospects in exporting energy from clean renewables from Scotland to England. As we said then, we must first decide what can be produced here so that local and national needs are met first. We have to ensure that we bring energy from micro-renewables and the micro-heat process into the frame at an early stage. The kinds of incentives that are needed to do that take second place.

In the Shetlands on Unst—the most northerly island in Scotland—PURE Energy Ltd is working on hydrogen cell technology. It is also engaged in changing people's behaviour; that change is most important. The project has involved the creation of an energy audit for the people on Unst in respect of how they use their cars, how they heat and save energy in their homes and how they work. Unst has a small population, so it may eventually be possible for the island to be totally powered by renewables. The island of Stronsay in the Orkneys is seeking to do the same thing through a combination of hydrogen cell power and small windmills.

If those communities can conduct an energy audit that changes people's behaviour, every community from the north to the south of Scotland and from the cities to the furthest clachan in the countryside must do the same. Within the process of encouraging use of many forms of heat and power generation, we must get people on board in areas that they recognise—in wards, parishes or whatever. That part of the process will kick-start change. There is plenty of information about individual places. Different communities have capacities to create different kinds of energy. Some have great capacity and some have much less.

In the cities, surely it is as possible as it is in Westray in the Orkneys or in the west of Lewis for people to recycle cooking oil. A vast amount of cooking oil is used in the cities compared with a

small community such as Kirkwall. That suggests to me that, for such activity to take place, it must be organised on the basis of an energy audit. Unless we have such audits, all the great ideas that have been discussed will not be brought to fruition as quickly as they should be and the micro and small-scale renewables projects that we all want will stall, because the Government does not see them as part of an overall energy strategy that includes having every community do an energy audit now.

17:57

Mr Mark Ruskell (Mid Scotland and Fife) (Green): I thank Sarah Boyack for lodging the motion for debate, which is about personal responsibility. By and large, we use electricity in the same way as we use water or air. We always expect it to be there and to get instant energy as soon as we stick a plug into a socket. We must personalise our energy consumption and our understanding of our energy consumption and generation. Micro-renewables offer us the opportunity to do that.

Enterprise issues are also involved. Richard Lochhead referred to the opportunity to sell electricity back to the grid, which would give individuals the chance to make money. We live in the age of the internet and eBay, and part of the strength and power of the internet is the fact that it provides a network of millions of users, which has a correlation with the electricity grid: if we have a decentralised energy system with millions of generators that feed into a grid, we will create a powerful system that can meet much of our electricity requirement.

The Office of Gas and Electricity Markets believes, for example, that micro-combined heat and power in our homes, micro-wind turbines and even solar power could meet some of our key baseload demand. How we meet that will be the big question as we move towards phasing out nuclear and coal energy. Alongside ambitious energy efficiency measures and some of the larger-scale onshore and offshore renewable energies, micro-renewables can allow us to start to formulate a strong energy strategy and to meet some of our energy demand.

The Executive's green jobs strategy says:

"Small opportunities are often the beginning of great enterprises."

We need targets, which are important. We also need mechanisms. I have previously mentioned the London Climate Change Agency. It is a mechanism that contributes towards achieving a target. It is a municipal company that is installing micro-renewables and which is thinking through

innovative and enterprising solutions to London's vast energy demands.

We need to think the same way in Scotland. For example, Perth and Kinross Council is desperate to drive the economic regeneration of highland Perthshire. Part of that relates to the biomass industry, but the first step in developing a strong biomass industry is to ensure that our public buildings, such as Breadalbane Academy, have wood-fuelled heating systems. If we do that, we will create demand for such fuel and start to bring down the capital cost of installations so that we can all start using them in homes and offices. John Swinney and I have questioned the minister on the Breadalbane Academy issue—we also questioned him on the matter in his previous post. We must find the right mechanisms through public-private partnership schemes for schools to ensure that we maximise the opportunities for Breadalbane Academy and Perthshire and for other communities throughout Scotland that are desperate to develop the biomass industry and to take other such opportunities. The Deputy First Minister recently met Perth and Kinross Council to discuss the issue, but time is running out. We need a commitment to put in place an enabling mechanism that will ensure that we capitalise on small opportunities that could turn into great enterprises.

Finally, I will just say a word about Tony Blair's vision of nuclear power.

The Deputy Presiding Officer: That is not strictly relevant.

Mr Ruskell: Our energy strategy is relevant. A centralised system of nuclear power with huge public subsidy is not the way forward; a decentralised system of micro-power can create more jobs and enterprise and drive economic growth. That is why we should reject Blair's nuclear option and go for real job creation in Scotland.

18:01

Maureen Macmillan (Highlands and Islands) (Lab): I thank Sarah Boyack for giving us the opportunity to debate the issue. We are at a point when we must make a huge step change by deciding to use small household renewables together with energy efficiency measures to address climate change and fuel poverty and, for some of us, to salve our consciences. Too much of the debate on renewables has been about the size of wind farms and the impact of pylons. We must recognise the role that individual households, groups of households and small businesses can play and their need for affordable energy.

