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Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 29 January 2013

Session 4

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Scottish Parliament

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

Time for Reflection

The Deputy Presiding Officer (Elaine Smith):

Good afternoon. The first item of business this afternoon is time for reflection. Our time for reflection leaders are Beth Nicoll and Stevie Low, who are both pupils at St Machar academy in Aberdeen.

Beth Nicoll (St Machar Academy, Aberdeen):

Presiding Officer, ladies and gentlemen, thank you for the privilege of delivering time for reflection. We are Beth Nicoll and Stevie Low and we are both from St Machar academy in Aberdeen.

Communities around the United Kingdom commemorate Holocaust memorial day annually on 27 January, the anniversary of the liberation of the Nazi concentration and death camp Auschwitz-Birkenau. Holocaust memorial day aims to remember the victims of the Holocaust and encourage people to reflect on its contemporary relevance.

In November, with 200 other pupils from around Scotland, we visited Auschwitz-Birkenau as part of the Holocaust Educational Trust's lessons from Auschwitz project. Before the visit, I had many expectations; however, none of them compared to what I witnessed and felt that day. We have all been told about the 6 million Jews who were killed during the Holocaust, but you cannot truly comprehend the scale of that until you see the faces of those individuals on the walls at Auschwitz. That was the most difficult part of the visit because, when I saw those pictures, each victim became an individual instead of just a number in a textbook. Each person affected by the Holocaust was an ordinary person like us and I will never forget the first face that I saw among those photographs.

Stevie Low (St Machar Academy, Aberdeen):

The lessons from Auschwitz project gives two sixth-form students in Scotland the opportunity to visit Auschwitz-Birkenau. Prior to the visit, we had listened to Holocaust survivor Zigi Shipper's incredibly moving story. He said that, despite everything that he faced in the Holocaust, he never hated. Having heard what he had been through, I found that difficult to grasp but, when I reflected on his testimony, I felt that it was the most important message that he imparted that day.

Twelve years ago, Holocaust survivor Ernest Levy stood before Parliament for time for reflection and said:

"Mankind has made great steps towards international peace, but more must be done."—[*Official Report*, 31 January 2001; c 731.]

As Scotland becomes more diverse, more effort must be made to celebrate difference. The theme for Holocaust memorial day 2013 is "Communities Together: Build a Bridge", which encourages us to reflect on the communities that were destroyed under Nazi persecution and subsequent genocides and to challenge antisemitism and prejudice. As a Holocaust Educational Trust ambassador, I will do my utmost to encourage young people in Scotland to remember the communities that were lost during the Holocaust and encourage my peers to challenge prejudice, no matter how inconvenient it may seem.

George Santayana wrote:

"Those who cannot remember the past are condemned to repeat it".

I remain committed to remembering the past and sharing my experiences with as many people as possible in an effort to encourage more people to embrace diversity and oppose intolerance.

Thank you. [*Applause.*]

Business Motion

14:03

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of business motion S4M-05505, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for stage 3 consideration of the Scottish Civil Justice Council and Criminal Legal Assistance Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Scottish Civil Justice Council and Criminal Legal Assistance Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 4: 40 minutes

Groups 5 to 8: 1 hour 40 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:04

High Speed 2

1. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government whether any economic benefits will accrue to Scotland from high speed 2. (S4T-00229)

The Minister for Transport and Veterans (Keith Brown): The Secretary of State for Transport's announcement yesterday on the proposed extension of high-speed rail to Manchester and Leeds is supported by analysis that suggests that £3 billion of economic benefits to Scotland will be delivered after that line is completed in 2033. That is based on figures from High Speed Two (HS2) Ltd. However, our ambition is to have a full high-speed connection that links both Glasgow and Edinburgh with London and other cities throughout the United Kingdom. Our analysis is that a full network will deliver economic benefits worth £24 billion to Scotland.

The HS2 analysis also shows that other areas of Britain will benefit more from HS2 and will benefit sooner. It shows that the West Midlands and the north-west will both see more than twice the economic benefits that will be delivered to Scotland. That is why we are pressing the UK Government for joint work towards Scotland's inclusion in a full UK high-speed rail network, and we will work with the UK Government to achieve that.

Kenneth Gibson: The minister clearly shares the view of the Scottish Chambers of Commerce and our municipal leaders that Scotland cannot afford to be marginalised by its exclusion from this multibillion-pound investment. If Scotland remains part of the UK, Scottish taxpayers will be expected to contribute a proportionate £3 billion-plus in construction costs. Does the minister agree that the UK Government is adding insult to injury through Scotland paying towards increasing the competitiveness of English cities at the expense of our economy? What does he think of the comments by the Tory MP Michael Fabricant yesterday on Radio 4's "The World at One"? He said:

"This is a long-term project anyway. Eventually HS2—and we do need a new line going from north to south—isn't going to be completed right up to Scotland until 2050, 2060".

Keith Brown: The last thing that I want to do is act as somebody who can interpret the comments of Michael Fabricant. I will leave that to others who are better qualified than I am.

Kenneth Gibson makes a very good point about the benefits and the cost to Scotland. It will be interesting to see, for example, the treatment of consequentialists from the expenditure that the UK Government incurs on the project.

Kenneth Gibson's other point about the benefits that will accrue is relevant when we think of previous experience. For example, everyone expected that the bulk of the benefits from the line between Madrid and Seville would accrue to Seville but, in fact, they accrued to an even greater extent to the larger and more populous capital. London and England will also benefit greatly from the high-speed link coming all the way to Scotland, and that is what we are trying to achieve.

Kenneth Gibson: By 2033, Manchester to London journey times will be almost halved, whereas the improvement from Glasgow might be only 12 per cent—it is not really a case of better together, is it? If HS2 is not to be extended to Scotland in the foreseeable future—like the Tories, the previous UK Government had no such plans—will the minister demand additional resources to upgrade and enhance the Scottish rail network to help to end the growing economic imbalance between the northern half of the UK and the south-east of England?

Keith Brown: I have already commented on consequentialists, which we will bear in mind. We would, of course, much rather see a commitment from the UK Government to extending the high-speed rail link right through to Scotland, and I do not believe that the door is closed on that. Very positive statements have been made by the Prime Minister and the Secretary of State for Transport, which were perhaps not borne out by last week's announcement.

We will continue to push the UK Government. We believe that we can work with it to ensure that we get those benefits. That would be the best way to spend the money. We have shown our bona fides in the cabinet secretary's statement that we will push ahead with the high-speed rail link from Edinburgh to Glasgow. We want the UK Government to come with us so that we can deliver a high-speed rail network that will deliver benefits to the whole of the UK.

Richard Baker (North East Scotland) (Lab): Does the minister agree that the construction of the high-speed rail line should start in the south and the north of England at the same time to speed up the network coming to Scotland? Can he explain how on earth making that case would be assisted by breaking up the United Kingdom?

Keith Brown: Richard Baker mentioned the north of England, but we have said to the UK Government that we are happy to start at this end

now. In constructing the Borders railway, we are not starting at one end and going to the other—we are starting at both ends and trying to push ahead as fast as possible.

We are trying to work constructively with the UK Government. Although we are not content with its position so far, it certainly moves ahead of the position that the Labour Party took. It had no commitment at all to bringing the high-speed rail link to Scotland. At least we have moved on from that position, and I am confident that we can make further progress.

Electoral Commission (Referendum Recommendations)

2. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): To ask the Scottish Government whether it will accept in full the recommendations of the Electoral Commission regarding the conduct of a referendum on Scotland separating from the rest of the United Kingdom. (S4T-00231)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The Electoral Commission submitted extensive comments in response to our consultation on the conduct of the referendum last year, and Scottish Government officials have been in regular contact with it on the development of detailed arrangements since then. As with referendums that are held under United Kingdom legislation, it is for the Government to propose the referendum question, the Electoral Commission to test that question and the Parliament to make a final decision. The Scottish Government will consider the wording of the question and, indeed, other matters relating to the conduct of the referendum in light of the commission's advice. Of course, the Scottish Parliament will have the final say during its scrutiny of the referendum legislation.

Patricia Ferguson: I thank the Deputy First Minister for that answer, but I am disappointed to note that even now, with the publication of the Electoral Commission's advice imminent and with a growing clamour of voices—including that of Blair Jenkins, the head of her own campaign organisation—calling on the Scottish Government to commit to accepting the advice and recommendations that will be made, she cannot bring herself to reassure the chamber that her belief in independence extends to independent scrutiny. I ask her again whether, to ensure that the referendum is carried out in a fair and proper manner, she will accept all the Electoral Commission recommendations.

Nicola Sturgeon: I am not surprised to hear Patricia Ferguson express disappointment—it seems to be a bit of a permanent state. Let me try

again to explain the process that we are engaged in. I have made very clear the considerable weight that the Scottish Government will attach to Electoral Commission recommendations, not just on the referendum but on any relevant issue. I have also made very clear, and will do so again, that there would have to be a very good reason to depart from Electoral Commission recommendations and any Government that did so would have to explain its position to this Parliament.

However, given the respective roles of the Scottish Government, the Electoral Commission and the Scottish Parliament, it would be an abdication of my responsibility to the Parliament for me, as a minister, to say what I think of Electoral Commission recommendations before I have even seen them. As Patricia Ferguson says, we will hear those recommendations very soon so, before too long, we will be in a position to have a meaningful discussion. I certainly look forward to that moment.

Patricia Ferguson: The Deputy First Minister is right: I never fail to be disappointed in the Scottish National Party over this issue. Does she not understand that, for the referendum to be carried out in a fair and proper manner and—just as important—for it to be seen to be carried out in a fair and proper manner, the Electoral Commission recommendations must be the guiding principles for its conduct, both in terms of the question to be put and with regard to the spending limits to be applied?

Nicola Sturgeon: I have made crystal clear—not just in my previous answer, which I had hoped that Patricia Ferguson would listen to a bit more closely, but previously—how much importance we attach to the Electoral Commission recommendations. Due process means that we wait to hear those recommendations. Having had that opportunity, we will say what we think of them and what our view is in light of them, and we will ask Parliament to take the final decision on that. I do not know how Labour used to run the Government—actually, I do, because I was on the Opposition benches at the time—but this Government does not operate on the basis of commenting on recommendations of this nature before we see them. I will continue to operate according to good due process and I look forward to having a meaningful debate when we have the recommendations.

James Kelly (Rutherglen) (Lab): It is in the interests of all sides of the discussion that the referendum is seen to be conducted fairly. I believe that that fairness could be compromised by Scottish Government proposals on spending limits, which would leave lead organisations with less than half to spend in real terms than was

allowed in 1997 and political parties with less to spend than they would have in council elections. Does the cabinet secretary not agree that the impartiality of the referendum process could be undermined if the Scottish Government proceeds to impose such unrealistic spending limits?

Nicola Sturgeon: The referendum will be conducted completely impartially and to the highest standards—not just domestic standards but international ones. That is beyond doubt. I have a suggestion for Labour members—why do we not wait to see what the Electoral Commission recommends? Then, by all means, they will have the right to ask me questions about my view on those recommendations. [*Interruption.*]

The Deputy Presiding Officer: Order.

Nicola Sturgeon: However, I am not sure if Labour members appreciate how ridiculous it sounds to ask a minister to comment on recommendations that have not been published yet. Let us have the debate when we have the Electoral Commission recommendations. [*Interruption.*]

The Deputy Presiding Officer: Order.

Nicola Sturgeon: I look forward to having the debate then.

Draft Second Report on Proposals and Policies

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a statement by Paul Wheelhouse on RPP2—the draft second report on proposals and policies. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:15

The Minister for Environment and Climate Change (Paul Wheelhouse): Today, I lay before Parliament the Scottish Government's draft second report on proposals and policies for meeting Scotland's greenhouse gas emissions reduction targets. The report, "Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027—The Draft Second Report on Proposals and Policies", is in accordance with sections 35 and 36 of the Climate Change (Scotland) Act 2009, and builds on the package of measures set out in RPP1, the first report on proposals and policies.

The report updates the analysis, while extending the timeframe to cover targets for 2023 to 2027. The draft is available for consideration by the Scottish Parliament for 60 days, after which we will publish a final version. An online consultation facility is available on the Scottish Government's website.

There is no doubt in my mind that climate change poses one of the greatest threats to the world as we know it. Global mean temperatures continue to rise and we know that global pledges for emissions cuts will be insufficient to limit global warming to 2°C. Left unchecked, global emissions trends put the world on a path towards 4°C, or possibly more, of warming within a century. Let us be clear that such a change will deliver damaging impacts on populations across the globe and introduce new security risks associated with international resource conflicts. Colleagues, we have a moral responsibility to act.

We think of climate change as a problem that is far off in time, and only in far-off places, but we are already seeing evidence of Scotland's climate changing. In 2011, rainfall in Scotland was some 36 per cent more than the average for the period between 1961 and 1990.

The experience of recent years has shown that climate change and severe weather events are impacting negatively on many aspects of our society, including increased frequency of flooding with impacts on residential areas and business premises; disruption to travel; increased health risks; lower agricultural productivity; and threats to

biodiversity, including new plant and tree pests and rising river temperatures affecting spawning salmon.

Acting both locally and globally to reduce emissions by moving to a low-carbon economy is self-evidently crucial to reduce the potentially severe economic and social impacts of climate change on present and future generations. We can be justifiably proud of our overall progress to date, which has been achieved despite the obvious constraints on policy in this place arising from key powers being reserved to the Westminster Parliament. Our climate change act is the most ambitious piece of climate change legislation anywhere in the world and, unlike the United Kingdom, we have set statutory annual targets that include emissions from international aviation and shipping.

Let me repeat that the Scottish Government is fully committed to the greenhouse gas emissions reduction targets that the 2009 act sets. We have set challenging targets, and it is to the great credit of the Parliament that we remain committed to achieving them. We accept that human interventions have created and worsened climate change. Our responsibility to future generations is to take action in response. The challenge is by no means easy. It would have been far easier to set targets that ignored climate science or which showed a lower level of ambition that would be straightforward for ministers to meet, but that is not our chosen path.

Last October, I reported to Parliament that our first climate change target for 2010 had been missed, largely as a result of increased energy demand for heating, due to the exceptionally bad weather that Scotland experienced in quarter 1 and quarter 4 of that year. That was replicated in England and Wales. The package of measures that is set out in the draft report shows that it is possible to compensate for that shortfall as we move towards becoming a truly low-carbon economy. While we set out to meet annual targets, we are charting a course to meet our obligations on cumulative emissions, too.

On where we see our role in addressing climate change, Scotland does not lack ambition. As a nation, we can all take pride in that. We sit at the top of the emissions reduction table for the European Union 15, all of which are Kyoto protocol signatories. In 2010, Scotland's unadjusted greenhouse gas emissions had fallen by 22.8 per cent compared with 20.8 per cent for the UK, 8.5 per cent for the EU 15 and 14.3 per cent across the EU 27. Scotland's progress shows what can be achieved with a strong political commitment, ground-breaking legislation and a comprehensive framework for action. After adjustment for the EU emissions trading system,

Scotland's emissions fell by 24.3 per cent by 2010—more than halfway towards meeting the 42 per cent reduction target set for 2020 in the climate change act.

Indeed, the draft RPP2 identifies ways in which Scotland could deliver significantly more emissions abatement than our independent advisers, the Committee on Climate Change, suggested was achievable and an appropriate Scottish contribution to global action. Of course, the Committee on Climate Change's figures also assumed an EU-wide emissions reduction target of 30 per cent for 2020, which has yet to be realised.

My ministerial colleagues and I have a collective responsibility to take action across all areas of Government. As we move through the next decade and beyond we need to intensify our efforts to improve the energy efficiency of buildings, support the uptake of low-carbon vehicles, invest in improving public transport and in sustainable and active travel, and reduce the waste that we produce and be smarter about what we do with it. We also need to make the most of opportunities that are afforded for good stewardship of Scotland's ecosystems. That will involve deploying best practice in agriculture while improving the ability of our peatlands and woodlands to lock in carbon.

We are making significant progress on many fronts. In transport, we are following through on our manifesto, developing the infrastructure to support electric cars and increasing the proportion of transport spend that goes on low-carbon, active and sustainable travel. In our homes and communities, our national retrofit programme builds on a highly successful area-based programme, which has already seen more than 700,000 households across Scotland being offered assistance through the universal home insulation scheme.

We are on track to achieve 10,000 hectares per annum of new woodland planting, which will quadruple Scotland's woodland planting rate from a low point following transition to the current Scotland rural development programme. As part of that approach, more than 9,000 hectares were planted in 2011-12—almost three times the total planting that was achieved across the rest of the UK.

We are laying firm foundations for much greater, long-term, transformational change in how we generate and use energy. Decarbonisation of electricity generation will be a key driver of our progress towards a low-carbon economy. By 2011, renewables generated 36.3 per cent of Scotland's electricity needs, smashing our 31 per cent interim target years ahead of schedule and putting renewables on track to produce equivalent

to 100 per cent of Scotland's electricity demand by 2020.

We can go further. Earlier today, in Aberdeen, the First Minister announced an ambitious new decarbonisation target for Scotland for 2030, of 50g of CO₂ per kWh. The target is in line with the recommendation of the Committee on Climate Change and Westminster's Energy and Climate Change Committee, which said:

"It is right to prioritise the decarbonisation of the electricity system because this is likely to deliver the most cost effective route to meeting our 2050 climate change targets."

Today we also publish our draft outline heat vision, which describes our ambition for a largely decarbonised heat sector by 2030 and sets out how, by using low-carbon and renewable heat sources, we can supply heat to consumers efficiently and cost effectively, reducing emissions and addressing fuel poverty. We also need to reduce demand for heat by better insulating our buildings and changing our behaviour so that we use less energy for heating.

The draft RPP2 contains a comprehensive package of proposals and policies that can deliver the required emissions reductions to meet our climate change targets. However, our society's transition to a low-carbon economy does not require action just by Government. Scotland needs partnerships between the public sector and private and social enterprises. We need communities to engage and take action together. Most important, we need the participation of individuals and families across Scotland.

The Scottish Government fully recognises its role in leading the transition, helping the people of Scotland to make informed choices about how we live and work and ensuring that we seize all opportunities that a low-carbon future offers to Scotland's economy and society. I am confident that a low-carbon economy will bring significant economic benefits and opportunities for our communities, businesses and industry, while helping to protect our environment and wildlife.

The draft report that I present today sets a pathway to realising those benefits. Parliament now has the opportunity to help to build that pathway. I welcome the opportunity to engage with members today and at the committees that will consider the draft RPP2.

The Scottish Government's commitment to a low-carbon future has provided certainty and is delivering jobs and investment across Scotland. However, we cannot be complacent in our approach. The report demonstrates that we are setting stretching targets for ourselves and are committed to doing all that we can do to deliver action to ensure that those targets are met. We

are very clear about the scale of the challenge. I commend to members our draft report and its updated strategy for action to deliver on Scotland's ambition for emissions reductions.

The Deputy Presiding Officer: The minister will take questions on the issues that were raised in his statement. I intend to allow about 20 minutes for questions, after which we will move to the next item of business.

There are quite a few requests to ask questions already, so I would be most grateful if questions could be kept as succinct as possible.

Claire Baker (Mid Scotland and Fife) (Lab): First, I apologise for being late. It is a large document, but I thank the minister for an advance copy of the statement and the document.

This is the beginning of the parliamentary scrutiny of the document. There is a serious responsibility on parliamentarians to ensure that the new plan is credible and robust and will enable Scotland to deliver on its climate change targets. We know that that is challenging. Scotland failed to meet its first emissions reduction target and the Scottish Government's director of energy and climate change admitted that, at the current rate of progress, Scotland would miss all its legally binding emissions reduction targets. Does the director of energy and climate change now believe that we are on course?

We need a step change and a move away from proposals to deliverable policies. The statement highlighted where progress is being made, and we can support that, but the minister did not say enough about what additional substantial measures will be taken to meet our ambitious climate change targets. Disappointingly, his statement today has given the Parliament little assurance that the shortcomings of RPP1 will be addressed and it lacked sufficient new and additional policies to really make the difference, particularly in housing and transport. The minister cannot address those issues alone. What commitments has he gained from Cabinet members that will compensate for our lack of progress, both in this year's budget and in future years?

Against the backdrop of rolling back on the Edinburgh to Glasgow improvement programme, watering down new building standards and planning to use public subsidy to support inefficient large biomass, is there enough evidence in the document of policies that will make the difference that is required?

Paul Wheelhouse: I am grateful to the member for her comments. However, I point out that I made a specific reference—perhaps it was in the part of the statement that she missed—to the fact that I am comfortable that the document

addresses the shortcomings of RPP1 in relation to our having missed the target in 2010, which she mentioned.

The member mentioned the director of energy and climate change. David Wilson has been closely involved in the preparation of the document. As the member will see from the detailed information at the back of the new RPP, we are on track to meet our targets. The comments that were referred to as being current were made last autumn or last summer, when we were consulting stakeholders. It is a testament to the fact that work has been done between then and now that we have taken on board many points that were raised by stakeholders and we have done considerable work to deliver a report that shows us being on track to meet our targets.

On the specifics, the tables at the back of the document clearly show that, together, all the policies and proposals that are described will allow us to meet each annual target from 2013 to 2027. There is some flexibility to decide which proposals should be adopted and which options can be held in reserve in case any actions prove to be less effective than expected at present. Equally, if progress exceeds expectations, some proposals may not be necessary. The Parliament now has the opportunity to offer its views, and I would welcome the member's views, on the proposals, policies and funding options. I look forward to a constructive dialogue with her.

Jamie McGrigor (Highlands and Islands) (Con): What action are ministers taking to promote the green council tax discount that was suggested by the Scottish Conservatives, whereby people who can demonstrate that their homes are insulated to a high standard will get a discount on their council tax? What is the minister doing to increase take-up of the Scottish Government's universal home insulation scheme? More widely, what action will the Government take to act on the Economy, Energy and Tourism Committee's recommendation that there should be a one-stop shop approach and a hotline for all the energy efficiency schemes that are available?

The minister mentioned supporting the uptake of low-carbon vehicles and electric cars. In addition to that, what support is the Scottish Government giving to hydrogen fuel technology?

Lastly, can the minister assure the Parliament that none of his suggested measures will have an adverse effect on Scottish business?

Paul Wheelhouse: That was quite a long list of questions; obviously, time constrains me in answering them.

As I said in my statement, 700,000 households have to date been offered assistance under the universal home insulation scheme, so it is clearly

having substantial benefit. More than 100,000 households have been assisted with implementation of energy efficiency measures such as boiler replacement. We are making considerable progress, but that is not to say that we are complacent. We realise that energy efficiency and the supply of domestic heat are key issues. I appreciate that the member has not had time to look at the detail of the report, but I hope that he will find some comfort in the detail of the policies that we provide in the report.

I am happy to come back to the member on his point about the green council tax discount with regard to actual performance and what we might recommend to improve take-up. The scheme is administered by local authorities and not by the Government directly, but I will look into the matter. I am also happy to discuss with the member hydrogen fuel technology issues, which are clearly of importance to him.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Will RPP2 help the Government to reach early conclusions about the measured rate of greenhouse gas emissions from deep peat? When will that research lead to physical peat bog restoration across Scotland, which can be funded not only by the public purse but by private land managers and wind farm developers to achieve a major addition to our policy approach?

Paul Wheelhouse: I know that Rob Gibson has a long-standing and considerable interest in peatlands. I hope that he will be pleased with the commitment in our report to extend proposals for restoring up to 20,000 hectares of peatland per annum. Indeed, we will keep a watching brief on the science to understand whether we have the scope to increase that.

We have allocated £1.7 million to Scottish Natural Heritage and we are working with it to develop a peatland plan for Scotland that will look at many of the practical issues for implementing our proposals, which will include encouraging land managers to make proposals for peatland restoration. Funding is available in the Scotland rural development programme, but we recognise that more needs to be done to secure much greater investment in peatlands. I am happy to take forward any ideas that the Rural Affairs, Climate Change and Environment Committee and the member have for engagement with business and other partners to encourage a stronger stream of income into restoring our peatlands.

Claudia Beamish (South Scotland) (Lab): I thank the minister for early sight of his statement. Can he reassure members about what research funding provision there is for us to move faster towards the low-carbon economy that we are determined to get? Specifically, is the assessment

of downstream projects, as discussed in the committee previously, now included in RPP2?

Paul Wheelhouse: I know from discussions that we have had in the committee that Claudia Beamish has considerable interest in that area. On research funding, clearly we have opportunities to try to influence researchers, but much research funding in Scotland is obtained through competitive funding rounds. In various strands or sectors, such as aquaculture, we are trying to take a more concerted view, which might include looking at the impact of climate change on our aquaculture and wild fisheries sectors, as we have discussed at committee.

I am happy to meet the member to discuss any specific proposals that she may have for looking at our wider research requirements to understand what is happening in terms of climate change in Scotland and, indeed, to investigate what measures might be appropriate to deal with mitigation.

Angus MacDonald (Falkirk East) (SNP): I note that the Scottish Government proposals go further than those that were called for by the UK Committee on Climate Change. Can the minister outline why the Scottish Government is taking that additional action?

Paul Wheelhouse: The member raises an important point. Since the independent Committee on Climate Change gave us its advice in July 2011 on the 2023 to 2027 annual targets, the historical data on greenhouse gases has been revised upwards with regard to Scotland's emissions. In addition, our understanding of the science of carbon emissions has very much improved and it is now clear that if we did not act, our non-traded emissions would be approximately 4 megatonnes a year greater by 2027 than the Committee on Climate Change had suggested. That has increased the challenge that we face in meeting our climate change targets, but I am determined that we will rise to that. As a Government, we are trying to adopt best practice in the measurement of our emissions, and we look forward to the annual reports being judged on the more up-to-date picture of the emissions baseline. We will ensure that we have an accurate forecast for those.

Rhoda Grant (Highlands and Islands) (Lab): Under the legislative consent motion on the Energy Bill, the Scottish Government is ceding emissions performance standards for fossil fuel plants to the UK Government. How will that impact on the Scottish Government's ability to cut carbon emissions from such generation?

Paul Wheelhouse: The member will have noted from my statement the important news that Scotland has set the first decarbonisation target

for electricity generation. The Scottish Government has the aspiration of having full control of energy policy in Scotland. Putting in place a decarbonisation target is an important step in providing a sense of direction. I am aware from discussions that I have had with energy interests in the context of the climate change portfolio that clarity and certainty on our policy are key. The strong commitment that the Government has made to renewables has been a key plank in attracting inward investment in the sector to Scotland. Today's announcement of a decarbonisation target adds weight to that.

If the member has specific points that she wants to raise with me, I would be happy to discuss them with her.

Graeme Dey (Angus South) (SNP): It is accepted that if we are to hit our climate change targets, everyone—Government, business and individuals—will have to play a part. How, in practice, will the Government seek to encourage and, ultimately, bring about behavioural change among individuals at home, at work and in their travel choices?

Paul Wheelhouse: The Scottish Government acknowledges that behaviour change is crucial to meeting our targets. Some of the comments that have been received from Stop Climate Chaos and G6 environmental stakeholders have been about ensuring that our strategy takes account of the percentage of our targets that will be delivered by individuals and communities.

We are supporting a number of initiatives that help to influence low-carbon behaviours, such as the national greener Scotland campaign, which the member may have seen, the climate challenge fund for community projects to reduce carbon emissions, and the better business guidance for businesses on engaging staff and reducing emissions. Shortly, we will publish the low-carbon Scotland behaviours framework, which will outline the strategic approach that the Scottish Government and its key partners will take over coming years in a bid to successfully influence low-carbon behaviour.

Patrick Harvie (Glasgow) (Green): There is lost ground to make up, as the minister acknowledges—after the failure to meet the first target, we have just over 1 million tonnes of CO₂ equivalent to catch up on.

Am I reading the Government's document right—is it the case that those excess emissions are to be compensated for by some unspecified policies at some unspecified time between now and 2027? Should not last year's failing result in action this year and next?

Paul Wheelhouse: The member is right to say that we missed our 2010 target by about a

megatonne, but when he has the chance to look at the detail of the report, I hope that he will see that, over the period up to 2027, we will more than compensate for those emissions. The Government has a policy of pushing Europe to a carbon emissions reduction target of 30 per cent. If we are successful, we will break our targets in every year, so we will be in a very strong position.

It is important that we take account of cumulative emissions, which the member has raised with me in private discussions. I assure him that I am acutely conscious of our responsibility not only to meet our annual targets, but to deliver a report that shows us meeting our cumulative emissions targets over the period in question.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I am sure that the minister will want to join me in congratulating the people of Aberdeen and Aberdeenshire on being among the most energy conscious in Scotland. Almost a third of adults there have installed or are thinking of installing renewable energy systems.

Does the minister believe that a huge reduction in carbon emissions can be achieved through a modal shift from air to rail travel? Does he believe that the Westminster Government's HS2 proposals lack ambition and urgency?

Paul Wheelhouse: The member raises an important point. I am happy to praise Aberdeenshire Council and Aberdeen City Council for their action. I am aware that Aberdeenshire Council has done a lot of work to encourage modal shift among its employees and that it is looking at options to help them to work locally instead of having to travel to a central location.

There is no doubt that HS2 has the potential to offer substantial carbon savings, but only if the high-speed line is extended all the way to Scotland. Journey times by rail would be dramatically reduced, such that we would expect it to have a substantial share, if not the majority share, of the rail/air market between Scotland and London. That is why, as Keith Brown outlined during topical question time, we are pressing the UK Government for joint work towards Scotland's inclusion in a full UK high-speed rail network. We will work with the UK Government to achieve that.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Does the minister accept that the previous RPP placed too great an emphasis on proposals, especially in the transport sector? What proportion of the total transport effort in the second RPP is focused on policies? Given that transport emissions are now greater than those in the baseline year of 1990, does he accept that those policies require to be radical demand-side policies to halt the inexorable rise in vehicle kilometres and vehicle emissions?

Paul Wheelhouse: Malcolm Chisholm raises an important point. I recognise that many stakeholders have called for demand-management proposals to be included and to be converted into policies but, this far out from achieving our targets for 2023 to 2027, we have considerable scope to look at technological advances and other measures. If we succeed in delivering emissions reductions through other sources, that will take the pressure off us to introduce policies that might be more difficult for the public to buy into or more difficult to implement locally.

As for the point about RPP1, the report that I have published today shows that all proposals need to be converted into policies to meet targets. For 2013, a number of proposals have still to be converted and have not been mentioned at this stage.

It is true to say that the Government will work across portfolios. I have had bilaterals with ministers who have relevant portfolios to discuss what we can do to speed up the achievement of our targets and to look at implementing our proposals.

Alex Fergusson (Galloway and West Dumfries) (Con): The minister was right to highlight the importance of the whole Parliament remaining committed to achieving the challenging targets. I agree with that entirely. However, he suggested that progress would have been much better if it had not been for

“key powers being reserved to the Westminster Parliament.”

That was odd, because he then rightly blamed the adverse weather for the failure to reach the targets. Does he agree that, on this subject of all subjects, such mischief-making statements do little to encourage the cross-party consensus that I think we all agree is important to achieve the targets?

Paul Wheelhouse: I simply disagree with Mr Fergusson. I have enormous respect for him, but he let himself down with his question.

It is true to say that, in important areas of the economy—such as energy and road transport—important powers are reserved to Westminster, such as those on vehicle excise duty, taxation policy and the regulatory framework and charging structure for energy transmission across the UK. In those areas, the UK influences the success of policy in Scotland enormously. It is not true to say that Westminster does not influence the achievement of our targets.

Mr Fergusson made a point about the bad weather. In Scotland—as in Wales and England—there is no King Canute who can hold back the

weather. All three countries suffered similarly in the winter of 2010 and all three suffered in relation to their emissions targets.

Marco Biagi (Edinburgh Central) (SNP): The report sets out a number of energy efficiency measures in the home that help to reduce not just carbon emissions but fuel bills. What importance does the minister attach to such win-win measures in the coming years, so that we can achieve our targets and help to alleviate fuel poverty in Scotland?

Paul Wheelhouse: Marco Biagi makes an extremely important point. The Government has two sets of binding statutory targets—on fuel poverty and climate change. Investment that is made in energy efficiency and in providing important sources of heat for domestic properties allows us not only to achieve our carbon emissions targets but to deliver on our fuel poverty strategy.

That is just one example, but there are many others. For instance, investment in woodlands can help with biodiversity and with public health and wellbeing issues. There are many policy synergies, and achievement of our carbon emissions targets should not be seen in isolation.