The lack of information is a great drawback. For the past year, I have been trying to work out what

the best kind of renewable energy device for my house would be, but I have come up against many dead ends. Firms have gone out of business or I have been told that I should wait five years to buy a device, because then it will be a tenth of the price.

We need to step forward, but there is a gaping hole under us when we try to do that. Individuals need encouragement to make a change. The impetus could come from the increasing cost of oil and gas together with the grants that are already available to switch from conventional systems to renewables. However, if we wait for individual householders or builders to decide on the basis of financial benefit, we may wait a long time, because people's innate conservatism and the inertia principle will prevent anything much from happening.

That is why Sarah Boyack's proposals are necessary. We must make household micro-renewables the norm, by making it as easy to install them as it is to install a satellite television dish and by giving further financial incentives such as reductions in council tax.

Eleanor Scott (Highlands and Islands) (Green): Does the member agree that it would be helpful if the Executive persuaded Westminster that any materials that are used in providing micro-renewables should be zero rated for VAT?

Maureen Macmillan: That would be excellent.

We need to make micro-renewables part of all new developments. Sarah Boyack noted some good examples of where that has happened. We have a huge opportunity to do more in the next few years, given that we plan to build thousands of new houses. We must react quickly, because we cannot let the opportunity slip by.

The Executive's central heating scheme for pensioners is excellent, but I ask it to consider whether, at least in rural areas, micro-renewables could be used as an alternative to the oil option, which is becoming expensive, particularly in the islands, where oil prices are exacerbated by transport costs. The option in rural areas of oil or nothing for pensioners who want central heating seems to be building up trouble for the future.

The Deputy Presiding Officer: I think that we are wandering a wee bit from the topic again.

Maureen Macmillan: I beg your pardon, Presiding Officer.

The Executive has a chance to make a difference by investing in micro-renewables in that scheme.

Support and encouragement for micro-renewables will lead to other benefits. There is currently a chicken-and-egg situation. The market

for micro-renewables is not yet big enough to tempt businesses to invest and small wind turbines are still too expensive, compared with conventional means of generation, for householders to buy. Five years from now, those devices will be affordable, because the higher the volume of production, the cheaper the item. We will get to where we want to be through the use of measures such as those that Sarah Boyack proposes in her motion and her member's bill. The market for devices will grow to the benefit of the suppliers and householders will generate their own energy and possibly feed some of that into the grid. If we combine renewables with energy efficiency, we can make a real contribution to reducing carbon emissions.

18:06

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): When we go home and turn on a light switch, we expect the light to come on. Mark Ruskell is right to say that we take it for granted that there will always be energy. I utterly support the development of small-scale renewables technology, but I do not think that anyone would seriously suggest that such technology can meet the world's energy needs. However, we should seek to encourage the development of the technology in all practical and reasonable ways.

No member has mentioned the final two or three lines of Sarah Boyack's motion, which refer to a reduction in the council tax and other fiscal measures. Those proposals are worth considering, although local authorities need to know how much money is coming in, which they would not if an unspecified number of houses had an opt-out clause.

Sarah Boyack: Will the member take an intervention?

Fergus Ewing: I do not have enough time—I have only three minutes.

A stick is applied at the moment, but a carrot approach is also worth considering. I want to discuss the first approach, of which I have an example from the real world. Kingussie community council wants to restore a small hydro scheme that used to operate, but it has found that the Scottish Environment Protection Agency would impose charges under the water framework rules that may make the scheme non-viable. We should focus on today's stick and not tomorrow's possible carrot, worthy though the carrot no doubt is. We need to have a serious look at how SEPA is causing problems for, and adding costs to, such schemes.

Secondly, I want to extol and promote the solid work of the Scottish and Northern Ireland Plumbing Employers Federation. This may seem

to be an unduly concrete point to make in a debate in which many worthy ideological contributions have been made, but it is the plumbers who install the systems—the solar power and the ground pumps. They know the problems. One problem is that the Energy Saving Trust will not give a grant to anyone unless the plumber has already provided two installations—nobody receives a grant for the first two installations. Is that bonkers or what? SNIPEF has promoted solar ground source heat pumps and biomass boiler technology and I am sure that the minister will listen to its recommendations, which are well worth considering.

That every house should have its own renewable energy supply is an attractive idea. There would then be a fantastic world, because large companies would not have the power that they currently have, although I would argue that that power is not necessarily malign—others may take a different view. The development of the technology—whether micro, macro, global or local—is absolutely essential, but it is not happening. I hope that we all agree that companies such as Wavegen in my constituency should be encouraged and supported in that respect.

18:09

The Deputy Minister for Enterprise and Lifelong Learning (Allan Wilson): I, too, congratulate Sarah Boyack on bringing the debate to the chamber. I have known her for many more years than either of us would probably care to remember. Her interest in, and commitment to, the subject goes back way beyond her joining me in the Parliament to her time in the Edinburgh district Labour Party and beyond.