The Deputy Presiding Officer: I am afraid that I need quicker questions and answers, or I will be unable to fit in everyone.

Sarah Boyack (Lothian) (Lab): What analysis has been carried out of the impact of the public bodies duty on reducing greenhouse gas emissions? Will the sustainable procurement bill provide for the public sector to set carbon targets in the contracts that it issues?

Paul Wheelhouse: I am happy to come back to Sarah Boyack about that. The Scottish biodiversity committee is talking about a similar approach to biodiversity. In that context, I would want to see examples of organisations that are reporting on their biodiversity strategies. In relation to the public bodies duty on carbon emissions, I would perhaps want good practice to be developed on how companies and other organisations report on their performance.

Organisations such as Scottish Natural Heritage, which is clearly an agency of Government, are doing great things in reporting their annual performance in relation to targets, and I will consider whether we can roll out that good practice to other organisations. I am happy to meet the member to see whether she has any ideas on how we can take that forward.

Jim Hume (South Scotland) (LD): With a 3 per cent rise in emissions from homes since 1990, does the minister accept that we need commitments, not assumptions? Will he assure

the Parliament that private landlords will have to improve the energy efficiency of their homes by 2018?

Paul Wheelhouse: The Government has already taken action in that area by extending the availability of funding to private sector tenants to enable them to access improved energy efficiency and domestic heating systems.

I recognise that the residential sector is an area in which we have struggled to reduce emissions, and that is a high priority for the Government. When the member has a chance to read the detail of RPP2, I hope that he will see that we are making some ambitious moves on both heat and energy efficiency. That is tied in with trying to ensure that we have a sustainable source of electricity and energy for the people of Scotland.

Elaine Murray (Dumfriesshire) (Lab): The table on page 102 of the RPP states that the regulation of private and social housing should start to contribute in 2014, and that it should contribute 152 kilotonnes of CO₂ equivalent by 2027. Will the minister confirm that he intends to set minimum energy performance standards for all houses in all sectors? How could that be supported financially?

Paul Wheelhouse: I confirm that discussions are continuing regarding how we can deliver improved efficiency standards across all forms of housing. I am happy to update the member in due course on the outcome of those discussions.

Jim Eadie (Edinburgh Southern) (SNP): I welcome the emphasis in the statement on active travel. Does the minister agree that we need sustained investment in cycling infrastructure to deliver segregated routes like those on the continent, so that we can meet our climate change obligations at the same time as meeting our ambitious cycling target of 10 per cent of all journeys being made by bicycle by 2020?

Paul Wheelhouse: I agree: we must recognise that there are some disincentives to individuals taking up cycling and active travel. I would feel slightly intimidated cycling through the centre of Edinburgh or Glasgow on a daily commute. However, we are considering means of making it easier for individuals to adopt cycling. Some projects are being funded through the climate challenge fund at a local level, such as those in Creetown in Dumfries and Galloway, where individuals are being given advice on how to use cycling as a means of travel. They are being given support, initially by being lent bikes so that they can adopt that lifestyle choice. They are then helped to move on and to take on that modal shift permanently. I accept, however, that there is a need to consider safety issues in encouraging more people to take up active travel as cyclists.

Scottish Civil Justice Council and Criminal Legal Assistance Bill: Stage 3

14:50

The Deputy Presiding Officer (Elaine Smith): The next item of business is stage 3 proceedings on the Scottish Civil Justice Council and Criminal Legal Assistance Bill. In dealing with the amendments, members should have before them the bill as amended at stage 2, which is SP bill 13A; the marshalled list, which is SP bill 13A-ML; and the groupings list, which is SP bill 13A-G1.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

Section 2—Functions of the Council

The Deputy Presiding Officer: Amendment 9, in the name of Jenny Marra, is grouped with amendments 10 and 12.

Jenny Marra (North East Scotland) (Lab): Amendment 9 is grouped with consequential amendments 10 and 12. Members will be aware that I lodged an identical amendment at stage 2. Part of amendment 9 seeks to ensure that the Scottish ministers are the recipients of Scottish civil justice council recommendations for the development of the civil justice system and that ministers, as well as the Lord President, can request the council to provide advice on civil justice matters of its choosing.

As I said at stage 2, the crux of the issue, as it has been put by eminent public law professors in Scotland, is that the council will have the duty to recommend changes to the civil justice system to the Lord President, as head of the council, but not to the Scottish ministers, who have ultimate responsibility for civil justice policy.

The professors' main concern is that that power is wide ranging and open to interpretation. We share that concern and do not want a situation to arise in which recommendations for civil justice reforms are contained in the council because there is no duty to involve ministers, and therefore parliamentary scrutiny, in that process.

At stage 2, the cabinet secretary stated that the amendment was "unnecessary", as the council's

duty to advise the Lord President should be understood in the context of

“the Lord President’s statutory functions ... ‘for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts.’”—[*Official Report, Justice Committee*, 13 November 2012; c 1991.]

However, those statutory functions in themselves do little to clarify the uncertainty that the bill creates.

We believe that, by placing the obligation of the council to the Scottish ministers on an equal footing with its obligation to the Lord President, we can ensure that the bill maintains the principle that civil justice policy is the privilege of ministers to make and Parliament to scrutinise.

The second part of the amendment puts a duty on the council to actively consider how to make the civil justice system in Scotland fairer, more accessible and more efficient.

Throughout the evidence-taking sessions, the committee found that accessibility and fairness are still major barriers that are experienced by those entering or operating in the civil justice system. It is only right, therefore, that we use the opportunity, with the creation of the new council, to put accessibility and fairness at the forefront of its considerations. It is, after all, court users who are paying for the council through an increase in their fees.

To sum up, amendments 9, 10 and 12 will remove much of the uncertainty that the bill creates in relation to responsibility for the civil justice system and will ensure that court users are at the forefront of the work that the council undertakes.

I move amendment 9.

Annabel Goldie (West Scotland) (Con): I should explain to the chamber that my colleague Margaret Mitchell has been involved in all the proceedings on the bill. Sadly, her mother died recently and she is unable to take part in the debate today. That might ensure that my contributions are marked by brevity.

We are not without sympathy for the amendments in the name of Jenny Marra. I note in particular her desire, in amendment 9, to compel the Scottish civil justice council to provide advice to ministers. That is the nub of the issue. To me, it would be much more interesting to compel the advice not to be given but to be taken. However, no statute is ever going to achieve that.

We should accept that the body, as constituted, is a responsible body. We feel that the proposal in amendment 9 would introduce an unwelcome encumbrance and an additional obligation that we think is unnecessary, as other sections of the bill seek to cover the issues that Jenny Marra is

concerned about. For those reasons, we will not support her amendment.

The Cabinet Secretary for Justice (Kenny MacAskill): Jenny Marra raises an important constitutional issue, and I appreciate her desire to ensure that the Parliament and Government remain the determinants of civil justice policy. However, the council will be predominantly an advisory body that will advise the Lord President on improvements to the civil justice system to assist him in the discharge of the statutory responsibilities that he already has. The council will also assist the Court of Session by preparing draft rules of court. The bill provides that the council “may” advise ministers, and I see no need to compel it to do so. Parliament and ministers can take the council’s advice into account if we so wish.

As I stated during the stage 2 proceedings, when similar amendments by Jenny Marra were considered, nothing in the bill will affect the capacity of the executive, the legislature and the judiciary to continue to make those decisions that appropriately rest with them. I understand that the Lord President also made that clear when he appeared before the Justice Committee to discuss the bill. Therefore, I hope that the Parliament will be reassured that, upon the creation of the council, the Government will remain the body responsible—and responsible to Parliament—for the development of wider justice policy. Ms Marra has said previously that the bill should be beyond interpretation on that matter; I believe that it is and that it is appropriate that responsibility for the council rests with the Lord President, as is provided for in the bill.

At stage 2, Margaret Mitchell moved an amendment with the purpose of clarifying that the bill will not require ministers to consult the council on policy matters. That amendment was withdrawn following my assurances that nothing in the bill will interfere with the powers of ministers or Parliament. I submit that Ms Marra’s amendments, which would require the council to advise ministers at their request, would in fact introduce an element of doubt by suggesting that the council must consider matters that properly sit with ministers or Parliament.

With regard to Jenny Marra’s proposal to place a duty on the council

“to consider how to make the civil justice system more accessible, fair and efficient”,

the bill already provides that the council must have regard to the principle that

“the civil justice system should be fair, accessible and efficient”.

That guiding principle, I believe, goes further than the provision in Jenny Marra’s amendment 9.

Therefore, I urge Jenny Marra to withdraw amendment 9 and not to move amendments 10 and 12.

Jenny Marra: It is for the avoidance of doubt and for further clarification that I have lodged the amendments.

For the reasons that I explained in my opening remarks, I intend to press amendment 9.

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division, I will suspend the meeting for five minutes.

14:57

Meeting suspended.

15:02

On resuming—

The Deputy Presiding Officer: We will now proceed with the division on amendment 9.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 77, Abstentions 0.

Amendment 9 disagreed to.

Amendment 10 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 78, Abstentions 0.

Amendment 10 disagreed to.

The Deputy Presiding Officer: Group 2 is on the preparation of rules by the council. Amendment 11, in the name of Jenny Marra, is the only amendment in the group.

Jenny Marra: Amendment 11 would oblige the council to consult on changes to the rules of court. I pressed a similar amendment at stage 2 and move amendment 11 today because I have not heard convincing arguments from the Scottish Government as to why the council should not be obliged to consult.

As I said at stage 2, several organisations that represent court users in Scotland, such as Scottish Women's Aid, have said that the opportunity to engage on the proposed changes would ensure that those changes provide a better service. Similarly, I argued that the council would benefit from a wider range of views on proposed changes, as it would be able to make more informed decisions.

In response, the cabinet secretary stated that, in many cases, rules make technical changes to give effect to subordinate or primary legislation and, for that reason, it is undesirable to consult. However, the rules of court can make substantive changes to the advice and assistance that organisations give to court users and, too often, such organisations feel that they have not had the opportunity to engage with the process.

Labour members still believe that a statutory obligation to consult would ensure that the council is as open and transparent as it can be, making much easier a job that is often difficult for organisations such as Women's Aid.

I move amendment 11.

Kenny MacAskill: Amendment 11 would place a duty on the council to consult. The bill currently gives the council flexibility in that regard. The council will have broad powers to consult on any issue within its remit.

Consultation is not an unknown practice to the existing rules councils, but the new council, with new functions and powers, will operate in a more inclusive manner. I reassure members that the

council will not operate as a closed shop. Indeed, I do not think that the bill, which opens up the current arrangements significantly, would allow that to happen. Therefore, it would be disproportionate and undesirable to require the council to consult prior to preparing every set of rules.

In many cases, rules will introduce technical changes purely to give effect to primary or subordinate legislation, the subject matter of which may already have been subject to extensive consultation and will already have been considered by the Parliament. Occasionally, rules may need to be changed urgently to correct some defect that has become apparent, perhaps by a judicial ruling.

I know that many organisations, such as Citizens Advice Scotland and Scottish Women's Aid, wish to engage with the council to help it to deliver improvements to the Scottish civil justice system. Those are exactly the types of organisation that I expect will field candidates for membership of the council and with which the council will wish to engage.

I assure the Parliament that there will be scope for all kinds of individuals and organisations to contribute to the council's work through its committees, through consultation and, indeed, by carrying out research. The power to commission research was the subject of an amendment in the name of Jenny Marra at stage 2. That power will aid the council in its role of reviewing, and advising on improvements to, the civil justice system, and I was more than happy to support its inclusion in the bill.

I expect, and the Lord President has indicated, that the council will depend heavily on its committees, where I imagine much of its day-to-day work will be carried out. It will consult more widely when it is appropriate to do so.

As I stated when Jenny Marra's stage 2 amendment came before the Justice Committee, the broad power to consult is sufficient and therefore I do not consider it necessary to place upon the council the inflexible statutory duty that is contained in amendment 11.

I urge Jenny Marra to withdraw amendment 11.

Jenny Marra: We are keen to have the statutory duties to which the cabinet secretary refers because they offer the public the most protection. He talks about last-minute changes to the rules, but it is exactly such changes that can lead to unintended consequences. I urge him to reconsider and support amendment 11 to make the consultation process fair and transparent.

I press amendment 11.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)

Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 78, Abstentions 0.

Amendment 11 disagreed to.

Section 3—Powers of the Council

Amendment 12 not moved.

Section 6—Composition of the Council

The Deputy Presiding Officer: Group 3 is on the composition of the council. Amendment 13, in the name of Jenny Marra, is grouped with amendments 14 to 21.

Jenny Marra: With the exception of amendment 17, the amendments in this group seek to open up the council's main decision-making body to increased lay representation.

Amendment 13 affords the council at least two but not more than four judicial members, and amendments 14 and 15 settle the number of advocate and solicitor members of the council to two each, instead of "at least" two. Those amendments make way for amendment 16, which significantly bolsters lay representation on the council to include those who have

"experience and knowledge of consumer affairs ... persons with knowledge of the non-commercial legal advice sector, and persons able to represent the interests of different categories of litigant."

Amendments 18 to 21 are technical.

As was mentioned at stage 2, we have the opportunity to open up our judicial decision-making structures to a significant number of different parties that cannot currently contribute in as meaningful a way as they would like. As members of the Justice Committee discovered while we were taking evidence, many organisations work directly with litigants and are constantly frustrated by the way in which decision-making councils create rules that do not fully consider the needs of litigants when implemented. It is our belief that amendments 13 to 16 and 18 to 21 provide a reasonable compromise between the need for legal expertise on the one hand and the need for expertise in a significant number of related fields on the other.

In relation to the concern that increasing lay representation would put technical rule changes at risk of not being fully understood, I argued at stage 2 that lay organisations have legally trained staff who can bring the suitable legal knowledge and insight to make a valuable contribution. In response, the cabinet secretary said he would reflect on that point, but unfortunately it appears that there is no willingness to take action. I encourage him to reflect further today.

Amendment 17 seeks to ensure that the gender balance of the council is equitable. I have heard no good reason why we should not take action to rectify a legal system whose decision-making bodies are intrinsically skewed in their gender balance. As I stated at stage 2, the Scottish Law

Commission board comprises 80 per cent men, the Judicial Appointments Board for Scotland comprises 70 per cent men, and the Scottish Court Service board is 68 per cent male. It simply is not good enough to pay lip service to the need for greater gender parity and then sit back in the face of such facts without doing what we can—and what we can do quite simply—to rectify the situation.

In many instances, our courts and justice system have a wider and more disproportionate impact on women. I believe that it would show foresight on behalf of the Scottish Government if we could finally recognise the part that we have in ensuring that the burden is made easier.

I move amendment 13.

15:15

Annabel Goldie: I have listened with care to Jenny Marra but find it difficult to support what she is seeking to achieve. However well intended, her amendments become restrictive and introduce inflexibility and, given that they are all roughly in the same vein, my party is not minded to support any of them.

Although I have every sympathy with what Jenny Marra is trying to achieve with her amendments on a gender quota, I simply do not think that that is an appropriate measure to introduce with regard to the council. Female talent in Scotland, particularly in the legal profession, is manifest. I am sure that that will become obvious and that the Lord President will be particularly mindful of his obligation to ensure true representation on the council.

Alison McInnes (North East Scotland) (LD): When the Justice Committee took evidence on the council's membership, the Lord President assured members that a wide range of interests and users would be represented via his own LP appointment. Although I do not doubt that, I would prefer that the council had from the outset a diverse range of members that properly reflected end users and therefore share Jenny Marra's desire for greater lay representation.

I do not accept the view expressed, at least in committee, that we need a two-stage process for the council in which full lay membership would be drawn in only later. I therefore think that amendment 16 would bring a reasonable balance to the membership and we will support it.

I also support the intention behind amendment 17, which relates to gender balance. Members will know that until recently I have been very reluctant to argue for quotas but it is very clear that voluntary action is not working. If we considered

taking this small step forward whenever we set up new bodies, we might finally make some progress.

Roderick Campbell (North East Fife) (SNP):

Although a number of organisations believe that they should have a mandatory position on the council, including the Association of British Insurers and the Forum of Scottish Claims Managers, with which I have dealings, we will get into problems if we start to specify one over the other. As we know, the Lord President believes that initially a key role of the council will be technical drafting and I believe that it is right to give him flexibility and not preclude him from appointing whomever he wants to take on this early task. As has been suggested, we can change the mandatory appointments by statutory instrument and, declaring an interest as a member of the Faculty of Advocates, I think that it is right that advocates and solicitors are not precluded from any of the LP appointments.

Kenny MacAskill: I will first address Jenny Marra's amendments on the categories and levels of membership, which would fundamentally alter the council's membership by increasing the mandatory minimum membership from 14 to 18 and seek to provide that none of the Lord President's discretionary appointments may be judges or practising solicitors and advocates. At stage 2, Jenny Marra said:

"many organisations with legally trained personnel would bring both the necessary ... knowledge and insight ... to the council."—[*Official Report, Justice Committee*, 13 November 2012; c 1997.]

I agree, but her amendments would mean that a large number of very suitable candidates including lawyers working for voluntary organisations or consumer bodies or academics who also practise could not sit on the council. Although members of the profession, such individuals would not be able to sit on the body as its representatives.

The issue was the subject of some discussion at stage 2 and having reflected on the matter, as I undertook to do, I remain of the view that the bill with its provision for flexible appointments strikes the right balance and will allow the council to take account of the range of interests in civil justice and technical expertise for its detailed work without creating an unduly large and unwieldy body.

Civil justice issues are important to many different people and organisations across Scotland and I have been contacted by a range of groups, including the judiciary, the legal profession and the insurance industry, that wish to be better represented on the council. Indeed, I recall David McLetchie at stage 1 questioning whether there should be more solicitor members.

I agree that benefits to court users and the public should be core to the council's work, and I

welcome and encourage lay input. The bill guarantees that representatives on the council will have

"experience and knowledge of consumer affairs ... and ... awareness of the interests of litigants";

furthermore, the bill now allows for a lay deputy chair.

The council will initially be responsible for implementing the many procedural changes that will be required to effect civil courts reform. It will later focus on reviewing and developing the civil justice system. Its membership must be able to reflect both roles. As a result, the bill provides for an appropriate balance of expertise on both court rules and policy issues. It also allows the council to evolve over time as it moves from its rule-drafting focus. If that evolution does not occur, ministers will be able, with Parliament's approval, to amend the membership levels.

It is simply not possible to give a seat on the council to all those who wish one. It would be unrealistic to do so and to expect the council to function effectively. However, I have discussed the fact that membership of the council is not the only means by which someone can have a voice in its activities. I take the view that the lack of consensus around the issue indicates the need for flexibility, and believe that that is achieved by allowing the Lord President the discretion that is provided for. The amendments would deprive the council of the flexibility and capability that are necessary for it to carry out its functions effectively.

The subject matter of amendment 17 has been debated previously in relation to the council and other bodies. I remain of the view that equality of opportunity for women, men and other groups must be addressed, but I am not persuaded that quotas for specialist expert bodies are the right approach.

At stage 1, both Alison McInnes and Malcolm Chisholm asked that I consider the issue of transparency in appointments. Having reflected at stage 2, I proposed to insert the principles that appointments are to be made fairly and are to be open to all eligible persons, and the Justice Committee agreed with that. I hope that that will go some way to addressing some of Ms Marra's concerns.

I urge Ms Marra to withdraw amendment 13 and not to move amendments 14 to 21.

Jenny Marra: I feel quite strongly that exactly the same principle is at stake in respect of the amendments relating to the council's composition and the amendment that relates to gender. To date, such flexible appointments have favoured the status quo. It is our role as legislators to allow

everyone to be represented on such councils and to ensure a fair balance of gender representation in our public bodies, which are in charge of decisions that affect everyone in Scotland. It is our job as legislators to be progressive. The measures are simple. They are not difficult for the Scottish Government to implement, and they would be progressive.

On the gender amendment, as I have said before in the chamber, the Scottish National Party is very willing to talk the talk on being progressive, but it is very reluctant to walk the walk.

I ask the cabinet secretary to reconsider his position on the amendments.

The Deputy Presiding Officer (John Scott):

Are you pressing amendment 13?

Jenny Marra: Yes.

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)

Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 44, Against 75, Abstentions 0.

Amendment 13 disagreed to.

Amendment 14 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 75, Abstentions 0.

Amendment 14 disagreed to.

Amendment 15 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)

Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 43, Against 76, Abstentions 0.

Amendment 15 disagreed to.

Amendment 16 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)

Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 44, Against 75, Abstentions 0.

Amendment 16 disagreed to.

Section 7—Lord President appointment process

Amendment 17 moved—[Jenny Marra].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hume, Jim (South Scotland) (LD)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)

Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (North East Scotland) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 77, Abstentions 0.

Amendment 17 disagreed to.

Amendments 18 and 19 not moved.

Section 9—Disqualification and removal from office

Amendment 20 not moved.

Section 10—Expenses and remuneration

Amendment 21 not moved.

Section 12—Proceedings

The Deputy Presiding Officer: We move to group 4, on council proceedings in public. Amendment 22, in the name of Jenny Marra, is the only amendment in the group.

Jenny Marra: Amendment 22 would ensure that the meetings of the council and its committees are held in public, with agendas, papers and reports being published for public view. I pressed the amendment at stage 2 and was urged by Kenny MacAskill to reject it on the grounds that a room might not be available in our court service to facilitate public access to such meetings and that the council is merely advisory.

Unfortunately, I see those arguments as incredibly weak and they do not stack up. On the practicality, I do not believe that the Scottish Court Service would have a problem finding a room for public access to these meetings; and if there is concern about holding open and frank discussions in the way that advisory bodies often have to do, those fears are allayed by subsection (3B) in amendment 22, which affords the council the option of holding proceedings in private in such situations.

Holding our institutions to the highest standard of public scrutiny is an aim that we should all be united behind and that we should actively promote in our legislation. Putting in place these measures would ensure that lay organisations, litigants and the wider public were more informed about proposed changes to our civil justice system. I see no reason why the amendment should not be accepted by the Scottish Government.

I move amendment 22.

15:30

The Deputy Presiding Officer: As we have reached the agreed time limit, under Rule 9.8.4A, I consider it necessary to allow the debate on this

group to continue beyond the limit in order to avoid the debate being unreasonably curtailed.

Annabel Goldie: It is only right that Jenny Marra's persistence, tenacity and fortitude be rewarded, so it is with pleasure that I intimate that my party will support amendment 22.

Jenny Marra makes a good point. As far as I can see, the thrust of part 1 of the bill is about transparency, openness and involving other people. If it is the case that the Scottish Government's excuse in not accepting that is a lack of accommodation, that seems less than lame. Bring the council here—it would be lovely to have it and we could all watch the proceedings.

Kenny MacAskill: Jenny Marra is correct that certain public bodies should hold proceedings publicly. Nevertheless, I am not persuaded that the council must do so.

The council, which is essentially advisory in nature, differs from bodies that are required to hold proceedings in public. As explained to the Justice Committee at stage 2, local police or fire boards, for example, have different purposes and functions from those of the proposed council. Where bodies are responsible for service delivery or the allocation of public funds, a right of access is appropriate. Although the council will consider important issues, it is not a final decision maker.

That said, I have taken care to ensure that appropriate transparency and accountability apply to council proceedings. The council will lay annual reports and business plans before Parliament; if Parliament wishes to consider publicly any of the issues raised, it will. Court rules are already laid before Parliament and published, and Parliament's consideration of rules is a matter of public record.

Although the existing councils do not meet in public, they publish minutes of their proceedings online. The Lord President has assured me that he intends the new council to be more proactive in that regard. More important, freedom of information coverage will be extended to both the new council and the Criminal Court Rules Council. Subordinate legislation will soon be brought to Parliament in that regard and will provide for more robust arrangements, as the discretion in Ms Marra's amendment will not apply.

The issues with regard to practicality are not insignificant. Suitable arrangements, particularly for potentially costly accommodation, would need to be put in place. That said, the council may hold public meetings if it wishes to do so. Those who have called for greater accountability are, I imagine, exactly those people who might become council or committee members. I therefore hope that members will agree that the matter can be left to the council to decide.

I urge Jenny Marra to withdraw her amendment.

Jenny Marra: The cabinet secretary said that it should be left to the council to decide, but it is our role in Parliament to make the best legislation that we possibly can and to put down rules that will go beyond the tenure of any Lord President.

It is the sign of a strong Government that it welcomes scrutiny and transparency. The Scottish Government's unwillingness to accept amendment 22 is part of a growing trend for the SNP to move not only an increasing amount of committee business into private session, but an increasing amount of business into private session in councils across the country.

I press amendment 22.

The Deputy Presiding Officer: The question is, that amendment 22 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Conservativestance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmund, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 54, Against 65, Abstentions 0.

Amendment 22 disagreed to.

Section 19—Clients' contributions for criminal assistance by way of representation

The Deputy Presiding Officer: We move on to group 5, on determining liability for contributions. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 and 24.

Kenny MacAskill: Amendments 1 and 2 have the effect of raising from £68 to £82 the threshold for disposable income above which a contribution to criminal legal aid will be made. The amendments reflect the concern of members and the Law Society of Scotland that a threshold of £68 might compromise access to justice. I made it clear to the Justice Committee during stage 2 that I would be happy to reconsider the threshold; amendments 1 and 2 are the outcome of that consideration. The impact of the change is that we expect that 88 per cent of applicants will make no contribution to their criminal legal aid fee—that is an increase from 82 per cent under the original proposal.

I intend to make the same change to thresholds for civil legal aid, to preserve the important principle that so far as is practicable there should be parity of treatment between civil and criminal legal aid. The bill, of course, is not about civil legal aid, so I intend to make the change using the existing powers in the Legal Aid (Scotland) Act 1986.

We are working with the Scottish Legal Aid Board and the Law Society to finalise the resultant adjustment to the calculation tables that appear in the current draft regulations. The intention is to ensure that people at the lower end of the disposable income scale benefit from the change, albeit marginally in some cases. The contributions of people in the middle of the scale will stay at about the same level; people at the top end will likely see a slight increase in their contributions. The change will benefit lawyers, who will see a reduction in the number of clients from whom they need to collect contributions, and a smaller contribution will be due from clients who have a lower disposable income.

Amendment 24 would amend the planned arrangements for dealing with the income and expenditure of partners when assessing a person's contribution. It would supplement provision in the 1986 act for how disposable income and disposable capital should be determined.

Our detailed proposals for how disposable income and disposable capital should be determined were set out in the draft regulations that we provided to the Justice Committee before stage 2. The approach mirrors the approach that is used for advice and assistance in civil legal aid. The proper place for such detail is in regulations, which can be adapted and improved, in line with emerging needs. Of course, future changes to regulations are subject to the parliamentary process.

The provisions in the current draft regulations allow for spousal or partner income to be considered as part of the contributions assessment; the provisions also allow for appropriate discounting of relevant income and the disregard of appropriate expenditure. Allowances are available for a spouse or partner and dependent children. In addition, there will be no consideration of spousal or partner income if any of the following apply: the spouse or partner has "a contrary interest" in the matter for which criminal legal aid is sought; the spouses or partners are "living separate and apart"; or it would be "inequitable or impractical" to consider spousal or partner income.

In determining disposable capital, the draft regulations disregard such things as the value of the home, furniture and furnishings, which tend to be couples' main capital assets. The draft regulations provide for a fair and equitable means of assessing what should be considered. The partner of a person who is charged with domestic abuse should not and will not have their resources taken into account in assessing a criminal legal aid contribution.

There is a degree of flexibility and pragmatism in the draft regulations, which is not reflected in amendment 24. That reinforces the point that such matters are best dealt with in regulations, not primary legislation. I ask members to support amendments 1 and 2, in my name, and to oppose amendment 24.

I move amendment 1.

The Deputy Presiding Officer: Margaret Mitchell is not in the chamber, for understandable reasons. However, I understand that Annabel Goldie intends to move the amendments in Margaret Mitchell's name.

Annabel Goldie: I will speak to the minister's amendments 1 and 2 and speak to and move Margaret Mitchell's amendment 24.

First, on amendments 1 and 2, I am glad that the cabinet secretary has yielded to his metaphorical beating over the head and made what was a poor situation somewhat better. My party will support those two amendments.

Amendment 24 seeks to protect individuals on low incomes who happen to have a spouse or partner. The policy memorandum to the bill makes it clear that the resources of spouses and partners will be taken into account when financial eligibility is assessed, in most cases. As the minister said, there will be exceptions where the spouse or partner has a contrary interest in the case—they could be a co-accused or a witness—or where they are living separately and apart. However, any practising solicitor will tell us that ascertaining a spouse's or partner's income accurately and swiftly can present formidable problems.

My colleague Margaret Mitchell's amendment prohibits regulations that would allow a spouse's or partner's income to be taken into account when disposable income is calculated, thereby simplifying the process for any accused who seeks criminal legal aid.

Lewis Macdonald (North East Scotland) (Lab): The amendments in the group take us to the heart of the weaknesses of part 2 of the bill, and particularly the reasons why we saw industrial action in our courts over the Christmas period. I am pleased that the justice secretary has told us today that he has conceded the point that the threshold that he initially set was far too low and that he has adjusted it upwards. When we considered the bill at stages 1 and 2, we did not dispute the principle that contributions should be made by those who can afford them; what we disputed was the impact on the poorest people in society. The removal of the estimated 6,000 people whose disposable income is between £68 and £82 is clearly welcome, so we will vote for amendments 1 and 2.

However, the justice secretary said that the cost of meeting that increased threshold is to be borne by those at the upper end of the criminal legal aid spectrum—people whose disposable income is still around £11,000 or £12,000 a year. Those are not wealthy people but the working poor, and they will bear the burden. I would be interested to hear from the minister when he sums up what he anticipates the impact will be on the number of people for whom the legal aid that is available becomes such a token amount that it is easier for them to remove themselves from the legal aid system altogether.

Margaret Mitchell's amendment 24 addresses another issue that existed in the bill as introduced. Under the current assistance by way of representation system, only the income of the legal aid applicant is considered. We believe that it would be wrong to change that in the way that the cabinet secretary proposes, and for that reason we will support amendment 24.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Clearly, £82 is a bit better than £68, but it is not much better. It is important to put that on the record in the context of this debate. We should remember what disposable income is; it is not for luxuries. It includes, for example, the money that people spend on food. If someone has a largish family, food can take up quite a lot, if not most, of that £82.

Today, once again, the cabinet secretary is making a great deal of the parallel between civil legal aid and criminal legal aid. He wants to align everything. The fact is that he is doing the opposite with the next group of amendments, on contributions, but I will leave that until we discuss them. He wants to have the same treatment for civil legal aid and criminal legal aid, and he has repeatedly—although thankfully not today—used the example of domestic abuse. That has been a good debating point for him, but he cannot build an argument on one example. I do not think that any woman who is a victim of domestic abuse or violence should have to pay any contributions, so I do not think that that is a valid argument for saying that civil legal aid is exactly the same as criminal legal aid.

The situation is different when the state is against the person, they have no choice and—crucially—they may well be innocent. In this argument, we are forgetting that many people who are accused end up being found to be innocent. That is relevant to Graeme Pearson's amendment 23, which we will discuss later.

The problem with the bill is that it has been entirely driven by finance. We all understand the financial difficulties that the Government faces, but the sums of money in question are not enormous sums and they cannot override the paramount interests of justice. The cabinet secretary has been forced to modify a very bad bill so that it ends up as simply a bad bill, but that does not alter the fact that it is still bad.

15:45

Kenny MacAskill: I appreciate Ms Goldie's points, but I do not believe that they are matters for the face of the bill. Historically, such matters have been dealt with by regulation.

Amendment 1 agreed to.

Section 20—Contributions for criminal legal aid

Amendment 2 moved—[Kenny MacAskill]—and agreed to.

The Deputy Presiding Officer: We move to group 6, on the collection and treatment of contributions. Amendment 3, in the name of the cabinet secretary, is grouped with amendments 4 to 7, 7A and 8.

Kenny MacAskill: My amendments 3 to 8 relate to the collection and treatment of contributions. Amendments 3, 5 and 6 make technical adjustments in relation to appeals on behalf of deceased persons under the Criminal Procedure (Scotland) Act 1995. Provisions in section 21 of the bill would allow a contribution in those appeals to be assessed on the basis of the disposable income and capital of either the deceased person or the authorised person taking forward the appeal. Amendments 3, 5 and 6 clarify that it is for the Scottish Legal Aid Board to collect and determine the amount of contribution due in those cases separately from the system in place in sections 19 and 20 for determining contributions for other criminal proceedings.