The debate has been very interesting. The broad consensus in the chamber on micro-renewables is to be welcomed, even if we disagree on macro-energy generation. The obvious place to debate that is in the context of the forthcoming UK energy review. I think that ascribing motives or opinions to the Prime Minister in advance of that debate is a fairly futile exercise.

Certainly, as the Executive has made clear, we have a commitment to renewable energy and to improving energy efficiency. As members well know, not only have we set ambitious renewables targets, but we are spending money on targeting energy conservation in the public and domestic sectors across Scotland. We are also working to bring about a culture change by raising awareness of energy use more generally, as a number of members mentioned.

Clearly, micro and small-scale renewables have an important role to play in ensuring that we meet

all our energy needs. "Think globally, act locally" is the key tenet of the sustainable development movement and it is one to which we subscribe. We can all make a difference locally in our communities and we should all be encouraged to do so.

Our Scottish community and householder renewables initiative provides advice and grant support for communities and individuals to install small-scale renewables. I think that everyone agrees that the initiative has been remarkably successful since it started in 2002. So far, it has allocated more than £5 million to around 700 projects. For example, in addition to the project that Sarah Boyack mentioned at Slateford Green, the SCHRI has supported 17 housing association projects, including Partick Housing Association's new development and Berwickshire Housing Association's new build at Whitsome.

A review of the SCHRI was completed recently. We are now looking at the ways in which the scheme can continue to deliver best value to householders and communities. That is an important aspect of the way in which we will take forward our commitment to micro-renewable generation.

Mr Ruskell: May I rather wearily ask the minister about Breadalbane Academy in the context of PPP schools and biomass? Will the revised SCHRI deal with the problem of the high capital cost of installation in those private finance initiative projects?

Allan Wilson: I think that Mark Ruskell would probably agree with me that the problem of creating a market for micro-renewables or biomass plant is not solely related to PPP projects—indeed, I do not think that he is suggesting that for one minute. He has a specific interest in the outcome of the review of the SCHRI in that regard. As many members have said, we need to create a market for micro-renewables or biomass generation more generally. Our most important task is to create that virtuous circle. We have to create a market in a market economy; it is not possible to do so through a process of continuous subsidy. Public subsidy has a role to play in kick-starting the market, but ultimately we are looking to create market conditions in which micro-renewables are as common as satellite dishes, as Maureen Macmillan said. Of course, satellite dishes are not subsidised from the public purse; the growth in their use was created by market demand. That is where we want to get to with micro-renewable generation. Mark Ruskell will just have to wait for the announcement on the SCHRI to see how that funding applies to the situation in Perth.

We have been following closely the work that colleagues elsewhere in the UK are doing on

micro-renewable generation. I am thinking in particular of another old friend and colleague of mine, Mark Lazarowicz, and his bill at Westminster—Sarah Boyack mentioned him, too. Clearly, it is important that we take the right steps in driving forward micro-renewable generation in Scotland. The Executive is considering the issues, many of which were helpfully raised by members in the debate.

We are also looking at the promotion of micro-renewables as part of the current review of our national planning policy guidelines on renewable energy development. We are preparing an annex to the current planning advice note on renewable energy technologies to support the growing interest in micro-renewables. Sarah Boyack has a particular interest and expertise in the issue, given her background in planning. A review of the energy standards in Scottish building regulations is also under way. It is likely that future regulations will make the inclusion of building-integrated micro-renewables more attractive to developers.

On the important issue of affordability and addressing fuel poverty, we have invested more than £200 million in the central heating programme and the warm deal. As Sylvia Jackson, Sarah Boyack and other members mentioned, central heating systems have been put into more than 56,000 homes and insulation has been provided for more than 218,000 homes. Fuel poverty has more than halved since 1996, from 35 per cent of the population to 13 per cent, but there is more still to be done.

Making homes more expensive is not part of that process. We must ensure that our social and economic policies are joined up, so that the problems facing those whose health or general well-being may be at risk from cold and damp housing can be addressed. Micro-renewables have a part to play in that, as do thermal insulation standards.

Maureen Macmillan: Will the minister look specifically at the situation in the islands, where oil-fired central heating that has been installed for old people is now becoming too expensive, because of the transport costs of the oil? Will he consider whether new central heating systems could use micro-renewables instead?

The Deputy Presiding Officer: Do that very quickly, minister, as it is not strictly relevant.

Allan Wilson: The rise in the price of oil and in the related price of gas creates the market conditions that we now see, and we will incentivise a drive for renewables.

Energy efficiency is also a key element of our climate change programme, not only contributing to a reduction in carbon emissions, but helping to tackle fuel poverty, improve business profitability

and reduce the cost of delivering public services. As we announced last year, we are developing the first energy efficiency strategy for Scotland, which we expect to publish in the spring. That will cover all Executive-funded initiatives and strategies that have a significant impact on energy efficiency; it will produce a more joined-up approach and get the supply and demand sides of the equation into correct balance.

I welcome members' contributions to today's important debate. I look forward to working with Sarah Boyack and other members in realising the huge potential that micro and small-scale renewables technology brings to all our communities and in introducing legislation to that effect.

Meeting closed at 18:17.

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