Appeals on behalf of deceased persons are very rare. It has always been the intention of the Scottish Government that the board would collect any such contributions. The bill does not expressly state that, and the opportunity has been taken to put the board's responsibility beyond doubt by lodging amendment 5. Amendment 6 is consequential on amendment 5, preventing collection in the appeals being undone by regulations. Amendments 4 and 8 clarify the ranking provisions in the bill and those already in the Legal Aid (Scotland) Act 1986 about the order in which solicitors get paid. Amendment 3 reflects that, because contributions for appeals on the behalf of deceased persons are collected by the board, they do not fall into the ranking provisions. The amendments clarify that the ranking provisions apply only when the solicitor is responsible for collection. In those cases, the solicitor is paid the net fee from the Scottish legal aid fund; any contribution payable is not included. In cases where the board is responsible for collection, the fee payable is gross and the contribution payable is included.

Amendment 7 delivers the agreement made with the board and the Law Society of Scotland that the board would be able to provide a collection service for solicitors. The amendment gives ministers the power to require the board to provide a collection service on behalf of solicitors, regulating how any contribution collected should be passed on and the charge for providing the service.

Lewis Macdonald's amendment 7A seems to seek to supplement my amendment 7 by adding that regulations should ensure that the board cannot charge a fee beyond the cost of recovery when providing a collection service for solicitors. I argue that the amendment is not necessary. The requirement that the charge should cover only reasonable recovery costs and the ability of ministers to regulate the board's imposition of a charge are already contained in my amendment 7. It may be that amendment 7A seeks to allow recovery of the cost to the board as a whole rather than the cost in a given case. That kind of detail should be left for further discussion and agreement between the board and the profession. Further, the board must abide by the guidance set out in the "Scottish Public Finance Manual", which sets out detailed guidance on the fees and charges to be applied by public bodies when providing services to other organisations or bodies. The mechanisms for public sponsorship ensure that the board must adhere to the "Scottish Public Finance Manual". I therefore consider amendment 7A unnecessary and I urge Lewis Macdonald not to move it.

I move amendment 3.

Lewis Macdonald: Amendment 7A does indeed seek to amend amendment 7, in the name of Kenny MacAskill. It relates to the charges that can be imposed or the fees that can be set by the Scottish Legal Aid Board in return for collecting legal aid contributions on behalf of defence lawyers. This is not a matter of mere detail that should be left to the regulations or to future discussions. By suggesting that, I think that the cabinet secretary has put his finger on one of the fundamental flaws of the bill.

This is an extremely important piece of proposed legislation, as it will introduce the principle of contributions to criminal legal aid in a novel form. The bill should not simply give permission for regulations to be drawn up to address the details.

Although the Law Society of Scotland accepts the general propositions in amendment 7, many of the bar associations across Scotland do not. Many lawyers who are members of the Law Society and a bar association believe that the Scottish Legal Aid Board is best equipped to collect contributions to legal aid, given that it has years of experience of doing so on the civil side, as well as the infrastructure to do it.

The full cost recovery that is outlined in the Government's amendment 7 is full cost recovery on a case-by-case basis. That will still leave individual lawyers exposed to the risk that clients will not pay their contributions and the risk that they will receive an open-ended bill from SLAB when collecting contributions racks up significant

costs. The board has estimated that it would cost £600,000 annually for it to take responsibility for the collection of contributions. If it can come up with a definite figure for the cost of its services to solicitors, it is surely reasonable that the legislation should reflect that, and that it does not create the risk that open-ended charges will be imposed on lawyers who use the board's services.

Amendment 7A would simply manage the financial risk to law firms by creating a set fee for the collection service instead of unspecified charges. That flat fee would, of course, reflect the costs incurred by SLAB in collecting the fees, and it could be calculated on the basis of the figures that it has not brought forward. I know that a flat fee for the collection of legal aid contributions would be welcomed by many people who are concerned about the approach that has been taken.

It seems to me that none of what the cabinet secretary said—he talked about detail and regulation—explains why a charge should be recovered on a case-by-case basis instead of having a fee that would apply across the board.

Malcolm Chisholm: This is another area in which the cabinet secretary had to back down because he got things so badly wrong at the beginning. Part of the problem is that because the changes have been made so late, people do not yet know the detail of how the system will work in practice. That is why I support Lewis Macdonald's amendment 7A. He is at least trying to provide some clarity and not leave things completely open ended.

Once again, we must state the fundamental objection to what is happening. I know that some members were a bit puzzled about my reference to the analogy between civil legal aid and criminal legal aid, but when I first read what was proposed, I wondered why on earth, when the Scottish Legal Aid Board collects—highly successfully—all the contributions for civil legal aid and has all the systems to do so, it should be treated completely differently when it comes to criminal legal aid. I have had no proper explanation of that, apart from the financial one.

Again, relatively small sums of money are involved, against which must be set the risks to the administration of justice. Some people might not be willing to pay for a lawyer, so they will not have one, and some lawyers might withdraw from the legal aid system because of the financial risk involved. Therefore, I think that there are still serious problems with the bill. It is clearly better than it was, but it is extremely important that we recognise that the alternative system that was proposed by the Opposition at the beginning of the process would have been a whole lot better.

Kenny MacAskill: Malcolm Chisholm did not have the benefit of hearing the answers that I gave, in committee, to the convener of the Justice Committee when I was asked whether such matters would be considered in respect of civil matters. I said that they would and that SLAB would be discussing them with the profession.

Given what amendment 7 says and the assurances that I have provided on what the "Scottish Public Finance Manual" states, I believe that amendment 7A is unnecessary.

Amendment 3 agreed to.

Amendment 4 moved—[Kenny MacAskill]—and agreed to.

Section 21—Contributions for appeals where appellant deceased

Amendment 5 moved—[Kenny MacAskill]—and agreed to.

After section 21

The Deputy Presiding Officer: Group 7 is on the refund of contributions. Amendment 23, in the name of Graeme Pearson, is grouped with amendment 25.

Graeme Pearson (South Scotland) (Lab): Amendment 23 would deal with an oversight in drafting and with an element of unfairness. We often spend our time in the chamber trying to deliver fairness on behalf of Scotland's citizens. When an accused person has been through a trial process and has been found not guilty, and when the judge refers to circumstances that suggest reservations about the conception that lay behind the prosecution, the accused can be satisfied that they leave court with their character unstained. However, their bank book will probably have been severely damaged from paying contributions towards their defence.

In a progressive—and, some might think, radical—fashion, amendment 23 offers a valuable way forward to provide fairness in our system. When an accused person has faced due process and been found not guilty, and when the judge delivers the view that the prosecution was ill conceived, it should be in the judge's power to suggest that the accused's contributions should be reimbursed. I hope that members across the chamber will support the amendment.

I move amendment 23.

Annabel Goldie: I will speak to amendment 25, in the name of Margaret Mitchell, and briefly to amendment 23, in the name of Graeme Pearson. I have a lot of sympathy with what he is trying to achieve, but my reservation is that his amendment does not go far enough—certainly not as far as the

amendment in my colleague Margaret Mitchell's name.

My basic concern about Mr Pearson's drafting of his amendment is that I am at a slight loss to know how any court would interpret the phrase

"it is in the interests of justice for the contribution to be refunded."

My first question is this: whose justice would that be? Would it mean justice for the accused or for the taxpayer, or would it relate to the administration costs of the court system? Because of that concern, my party will abstain on amendment 23.

Amendment 25, in the name of Margaret Mitchell, would require that contributions be refunded in all cases of acquittal. Her amendment calls on the Scottish ministers to make, by regulations,

"arrangements for any contribution for criminal legal assistance due or paid by virtue of this Act to be remitted or refunded in a case where proceedings are concluded without the person from whom, or in respect of whom, the contribution was due or paid, being convicted."

It is interesting that, if Parliament were to accept amendment 25, it would put us much more in line with England and Wales. I do not know why Scotland should be in an entirely different position.

I ask Parliament to support amendment 25.

Malcolm Chisholm: One mark of a civilised society is how it treats people who are accused of crimes—particularly when we bear it in mind that many accused people are innocent. Amendments 23 and 25 focus on that point. The issue will be particularly important if the rest of the bill is agreed to, as earlier votes this afternoon suggest it will.

It is important that innocent people who have had to contribute to legal aid have that contribution reimbursed. Graeme Pearson's words,

"in the interests of justice",

suggest that reimbursement would almost invariably be the case. It seems to be completely unfair that someone who has a modest or low income should have to go to that expense but still, if they are found innocent, be out of pocket because of what could in many instances be a mistake that the state has made.

I know that the cabinet secretary will say that if contributions by people who have modest incomes are reimbursed, rich people who employ expensive advocates will also have to be reimbursed. That might be true in logic, but it is not true in practice. We all accept that, if people can afford to employ an expensive advocate, we will not be required to reimburse that cost. However, it is a perfectly reasonable proposition that contributions by people who receive legal aid

should be reimbursed in most circumstances, if they are found innocent.

Roderick Campbell: I have a great deal of sympathy for Graeme Pearson's amendment 23, but we must be fair to all private clients, so I disagree strongly with Malcolm Chisholm. A general principle is at stake.

The bill deals with legal aid on its own, so to support amendment 23 would be inappropriate. However, I would like—and hope that I will get—assurance from the cabinet secretary that the issue will be kept under review.

16:00

Kenny MacAskill: The subject of refunding legal aid contributions in the event of acquittal was raised during evidence sessions, and the Justice Committee asked that the issue be given further consideration. In my response to the committee's stage 1 report, I set out the complexities involved and the wider range of perspectives that I had considered.

The committee considered two stage 2 amendments that sought to introduce refunding of legal aid contributions, and such amendments have been lodged for consideration again now. The subject was the subject of some discussion at committee but, in the end, neither amendment was supported; in fact, Graeme Pearson withdrew his amendment.

The discussion at stage 2 reflected the complexity of the issue, which I suggest is not one for this bill—not least because any provisions that are made here today could not apply to any privately funded clients. That would lead to a differentiated and therefore fundamentally unfair criminal justice system.

It should be stressed that the recovery of costs in defending criminal proceedings has never been a feature of the Scottish criminal justice system. In England and Wales, recovery-of-costs applications are made to the Crown, and can be made by legal-aided and privately funded accused persons. Recovery is of all defence costs and not just legal aid contributions. It cuts both ways—the Crown may recover costs from a convicted defendant.

Here, there is no system of costs in first-instance Scottish criminal courts, either for those who are acquitted or for those who are convicted. To change that would be a huge and fundamental step that should not be taken without the fullest consideration of the potential impact.

Prosecution is undertaken in the public interest, on the basis of the test that is outlined in the prosecution code: that there is sufficient admissible evidence and that it is in the public interest to take action. That decision is made on

the basis of information that the Crown receives from the police in the standard prosecution report and from witness statements. Sheriffs and justices of the peace do not see the information that the Crown receives from the police. That means that a case might appear on paper to be stronger than it does at an eventual trial.

An acquittal or conclusion of proceedings without conviction does not equate to a finding that it was not in the public interest to raise proceedings. The burden of proof on the Crown to succeed in criminal proceedings is rightly a high one—it is to establish proof beyond reasonable doubt. It would not be appropriate for costs to be a factor in the decision making of the Crown, or for such a perception to be possible.

Amendments 23 and 25 both seek to refund legal aid contributions, but seek to do so in different sets of circumstances. Amendment 23 would give the power for a court to order a refund or remission where a person has been acquitted, and where the court considers that to do so would be

“in the interests of justice”.

However, the amendment does not make clear the circumstances in which “the interests of justice” would merit the court using that discretion.

Amendment 25 would place a duty on the Scottish ministers to make regulations about arrangements for refunding or remitting a contribution that has been paid where proceedings do not conclude with a conviction.

I wish to highlight a number of practical difficulties with amendments 23 and 25. First, where there was judicial discretion, as per amendment 23, it is unclear what would happen in cases where a court chose not to refund on acquittal. Would the person be able to appeal the decision? Would they feel that their acquittal was being publicly doubted?

Secondly, where the refund could be made in any case where the accused was not convicted, as per amendment 25, there are many circumstances in which a case will conclude without a conviction. For example, a case may be deserted because of evidence coming to light during the trial. Where a case is dropped because a witness fails to attend, perhaps because they were intimidated or frightened by the prospect of giving evidence, the accused person would receive a refund. Are those the circumstances that amendment 25 envisages?

In respect of both amendments 23 and 25, it is unclear who would have responsibility for the refund. There is no scope under the bill to consider privately funded clients, who would not receive a refund under either amendment. Those

points were raised during the stage 2 discussion, but it seems that neither has been addressed today.

Although I understand the concerns that have been expressed, I cannot support amendments 23 and 25. Even in their own terms, they raise many practical problems. They also risk making a fundamental change to the justice system in Scotland, with unclear consequences, and we surely cannot have a system where the many people who pay all their defence costs can have no expectation of reimbursement while those who pay only some of their costs are treated differently. I invite members not to support amendments 23 or 25.

Graeme Pearson: The cabinet secretary mentioned differentiation in the way that justice is applied in Scotland. Throughout history, there has always been differentiation in the application of justice. In this chamber, we try to improve sections of our justice system and to develop it in a progressive and sometimes radical fashion, as I said earlier.

The argument that we have heard is that we will end up giving back money to people who, for some reason or other, might not justifiably receive cash at the end of their prosecution. Amendment 23 in my name indicates that that would be a matter for the discretion of the judge, who would have heard all the circumstances, would know the background and would, I suggest, decide that funds should be reimbursed in only extremely unusual circumstances.

Members should bear in mind that those who would be reimbursed would on many occasions be those who are in most need of the finance in their family budgets.

I agree that Margaret Mitchell’s amendment 25 opens up a range of challenges and options that we do not fully understand at this time.

I hope that members will support amendment 23.

The Deputy Presiding Officer: The question is, that amendment 23 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)

Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 40, Against 65, Abstentions 11.

Amendment 23 disagreed to.

Section 22—Regulations about contributions for criminal legal assistance

Amendment 6 moved—[Kenny MacAskill]—and agreed to.

Amendment 7 moved—[Kenny MacAskill].

Amendment 7A moved—[Lewis Macdonald].

The Deputy Presiding Officer: The question is, that amendment 7A be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)

Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 53, Against 63, Abstentions 0.

Amendment 7A disagreed to.

Amendment 7 agreed to.

Amendment 24 moved—[Annabel Goldie].

The Deputy Presiding Officer: The question is, that amendment 24 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)

Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Murray, Elaine (Dumfriesshire) (Lab)

The Deputy Presiding Officer: The result of the division is: For 51, Against 62, Abstentions 1.

Amendment 24 disagreed to.

Amendment 25 moved—[Annabel Goldie].

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macintosh, Ken (Eastwood) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (North East Scotland) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 14, Against 66, Abstentions 35.

Amendment 25 disagreed to.

After section 22

The Deputy Presiding Officer: We move to group 8. Amendment 26, in the name of Margaret Mitchell, is grouped with amendment 27. I invite Annabel Goldie to speak to both amendments and to move amendment 26.

Annabel Goldie: By any measure—as has already emerged from today's debates, in particular from Malcolm Chisholm's speech—the bill is, at the very least, controversial. We know that it has raised passions outside Parliament and within it.

Amendment 26 seeks to require the Scottish ministers to lay before Parliament a report on the impact on solicitors of requiring them to collect contributions under the bill. Under the amendment, a first report would be required soon after the introduction of the requirement to collect contributions, with subsequent reports being required every three years.

Amendment 27 would introduce a second, wider review provision, which would require the Scottish ministers to lay before Parliament every three

years a report on the operation and effect of part 2 of the bill. The amendment is framed in such a way that the period would begin on the day on which the provisions of part 2 first came into force.

Amendments 26 and 27 have been triggered by universal concern about aspects of the bill, including how it has been drafted and the requirements that it will create. There has been reaction from many sectors of society outside Parliament—not least, from the legal profession and, in particular, from those who are at the coalface of giving advice to clients under our criminal justice system.

16:15

Amendments 26 and 27 are a welcome breath of fresh air. To be frank, I cannot see what the Scottish Government is afraid of. If, as the cabinet secretary has asserted, the bill is a Rolls-Royce vehicle for the administration of criminal justice in Scotland, he can anticipate glowing responses to the reviews. On the other hand, if he has got it wrong and all is not well, at least the amendments will afford an opportunity for Parliament and the rest of Scottish society to take a view on what is happening. If the responses to the reviews were negative, that could trigger appropriate action in Parliament. I urge Parliament to support amendments 26 and 27, which are in Margaret Mitchell's name.

I move amendment 26.

Graeme Pearson: Annabel Goldie makes a strong case for amendments 26 and 27. The Justice Committee's discussion of implementation of part 2 occasioned a great deal of controversy and there is no doubt that there is uncertainty about the efficacy of the cabinet secretary's proposals. I agree with Miss Goldie that there seems to be nothing to spook the Government in amendments 26 and 27. I hope that the cabinet secretary will welcome a first-year review and a review every three years thereafter.

The changes in legal aid provision have caused a great deal of concern in the legal profession. As the changes come alongside wider changes that might affect courts and other elements of the justice system, it must be proper that we keep a weather eye on them and know, at the earliest opportunity, whether they are working well. I support amendments 26 and 27.

Kenny MacAskill: Amendments 26 and 27 would place on a legislative basis review of the impact of the proposals in part 2. I have already made a firm commitment to the Justice Committee to review within three years the impact of the proposals in part 2 and to present the outcome of that review to Parliament.

Further, the Scottish Legal Aid Board has a statutory duty to monitor the accessibility and availability of legal services; the impact of the bill will be kept under review as part of that duty.

Also, the bill provides the Scottish ministers with the ability to seek by regulations swift adjustment of the details of the new process. I expect that Scottish Government and SLAB officials will liaise on how part 2 is operating and the need for any adjustments.

Although I understand the intention behind amendments 26 and 27, I do not agree that we need to legislate to achieve their aim. There is the risk that what we now consider to be the key areas of importance in the new process will not be areas of concern in the future. Amendment 26, which relates to regulations that will be made under proposed new section 33ZA of the Legal Aid (Scotland) Act 1986, would require the Scottish ministers to report on "collection rates of contributions" and "the income of solicitors". A large proportion of that information would be available to the Scottish ministers only at the discretion of firms. Moreover, a great many factors affect solicitors' income that are not attributable to the bill's provisions.

To tie down the timeframe would also present difficulties. Flexibility in the timing might be necessary, perhaps to include other developing issues, or because adjustments that are made through regulations need time to bed down. Moreover, in relation to provision in regulations about collections, it appears that amendment 26 would require reporting on two separate occasions for each set of regulations, which would be a rather onerous requirement. Amendment 27, which relates to part 2 as a whole, would require that a report be laid indefinitely every three years, which might prove to be disproportionate.

As was mentioned during consideration of similar amendments at stage 2, the Justice Committee can at any time consider the implementation of enacted legislation and carry out post-legislative scrutiny. Taking that into account, along with my commitment to carrying out a review, I am not of the view that reporting need be enshrined in primary legislation, so I invite members to oppose amendments 26 and 27.

Annabel Goldie: The cabinet secretary's response is predictable, but not persuasive. On his concern about the wider income of solicitors or firms of solicitors, amendment 26 is specific in that it is about collection of the contributions.

The cabinet secretary fails to understand the widespread disquiet that has surrounded the bill and the specific need to reassure not only solicitors who practise criminal law but broad sectors of civic society in Scotland, especially

people who may be victims of the proposed legislation when they find themselves as accused persons without the means of paying for their defence at the inception of proceedings—a critical time at which they need to do that.

The difference between accepting and rejecting amendments 26 and 27 is the difference between slamming the door shut on fresh air blowing through the process, and keeping the door open. I urge members to support the amendments and to keep the door open.

The Deputy Presiding Officer: The question is, that amendment 26 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 26 disagreed to.

Section 23—Consequential modifications

Amendment 8 moved—[Kenny MacAskill]—and agreed to.

After section 23

Amendment 27 moved—[Annabel Goldie].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Gavin (Lothian) (Con)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Davidson, Ruth (Glasgow) (Con)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Helen (Cowdenbeath) (Lab)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Findlay, Neil (Lothian) (Lab)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Goldie, Annabel (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Henry, Hugh (Renfrewshire South) (Lab)
Hume, Jim (South Scotland) (LD)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Milne, Nanette (North East Scotland) (Con)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)

Scanlon, Mary (Highlands and Islands) (Con)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lyle, Richard (Central Scotland) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McDonald, Mark (North East Scotland) (SNP)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Robertson, Dennis (Aberdeenshire West) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 27 disagreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Scottish Civil Justice Council and Criminal Legal Assistance Bill

The Deputy Presiding Officer (John Scott): The next item of business is a debate on motion S4M-05479, in the name of Kenny MacAskill, on the Scottish Civil Justice Council and Criminal Legal Assistance Bill.

16:23

The Cabinet Secretary for Justice (Kenny MacAskill): I am pleased to open the debate on the Scottish Civil Justice Council and Criminal Legal Assistance Bill.

I thank the Justice Committee for its careful scrutiny of the bill during its progress through the Parliament, and the Finance Committee and Subordinate Legislation Committee for their reports on the bill. I am also grateful to the many individuals and organisations that took the time to respond to the two consultations on the bill and all those who gave oral and written evidence to the Parliament.

There is almost unanimous support for the creation of the Scottish civil justice council, but I will remind members why the new council and its functions are needed. The proposals are founded on the recommendation in Lord Gill's wide-ranging review of the civil courts. Lord Gill concluded that far-reaching, structural and procedural reforms are necessary to ensure that Scotland's civil justice system is fit for the 21st century.

The council will first take forward the many procedural changes that are necessary for the implementation of Lord Gill's reforms and play a pivotal role in revitalising and modernising our system. Following extensive engagements with stakeholders, I will shortly consult on a draft bill that will be based on the wider recommendations of the Scottish civil courts review. The creation of the Scottish civil justice council will mark the first legislative step on the path to reform.

During the bill's stages there has been constructive debate on the arrangements for the council, notably its membership and the extent of its role and function. On membership, one of the bill's underlying principles has been to provide for flexibility, balance and—rightly—a degree of discretion to the Lord President. That will allow the council to concentrate on its first task: the technical rules revisions to support the much-needed civil court reforms. It will also allow the council to evolve over time to take on its policy functions. I firmly believe that the Lord President should be trusted to achieve the correct balance that is necessary for the council to be able to

assist him to carry out his statutory responsibilities and fulfil its duties in the most effective manner.

Of course, the Parliament's scrutiny has helped to shape the proposals throughout the legislative process. Having listened carefully to the views of stakeholders and members of this Parliament, I introduced principles of openness and fairness to the appointment process. The importance of lay input to the council was discussed and the bill now provides that a layperson may be a deputy chair. Alison McInnes was keen to see that in the bill. The additional power to commission research, which Jenny Marra proposed, will assist the council in its function of reviewing and advising on improvements to the civil justice system.

With the Scottish civil justice council we will for the first time have a body with oversight of the entire civil justice system. The level of interest that has been expressed during the bill's passage indicates how important and relevant civil justice matters are for people, families and businesses across Scotland. The council is the prelude to further reform and it is a necessary precursor to the reform that Lord Gill proposes.

I will now discuss part 2 of the bill. Contributions to criminal legal aid will allow us to continue to target legal aid to those who need it most by asking those who can afford it to pay towards the costs of their defence. To be clear, no one is being asked to pay the full cost of their defence; if they could do that, they would not be eligible for legal assistance. We are suggesting that when someone can afford to contribute to the cost they should be asked to do so. That principle was supported by not only this Parliament at stage 1, but the Law Society of Scotland and other key justice stakeholders.

I have listened closely to views expressed throughout the bill's passage to make sure that we continue to protect the most vulnerable in our society. I have built on initial proposals to exempt those on passported benefits and for a graduated approach to contribution rates. Disability living allowance and its successor, and war pensions, will now not be considered as income when eligibility for contribution is calculated. Imprisonment or being taken into custody can considerably change a person's financial circumstances. Reassessment of eligibility when that happens will ensure that new circumstances can be taken into account. My proposal to raise the disposable income thresholds means that the estimated number of those who will be liable to pay contributions has now fallen by one third compared to the number under the original proposals. Those are all tangible improvements that demonstrate my commitment to ensuring that only those who can afford to pay a contribution will do so. They are also good examples of where we

have addressed a range of issues that have been discussed with stakeholders.

It is unlikely to have escaped anyone's notice that some in the profession are unhappy with the proposals in part 2 of the bill. I appreciate that many firms think that collecting some of the contributions will be a burden that is placed on them at a difficult time. Although I accept that concern, I do not think that the expectation is unreasonable or unfair. Discussions with the profession throughout the process have sought to address its concerns, including about how to ensure that the responsibility for collection is shared equitably. From the introduction of the bill, we proposed that the Scottish Legal Aid Board should share the burden by collecting in solemn and appeals cases, and that, to assist firms' cash flow, summary contributions will be treated as fees.

In addition to responding to concerns about the disability living allowance and war pensions, regulations will provide that there will be no contributions payable towards criminal legal assistance at a police station. My proposal to raise the threshold from £68 to £82, which followed discussions with the profession after stage 2, will significantly reduce the number of accused from whom solicitors will have to collect. Further, where a case transfers from solemn to summary proceedings, the board will collect the contribution all the way through. Finally, I lodged an amendment to allow the board to provide a service to solicitors on payment of a fee to collect contributions on their behalf. All those proposals have been accepted by the Law Society of Scotland, which is the profession's chosen representative body. Several other things that it has agreed to in principle will feature in draft regulations to come.

Lewis Macdonald (North East Scotland) (Lab): I accept the cabinet secretary's point regarding his discussions with the Law Society of Scotland, but what has he to say about the continuing objections and views of the bar associations in Aberdeen, Edinburgh, Glasgow and many other places throughout the country?

Kenny MacAskill: I am aware of those objections, but I deal with the Law Society of Scotland, which is the body that is required to regulate and the body with which we negotiate. As I said, a decision has been made, and I welcome the contributions by the individuals who were involved in the legal aid negotiating team, who worked constructively with us.

Although I recognise that many in the profession have voiced their wish to have no responsibility for collection, practical steps are necessary. We must remember the many firms that already collect contributions from clients in criminal cases.

Collection should not be a significant problem for them.

Graeme Pearson (South Scotland) (Lab): The cabinet secretary mentioned that he is arranging for SLAB to make collections on behalf of solicitors on payment of a fee. Was he able to share with the Law Society the level that he expected that fee to be set at?

Kenny MacAskill: No, I cannot do that. That is a matter to be negotiated between the Law Society and the Scottish Legal Aid Board. I will leave it to them to deal with that.

We are now dealing with a legal aid bill in Scotland for 2011-12 that was the second highest on record. It will not reduce without action. The projections for legal aid still exceed the budget that was set out in the Scottish Government's 2011 spending review, and difficult decisions still need to be made.

I have not approached the challenge by making changes to the scope of legal aid. Wholesale reductions in its scope would have a damaging impact on access to justice, other parts of the justice system and society as a whole. My key priority has been maintaining access to justice, as it has been for many other members.

Reforms in England and Wales have been sweeping. The scope of civil legal aid is being reduced and legal aid is being removed altogether in some areas of family law, housing and clinical negligence. That is not a road that I am prepared to go down. I am protecting the scope of civil legal aid, which is vital in the current financial climate, while ensuring that the criminal legal aid system continues to be just and equitable.

To conclude, the passing of the bill will deliver vital savings to ensure that legal aid can be targeted at those who need it most. It will also begin our journey towards much-needed civil justice reform.

I move,

That the Parliament agrees that the Scottish Civil Justice Council and Criminal Legal Assistance Bill be passed.

16:34

Lewis Macdonald (North East Scotland) (Lab): When we debated the bill at stage 1, I said that we were in the familiar position of addressing a Scottish Government justice bill that dealt with two quite different subjects. That was a relatively marginal criticism, because Labour supported the general principles behind both parts of the bill.

Sadly, we are now in a position that is even more familiar, because in recent months we have seen what happens when the Scottish Government ignores the views of others and

presses ahead with legislation that is not fit for purpose. That, for example, is how the Police and Fire Reform (Scotland) Act 2012 appears to be viewed by the chief constable of the new police service of Scotland. As some of us heard at the lobby outside the Parliament today, that is how this bill is viewed by many of those who practise criminal law in our courts.

Reform of the justice system is just as important as reform of our police and fire services. The bill is only the first of a number of measures that ministers propose, and decisions that ministers will be required to take in the next few months, that will affect the delivery of justice. It must therefore concern us all that ministers have so signally failed to build a consensus in support of the proposed measures in part 2 of the bill, covering criminal legal aid.

The cabinet secretary finally found the time at the end of last year to talk to representatives of the legal profession and to offer some changes to meet some of their many concerns. However, Mr MacAskill did so only after they had withdrawn their services from clients in an effort to convince the Government that their concerns were real and substantial, and after he had resisted efforts by other parties, including the Justice Committee, to insert the changes into the bill that were clearly required. We welcome the Government's concessions—late and reluctant though they may have been—because they meet in part some of the concerns that we raised during the passage of the bill.

In particular, we were quite clear that the proposed threshold for liability to pay contributions—a disposable income of £68 a week—was far too low. It would have captured many of those in the greatest poverty, for whom making any level of contribution to legal costs would be one extra cost too far. Therefore, we welcome the fact that the threshold has been raised to £82 a week, which is more realistic, although of course it does not answer the question of affordability altogether. People with disposable incomes of £82 a week are still on very low incomes, which is why the working of the new system will need to be carefully monitored if those people are to retain fair and reasonable access to justice.

It is clear from what the Scottish Legal Aid Board has told us—indeed, the cabinet secretary confirmed it today—that the higher threshold will be paid for by increasing the contributions that are payable by those who are entitled to legal aid but who are at the higher end of the income scale.

SLAB has also offered us comparisons with the impact of changes in England. It expects the consequence of that change to be that many of those who remain theoretically entitled to criminal

legal aid will in fact cease to have access to the legal aid system altogether—they will be represented as private clients, because the assessment will leave them eligible for only a token amount of legal aid.

SLAB's figures confirm that those people are by no means well off. A disposable income of around £11,500 a year is still poverty relative to the population as a whole, even if it is at the higher end relative to other people who are entitled to receive legal aid. Again, especially given SLAB's expectation that many solicitors will persuade those clients to go private, the impact of the new system on those at the upper end of the eligible group will need to be monitored closely, to ensure that they can achieve access to justice.

We have also raised the issue of what should happen when people who have been drawn into payment towards legal aid costs for the first time are acquitted. Graeme Pearson eloquently moved an amendment to that effect. The Government has offered no movement in that area—not even on giving discretion to the judiciary to have contributions refunded only in certain cases, as Graeme Pearson proposed.

That would have been a modest improvement, protecting a few of those poorer people brought to court and then acquitted, but creating no general presumptions with implications across the justice system as a whole. It is a pity that the Government did not see fit to take the opportunity to support that compromise position.

Another critical issue has been in relation to the collection of contributions. A key argument at stage 2 was that the cost and burden of collection might for some solicitors be enough to tip the argument against offering criminal legal advice in the first place. For small rural firms doing only a small proportion of criminal work, a decision to stop doing any such work could impact on access to justice for any accused person in that area.

The Government has conceded that SLAB could collect contributions on behalf of solicitors. By doing so, it has accepted the principle of such collection, but the way in which it has done so fails to engage with the legal profession's concerns and will not attract the support of many. To provide for collection by a Government agency would have been a useful support for the introduction of contributions, and it is again disappointing that Mr MacAskill has chosen not to take the opportunity offered by a Labour amendment to enable solicitors to seek that service without the risk of taking on an open-ended liability to cost recovery by the Legal Aid Board.

If the job of Government is to produce the necessary reform and build support for a reform

agenda, it seems to me that the Government is, once again, not doing that job with this bill.

We support the principles underlying both parts of the bill: the modernisation of the civil justice system and contributions to the costs of criminal legal aid by those who can afford to pay. Many others support the principles, too, but they continue to be concerned about the detail and the practicality of how the Government proposes to implement the changes. It is surely a matter of regret that the Government's approach has divided the legal profession and left so many defence solicitors believing that the Government does not care what happens to them or their clients. It is equally regrettable that the approach has divided the Parliament and that those on our side cannot support the bill.

16:41

Annabel Goldie (West Scotland) (Con): I restate my position as a former practising solicitor in Scotland who is no longer a member of the Law Society or on the roll of solicitors.

Although I intend to focus my comments on part 2 of the bill, I will briefly mention part 1. Part 1 implements a key recommendation of the Gill review and it is a welcome step towards updating Scotland's civil court rules. The council will have a remit to review the wider civil justice system. We should be in no doubt that the council will be a powerful organisation that will exercise considerable influence.

I noted the cabinet secretary's assurances at stage 2 that the council will act in an open and accountable way and that appointments to it will be made in an accountable manner. It is unfortunate, however, that the amendments in relation to the activities of the council lodged by Margaret Mitchell at stage 2 and Jenny Marra's amendment 22 debated today, which my party supported—amendments that sought manifest openness and transparency; I do not see how people could object to that—were rejected by the Scottish Government.

I will turn to part 2 of the bill, which I find problematic. Part 2 has had a difficult time. Indeed, I understand that the Justice Committee came close to rejecting part 2 at stage 1, but had a change of heart at stage 2. We have heard from Lewis Macdonald the reaction from the legal profession. Notably, 12 bar associations, including Edinburgh and Glasgow, remain opposed to the legal aid reforms, and the Law Society of Scotland, while accepting the Scottish Government's compromise offer, maintains opposition to the collection regime.

My party has attempted to support efforts to improve the efficiencies of the bill. Certainly, the

increase in the disposable income threshold above which contributions will be made, and the agreement that the disability living allowance, its replacement personal independence payments, and war pensions will be disregarded is welcome. It is also right that no contributions will be required for offenders in custody or in police stations, which at least means that access to legal advice at a critical time will not be restricted.

The rejection of Margaret Mitchell's amendment 24, which sought to exclude the income and capital of spouses and partners, which would have been a lot fairer to an accused who desperately needs advice and may need financial help, was unfortunate. Margaret Mitchell attempted to secure a wider debate on the question of contribution refunds; Mr Pearson spoke about that, too. That wider debate is needed and I hope that the Scottish Government will consider that and perhaps reflect on what might be done.

Part 2 of the bill is underpinned by the presumption that those who can afford to pay for public services should do so. I support that general proposition and I welcome the cabinet secretary's conversion to the Scottish Conservatives' way of thinking. However, that presumption must be weighed against the specific situation in which it is to be deployed. When that situation is the administration of justice and the fundamental right of an accused to legal advice, it is the responsibility of the state to ensure that those unable to pay for that advice are not denied it.

That is where, for me, the bill hits a brick wall, because either the Government discharges that responsibility with a cohort of state-funded public defence solicitors or it creates a workable criminal legal aid system. The overall provision of public defence lawyers would be very expensive and much more inflexible to administer than a criminal legal aid system.

In this bill, the Government has failed in its attempt to deliver a workable criminal legal aid system. When an accused is unable to meet privately the cost of legal defence, the legal aid system must work on the basis that the accused can access advice without immediately being confronted by demands for money that he or she might not have. Equally, at that critical point the solicitor should have confidence that the legal aid system will resolve what the accused is due to pay and when, so that the solicitor can proceed without impediment to give advice.

The bill fails those fundamental tests. It presents the spectre of an anxious accused who desperately needs advice and is expected to scrape around to find sufficient funds to unlock the advice, and a solicitor who departs from the role of adviser and assumes the mantle of debt collector

to hound the accused for money. If at that point the accused does not have or cannot produce the money—shoes for the children or food on the table might have taken precedence—the solicitor is placed in a professional and moral dilemma about what to do.

That is not a workable criminal legal aid system. It is a dog's breakfast and an affront to decent standards of fairness and the fundamental right of an accused to representation. The bill raises significant questions about access to justice. What is predictable is that individuals who are accused of crime will be scared of seeking advice, might not be able to muster the funds to pay for advice and might end up representing themselves. That helps neither them nor the courts.

I welcome the reforms to the civil justice system in the bill, but the criminal legal aid system that part 2 will deliver is unfair and unworkable and will betray the most vulnerable. For that reason, my party is unable to support the bill.

16:46

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I declare an interest as a former solicitor and member of the Law Society of Scotland.

I have sympathy with one little aspect of what Lewis Macdonald said. Here we are, considering another bill that deals with two distinct matters. Labour and the Liberals were guilty of that offence when they were in power, and I regret that we have not cured the problem.

The Scottish civil justice council is very much to be welcomed. It will focus on preparing and drafting civil rules and procedure for the Court of Session and the sheriff court, which are terribly important for the effective and just working of civil justice—as my history teacher would say, “a good thing”.

At the beginning, the council's work will be technical and to do with the rules. It will comprise four judges from the Court of Session and sheriff court, two advocates and two solicitors, and the Lord President will have the flexibility to appoint six members, to whom David McLetchie—I regret that he cannot be here today—referred brazenly as Lord Gill's six-pack. Even Lord Gill was momentarily distracted by that comment. That flexibility will be important as we move on from procedural to policy issues and issues that concern users.

On private meetings, I say to naughty Jenny Marra that at today's Justice Committee meeting she agreed—quite rightly—to take two agenda items in private, because they were to do with housekeeping and allowed us to discuss

witnesses. I hope that Ms Marra is not going to say that that was sinister. It was not sinister at all.

The background to part 2 of the bill, as members said, is the cost element. The Scottish budget has been cut hugely and the legal aid budget will fall to £132 million by 2014-15. We have to find money somewhere. The situation is much better in Scotland than it is south of the border. We face a 7.3 per cent reduction; the reduction is 17 per cent in England and Wales. It is not fair, but it is where we are as we go into a triple-dip recession. I will not go on about who is to blame for that recession; we are there and we have to look at how we operate. Other jurisdictions, such as England and Wales and New Zealand, have criminal legal aid contributions.

I will not go over things that the cabinet secretary and other members said. However, I say to Annabel Goldie that I welcome the discounting of the partner's income in special circumstances, such as when the partner is a witness to or alleged victim of the crime. It would be most unjust to include the partner's income in such circumstances. The Law Society broadly welcomed the Government amendment in that regard.

Annabel Goldie: Christine Grahame makes a perfectly valid point, but the financial circumstances of a partner or spouse can be exceedingly complex, and the point is that they cannot be quantified or confirmed either swiftly or accurately. I have had experience of such situations as a solicitor, and I am sure that Christine Grahame has, too. That is a concern when we have an accused person who needs advice.

The Deputy Presiding Officer (Elaine Smith): I will give you back a bit of time, Ms Grahame.

Christine Grahame: I will concede Annabel Goldie's point. The financial circumstances can also be volatile in certain cases. That is why I believe that the legislation, in that respect, has to be kept under review.

I move on quickly to the refund of contributions, which was raised by Graeme Pearson. The idea is attractive, but it has opened up a huge can of worms. For example, should we look at having full awards of expenses in criminal proceedings? Should the Crown be able to take expenses against an accused when something should never have gone to trial in the first place? I do not think that the issue could be fixed in the bill. The position in which private clients or the Crown are in the same position is worthy of investigation, but we could not simply insert provisions on that really complex matter into the bill. We will have to return to it.

As I said, I believe that the wrong choices have been made in England and Wales. The bill is not perfect, but it is a darn sight better than removing civil legal aid from welfare cases, immigration cases and debt cases, as had to be done in England and Wales.

The Deputy Presiding Officer: I must ask you to conclude now.

Christine Grahame: With this bill, we have made the best that we can of a bad financial deal.

16:51

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I am glad to follow the convener of the Justice Committee, although I have not heard her use that argument before—that the bill is not quite as bad as what is happening in England. It is certainly bad enough.

Let me start with part 1, which we welcome in general terms, although I regret that the cabinet secretary did not accept any of the amendments that Jenny Marra so forcibly and eloquently put forward.

Underlying Jenny Marra's amendments was the desire to do two things. The first was to open up the Scottish civil justice council to ensure that it has proper lay representation, including gender balance, and to make the whole system more transparent. That was a really important set of proposals. The second principle that she was trying to enshrine was that the council must be accountable to the Parliament so its recommendations must go to ministers and thereby to the Parliament as well as to the Lord President.

I was concerned when I heard the justice secretary say on one occasion today,

"The Lord President has assured me",

because at stage 1, when I spoke on the subject at greater length, the cabinet secretary again and again just left things to the discretion of the Lord President. I am sure that the present Lord President is an eminently worthy person, but we do not know who future Lord Presidents will be. I welcome the principles, but I was disappointed that no amendments were accepted.

On part 2, I suppose that I should be charitable to the cabinet secretary for listening, or being forced to listen, but his listening has not made a good bill better. It has merely made a bad bill slightly less bad. We are not saying that everybody should be entitled to have all their defence costs paid—of course not. There is already means testing in the system, and I do not know anybody who objects to that. What we object

to is the scale of the changes that are proposed in the bill.

As I said earlier, and as some SNP speakers have more or less admitted, the bill is driven by finance. I am very understanding of the Government's financial difficulties, but it is not appropriate that something as important as the administration of justice should be driven solely by finance, particularly when the sums to be saved are not, in the scale of the Scottish budget, very significant.

That is the underlying reason for the changes, but the argument that has been advanced is that we need an equation of criminal legal aid and civil legal aid. The cabinet secretary has gone as far as saying that he will amend the contribution limit for civil legal aid to enshrine that equality in law. I believe that that is a fundamentally flawed argument.

Admittedly, the argument is a powerful and persuasive in relation to domestic abuse, and I have heard the cabinet secretary make that point on many occasions in the past few months. However, as I have already said, my view is that there should be no payment at all by women in domestic abuse cases. In addition, the more general point is that we cannot base a whole case on one example. As I said earlier, the general equation of the two situations is flawed, because when someone is accused they have the power of the state against them, they have no choice and, crucially, they may be innocent.

That is why I think that the whole bill has been based on a fundamentally flawed premise. My colleagues and I have very serious concerns about the people on low incomes who will have to make a contribution. The position is made worse by the fact that, if they are found to be innocent, they will get no reimbursement. I merely restate my serious concerns about that.

I regret that the modest amendment that Annabel Goldie moved to require a report on the impact of collection was not accepted, but we will have to look very carefully at how collection works in practice. Indeed, we will have to monitor the effect of the whole bill.

As the Presiding Officer is indicating that I should wind up, I will say that I am glad that we are voting against the bill today.

16:55

Roderick Campbell (North East Fife) (SNP): I refer to my entry in the register of members' interests as a member of the Faculty of Advocates.

As Annabel Goldie has said, the bill has been controversial, but part 1 is less controversial. We

have heard a lot today about the balance between lawyers and non-lawyers in the new civil justice council, but let us not forget that Lord Gill told the Justice Committee in evidence that he envisaged that the bulk of the council's early work would be the drafting of technical rules. I accept that the balance between lawyers and non-lawyers may need to change over time. However, the Lord President has a big task ahead of him, and I believe that it is right that Parliament has not sought to impose too many restrictions on his powers or to be too prescriptive in terms of his appointments.

The Scottish Government has made it clear that it will not preclude a lay person from being the deputy chairman of the council, and I am sure that we all welcome that assurance. I hope and am confident that the Lord President will recognise that his appointments will reflect a wide range of interests, in accordance with the principles set out by the Public Appointments Commissioner for Scotland. I hope, too, that the insurance industry, trade unions and others will be happy with the appointments when they are made.

As to part 2 of the bill, despite the agreement on the principle in particular that those who can contribute towards their legal aid should do so, the detail has been hotly debated. The cabinet secretary has had a very difficult task in the current financial climate, but what is proposed still compares favourably with the situation in England, where some people with an income below the Scottish threshold will pay their full costs in the magistrates court or up to 90 per cent of them in the Crown Court, where I understand that the minimum contribution, if it is to be made, would be £254.

As Christine Grahame has suggested, English legal aid is faring far worse than the 7.3 per cent cut that we will experience in Scotland over the next few years. The Scottish Government has listened and has increased the disposable income threshold for contribution and accepted that the limits will have to be kept under review. It goes without saying that, if there was evidence that the limits were affecting the right of individuals to a fair trial, they would have to be considered further.

On collection issues, through discussions before the publication of the bill, the Government accepted that SLAB will collect for solemn or the more serious cases. While it is true that the Government has not moved on the principle of solicitor collection in summary cases, it accepts the need to offer assistance to small firms in the collection process, which was the basis of one amendment that we discussed earlier this afternoon.

Some say that the change proposed in the bill is a break from the normal relationship between

solicitor and client, but we should not forget that, although it amounts to only £154,000 in total per year, the current collection for ABWOR—assistance by way of representation—for guilty pleas in summary cases has nevertheless to be collected by solicitors.

We have heard a lot of anecdotal evidence that solicitors do not collect that money. Mark Harrower of the Edinburgh Bar Association said that one reason for that was because it might create conflict between solicitors and clients. It is never easy to ask for money, but it is stock in trade for solicitors to do so with private clients and that may also cause conflicts to arise from time to time. Such collection is therefore not unique, and to oppose collection without properly testing matters in practice seems to me wrong.

We must also acknowledge that, under the new limits, up to 88 per cent of applicants will pay no contribution at all, so let us not overegg the pudding. Let us see how collection works in practice and what SLAB can do to help smaller firms. I welcome the cabinet secretary's assurance that he will keep matters under review, particularly in the operation of the part 2 provisions.

As to refunds, in contrast to the position in England and Wales there is no tradition of reimbursing legal expenses in Scotland in cases where the accused is acquitted, which is possibly due to the absence of private prosecutions historically. However, I sympathise with the view of many Opposition members and recognise that refunds or reimbursement of expenses is something that needs further thought, not just for legally aided clients but for all. As I said at stage 1, that is a much wider issue. I urge the Government to keep the matter under review and not to kick it into the long grass.

16:59

Alison McInnes (North East Scotland) (LD): Had the establishment of a Scottish civil justice council been proposed on its own, we would have been glad to support it. Although I would have liked Jenny Marra's amendment on the make-up of the council to have been agreed to, I still believe that the council's creation will prove to be of benefit to the development of our civil justice system.

However, the benefits of part 1 of the bill are not enough to counteract the problems with part 2. Although I acknowledge that there has been some movement on collections, I do not think that the compromise is enough. I see no good reason for us not to look to SLAB to collect all the contributions.

That is a relatively minor qualm compared with the concern about access to justice. Earlier today,

I joined members of protest for justice outside the Parliament—legal professionals and members of the public who are concerned about the bill's potential impacts on one of the central tenets of any democratic society: fair access to justice.

Reform of our legal system is nothing new. It has been put to me that many changes have been made to legal aid over the past 20 years, which have always been for the worse, but this is the first time that industrial action has been taken. The strength of feeling on the issue is not for show; it is real. The people at the heart of our legal profession—those who deal with accused persons day in, day out—are worried that the new law will fundamentally damage justice in Scotland. The issue is not, as the cabinet secretary has all too often asserted, about making criminals pay for their defence; it is about ensuring that all suspects—who are innocent until proven guilty—can, regardless of their circumstances, access proper legal help, advice and representation.

Since the stage 2 proceedings, the Government has been involved in fairly superficial negotiations with the Law Society and other representatives to seek a compromise. Once again, the Government's casual and—at times, I think—bullying approach to law making has been shown up. Having been presented with the Government's final, take-it-or-leave-it offer, the Law Society chose, pragmatically, to accept it, but it immediately sent out a briefing against the impact of the bill.

Although the Government might claim that its changes are protecting legal aid while ensuring that savings are made, that is simply not true. Even with the higher threshold, the effect of the changes will be to remove legal aid from a large chunk of working people.

Ann Ritchie, who is the president of the Glasgow Bar Association, shared with me examples of the sort of cases that she has dealt with in the past that the changes would have an impact on. The people concerned were working men and women with no previous convictions who were found not guilty. Had the proposed threshold been in place when they went to trial, they might not have been eligible for legal aid and might not have been able to afford the contribution. We could face the prospect of more people being forced to represent themselves in court, but without legal expertise they would lack the crucial tools to do so. We will risk sending more innocent people to jail, which would not be in the best interests of justice.

The truth is that we do not know how bad, ultimately, the impact of the changes will be, but we do know that the justice secretary is willing to risk irrevocably harming access to justice to cut a comparatively small amount from the legal aid

budget, which can never be cash limited anyway. Once that precedent has been established, there is a risk that legal aid will be further eroded to make more savings.

Access to legal support is a fundamental necessity of a fair justice system. We accept the need for reform, but part 2 of the bill is a blunt instrument that will have far-reaching consequences for justice in Scotland, and the Liberal Democrats cannot support it.

17:03

John Finnie (Highlands and Islands) (Ind):

The proposed Scottish civil justice council enjoys a lot of support and it will have an important role to play in the procedural changes and the research that is carried out.

I am grateful to the various organisations for their briefings, not least Friends of the Earth, which said that ensuring that the new council is established in accordance with the principles of accountability, openness and participation is a crucial step on the way to Aarhus convention compliance.

It is fair to say that the Aarhus convention continues to exercise a number of bodies and individuals; I wrote to the Minister for Local Government and Planning about it following last week's planning debate. If we accept that there are financial challenges—as, I think, members across the chamber do—we must demonstrate those principles, not least as the council will have a significant influence over the way in which environmental law develops in Scotland.

On accountability, I share some of the concerns about the legislative patronage that the bill gives to the Lord President. In his defence, as other members have mentioned, it has been said that he is a decent chap who would not overstep the mark. I, too, have no cause to doubt that, but we must understand that the powers are given to the postholder and not just to the present incumbent. As Malcolm Chisholm said, there are no guarantees about what might happen in future. Just this week, concerns have been expressed about a significant public appointment by the new Scottish Police Authority. Therefore, I welcome the cabinet secretary's assurance that there will be scrutiny of how things progress in that regard.

I am particularly pleased that the Scottish Government took on board points about public appointments, that a fair, open and accessible appointment process has been adopted and that the Lord President will be required to publish a statement on how he will achieve that.

Openness is terribly important. Malcolm Chisholm talked about assurances and, if he

checks through the debates, he will find a lot of assurances. The Lord President gave the assurance that it was extremely unlikely that the Court of Session would object to rules that were drawn up. I note that the Lord President has a role in the Court of Session and the new council. The Justice Committee was also assured that the Lord President would reflect a wide range of interests when appointing council members. Many individuals have paid a lot of attention to those assurances.

I supported one amendment from Jenny Marra, which was on the council's composition. It is important that the council's members represent a cross-section. I have used the term "lawyers club" and I feared the potential for a lawyers club to be created. It is important to involve users. We have heard that people would not be up to it and we have heard promises of change in the future. Many members will have heard such statements in another forum in relation to another debate.

As for participation, no matter how the numbers are juggled, the Lord President should be in no doubt that people are very interested in his discretionary appointments. Most effective organisations value rather than fear participation. The best employers consult their employees and unions and value their participation; the best shops value their customers; and the best public bodies listen and engage. I hope that the Lord President will do that in relation to his appointments.

Accountability, openness and participation are required. The civil legal system's customers hope for active involvement. I hope for active involvement from consumer and environmental groups as a step towards bringing Aarhus convention compliance closer. I wish the council well in its important role of keeping the civil justice system under review, and I will support the bill.

17:06

Graeme Pearson (South Scotland) (Lab): I would like to put aside the rights and wrongs of the bill for a moment and look at the approach that we have witnessed in the lead-up to our discussions of the bill. I have no doubt that the names of consultees form large lists on various A4 pages, but it has become apparent that consultees lack confidence that their views—not only on part 1 but on part 2, as we have heard—were listened to and responded to productively.

Let us look at the headlines on parts 1 and 2. Who could object to the Scottish civil justice council and the aims that the bill sets out for it? It is long overdue and progressive, and one hopes that it will place civil justice to the fore and modernise a system that I have no doubt needs

fresh air. Equally, who could object to the principle in part 2 that those who can pay should pay? It is logical and represents a desirable outcome that I have no doubt that many members of the public support.

Given that, why have we had industrial action in our courts, a split among solicitors, an angry response from many solicitors who tried to have their views heard, and a demonstration outside this building by solicitors before we met to discuss the bill? The rejection at stages 2 and 3 of all Opposition amendments that were lodged to parts 1 and 2 was unedifying. The improvements that Opposition parties suggested were meant to be constructive and to make the legislation that comes to pass more acceptable to the public and something that could be lauded by all.

As a result of the threats of industrial action and the legal profession's well-publicised resistance to the proposed changes, we have ended up with policy on the hoof in part 2. Changes have been implemented at the last minute. The cabinet secretary said this afternoon that he did not know what the cost of some services might be in the future. We have ended up with a transfer from the Government to solicitors of the risk of non-recovery of some fees. Solicitors might well also have to pay the Scottish Legal Aid Board for its efforts to recover outstanding fees.

I mentioned earlier the injustice for those who are acquitted in cases where judges indicate that the prosecutions have been ill conceived. Measures in this regard were rejected because of the problems that they might present—Christine Grahame said that they would open a can of worms. I say to the cabinet secretary that, sometimes, cans of worms need to be opened. The problems cannot be resolved at one swoop—if they could, they would have been dealt with a long time ago—but there is no doubt that some cases that go through our courts leave people damaged and in poverty. If there are elements that we can introduce to make things better for the public, we are duty bound to introduce them.

There is no attempt in the bill to deal with people who would appear to come before the courts on regular occasions throughout the year, accessing legal aid for three, four, five or six separate cases. Nothing has been done to deal with that.

With regret, I must indicate that I do not support the enactment of the bill, and I will be voting against it.

17:11

Annabel Goldie: This has been an illuminating debate. I do not underestimate the challenges confronting the Scottish Government, but something has been shied away from. Lewis

Macdonald said that there are two entirely different subjects in the bill, and Alison McInnes alluded to that, too. I agree with that.

The reform of the civil justice system is proceeding on the basis of an extensive and authoritative review by Lord Gill. There has been a well-informed process to justify our decisions as to how we might embark upon the civil justice reforms. In that respect, that bit of the bill has been proceeding on a stable basis. We want more efficiency and broader civic involvement in the Scottish civil justice system, and that will be achieved through the Scottish civil justice council. The amendments from Margaret Mitchell and Jenny Marra that were discussed this afternoon would have improved openness and transparency, and it is a great pity that the Government did not accept them.

We could have had a standalone, solid, consensual civil justice bill. Criminal legal assistance is an entirely different matter. As I have said, I do not underestimate the challenging proposition involved, but would not the whole process have benefited from broader consultation and a separate bill resting on what that broader consultation produced, with the aim of trying to unite people? That matters to Scotland, not just to civic Scotland and those who are accused of committing crimes. It matters that we have a solid, confident, competent, professionally capable legal profession. At the moment, we have a legal profession that is split into pieces. I do not need to explain that to the cabinet secretary—he knows it for himself.

I agree with Lewis Macdonald that the profession is divided. That is unfortunate, because the best way forward for the reform of criminal legal assistance would have been to have information, real discussion, a meeting of minds and a genuine attempt to chart a way forward.

At the heart of any civilised state is the right of the accused to legal advice. That is an important tenet, as is the presumption of innocence. I agree with Malcolm Chisholm that such fundamental principles cannot be driven by money alone. The Scottish Government has failed to demonstrate how those two basic principles are supported, protected and delivered by part 2 of the bill.

Let us consider the position of an accused person with limited income, no knowledge of their partner's or spouse's income, who is facing a criminal charge and urgently needs advice. As regards that individual's disposable income, the amount concerned might represent an electricity bill or a pair of shoes for a child. What is the accused to do? Represent himself or herself? Go to a money lender? Try and pawn something in order to make the contribution? Knowing himself or herself to be innocent—this is a really alarming

prospect—should they plead guilty just to bring the matter to an end? Those are all entirely predictable consequences of the provisions of the bill.

Kenny MacAskill: Will the member take an intervention?

Annabel Goldie: I cannot, as I am in the final minute of my speech.

In a situation in which the client presents an explanation that constitutes a defence and has to make a contribution but does not have the money, what is a solicitor meant to do? For a one-off, the solicitor might offer pro bono services. Those who have been in practice have often done that. However, that is not sustainable if the majority of the solicitor's clients are in that position. Are they to be turned away? Is the solicitor to try to subsidise the inadequacy of the criminal legal aid system?

That is why I think that the Scottish Government has failed to demonstrate exactly what it thinks should be happening and how on earth it thinks that the proposed system is meant to work in the interests of justice and fairness. As it has failed to satisfy me on that test, my party will not be supporting the bill.

17:15

Jenny Marra (North East Scotland) (Lab): The creation of the civil justice council was an opportunity for us to rejuvenate the antiquated way in which civil justice rules are currently made. Organisations that deal daily with the impact of the rules councils' decisions told us what we needed to do to make those decisions more open, accessible and easier to understand. Throughout the passage of the legislation, Labour has attempted to put down reasoned amendments that reflect those principles.

However, today has been a missed opportunity for innovation, transparency and progress, with the Government instead content to sit on its hands and close its ears to the experts. Instead of opening up the membership of the council so that the needs of litigants are at the heart of our civil justice system, we have seen the Government doubt the ability of lay organisations to do that job, despite support for them from many people across the chamber. Instead of extending our commitment to having public organisations that are open, transparent and accessible, Kenny MacAskill's apathy has ensured that a closed-doors policy is the preferred modus operandi.

Further, in the face of irrefutable evidence that our legal system is still operated with a deeply entrenched gender imbalance, the SNP has yet again failed in its duty to use the power of

legislation—which is at its fingertips—to right that wrong.

We cannot help but feel that Kenny MacAskill's lack of engagement and unwillingness to listen has resulted in a bill that does not nearly meet its full potential. If it were not already evident in part 1, the development of part 2 makes it abundantly clear that the SNP still has lessons to learn about listening.

The simple truth is that it should never have taken more than six months, disruption in our courts and an 11th hour intervention by the cabinet secretary for the Government to finally engage on its plans for our justice system. It knew from day 1, as we did, that the contribution and collection system that it put in place would have a profound impact on access to justice.

Kenny MacAskill: Does the member welcome the fact that the Government insisted on there being parity with civil legal aid, which was not being insisted on by the criminal bar?

Jenny Marra: I do not welcome that at all. I put it to the cabinet secretary in committee many times that, when a criminal prosecution is brought, it is the state prosecuting the individual, so such comparisons are not really appropriate.

The Law Society told the Government of the impact, as did the Faculty of Advocates, Capability Scotland, the Scottish Human Rights Commission and the Labour Party. Solicitors from across the country told the Government that, too—indeed, they continued to do so today outside this building.

As Lewis Macdonald said, uprating the threshold of contribution from £68 to £82 does not answer the question of affordability, as the burden of that cost will still be met by those who are on low incomes. The SNP is putting the burden of the cost on the working poor in this country.

Finally, the collection system that the cabinet secretary has cobbled together in 11th-hour negotiations will do nothing to mitigate the risk that we will see people standing in court without a solicitor. That is a very real risk under the bill.

The SNP poses a significant risk to our justice system not just through the bill. In the coming weeks, we will consider the contracting of legal criminal representation, which is allowed for under legislation that was passed in the final throes of the Tory Government in 1997. Over the coming weeks, months and years, under section 52 of the Crime and Punishment (Scotland) Act 1997, the SNP Government will allow contracting in this country if its proposal is voted through. The Minister for Community Safety and Legal Affairs might want to cast her mind back to the House of Commons debate on that, when she described the very legislation that she now intends to use as

“a rag-bag of proposals that is almost incoherent in its approach.”—[*Official Report, House of Commons*, 5 April 1996; Vol 284, c 1107.]

I ask her to reflect on those comments when she seeks to bring that legislation into effect in the coming months.

The emerging story is that the SNP Government refuses to listen. It is happy to accept the advice that Scots will turn up in court unrepresented; it is happy that the working poor will bear the brunt of the cost; and it is happy to use Tory legislation to undermine the quality and independence of legal advice in Scotland. We are not happy to support such concessions, and we will oppose the bill at decision time today.

17:21

Kenny MacAskill: Notwithstanding some of the comments made by the Opposition, I welcome the fact that we have got to this juncture.

Of the two parts of the bill, the matters relating to the civil justice council have been welcomed, at least in some aspects, by most members in the chamber. We have been on this journey for some considerable time. Part 1 of the bill deals with some of Lord Gill’s many recommendations for reform. We last debated civil justice reform in 2009, following the publication of the report of Lord Gill’s review, which had been established by my predecessor. We have built upon that.

To be able to carry out the more fundamental review that Lord Gill, like most of us in the chamber, felt is necessary to get Scotland’s civil law into a position where it is fit for the 21st century, we require to make changes. Before the fundamental changes in his reforms, which will also require primary legislation, we require to make other changes. Some changes have been dealt with on a non-legislative basis, but others are dealt with by the aspects of the bill dealing with the civil rules council. That matter was first raised by Lord Gill’s predecessor as Lord President, Lord Hamilton, who made it quite clear that he felt that it was necessary to make these changes if we are to be able to give effect to the more fundamental reforms proposed by the then Lord Justice Clerk, Lord Gill.

Obviously, the membership of the Scottish civil justice council has been the subject of much interest and debate. The Lord President may require the wisdom of Solomon in deciding how to balance who should be included, but I believe that it is best to give him some element of flexibility. Not everyone can be, or needs to be, included around the table. I believe that the Lord President—and, indeed, anyone who holds that office—will ensure a fair representation that takes into account the balance of needs and wants.

Numerous people who are not currently included in the council’s membership have sought a place on it. I have received representations from the Association of British Insurers, the Sheriffs Association and other legal and, indeed, non-legal bodies. If we were to accommodate everyone who wished to have a place on the council, it would probably be impossible for it to convene—if it convened in public, as some wished—even in the chamber in which we sit. We need to have some trust and faith in the Lord President, whose position is well regarded by everyone who has ever held that office, so we should give him the degree of flexibility necessary to deal with that.

The next aspect of the bill is legal aid, on which we have seen some hypocrisy from those on the Opposition benches. They were prepared to support the principles of the bill at stage 1, but it seems that they are not prepared to support the bill today. Other parties condemn it outright yet sit in government south of the border, where the approach to the matter is significantly worse and harsher.

Alison McInnes: Is the cabinet secretary telling the Parliament that the extent of his ambition is to be less bad than somewhere else? If that is so, he has a lot of explaining to do.

Kenny MacAskill: No; my ambition—it is not just my ambition, but my intention and that of the Government—is not to replicate the absolutely appalling situation with legal aid south of the border, where whole areas have been discarded. We have had crocodile tears around the chamber, but let us look at some of the matters on which no legal aid is available south of the border because of the cuts that have taken place—cuts started not under the current Tory coalition south of the border, but under a Labour Government under Jack Straw. They include asylum, clinical negligence, criminal injuries compensation, debt, employment, housing, immigration, family matters and welfare benefits—nobody is eligible to apply for legal aid on any of those matters, irrespective of their income. The Scottish Government is not prepared to consider such a scenario, which is why, when we face the second-highest legal aid bill on record, we want to ensure that we balance that bill, which we will do by requiring those who have the ability to make a contribution in criminal cases to do so.

Lewis Macdonald: We are, of course, here to debate the bill that the cabinet secretary has introduced. Will he respond to some of the points that have been made about the impact of the way in which he has drawn his bill up on those whose incomes are just above the bare poverty level?

Kenny MacAskill: I will continue to point out the situation south of the border, because we heard

from Annabel Goldie how appalling she thinks the situation will be here. [*Interruption.*]

The Deputy Presiding Officer: Order.

Kenny MacAskill: South of the border, in the magistrates court, it is an in-or-out system. Anyone with annual disposable income of more than £3,398—which is just more than £65 a week—fails the means test and does not get legal aid. In the Crown Court, anyone with annual disposable income of more than £3,398 is required to pay 90 per cent of that towards costs. [*Interruption.*]

The Deputy Presiding Officer: Order. Would members who have just come into the chamber please keep order?

Kenny MacAskill: Let us contrast that with the situation in Scotland, where 88 per cent of people who face a criminal charge, on applying for legal aid, will have it granted with no contribution. Only 12 per cent will be required to make a contribution. In Scotland, the contribution level commences at £3. People who are earning several hundred pounds and who have the ability to make a modest contribution will be required to do so.

The Government faces challenges and there are significant claims on the Scottish Legal Aid Board, many of which come from those who are doing remarkably well from the amount of legal aid provision to their clients. Therefore, we must balance matters. That is why I am extremely grateful to the Legal Aid Board for having introduced proposals that will allow us to continue to provide legal aid for matters such as asylum, clinical negligence and all those other areas of civil concern.

We have taken on board the concerns about disposable income and, in doing so, we have dealt with the concerns of the Law Society of Scotland. However, unlike Ms Marra, we are prepared to ensure that the provisions apply not only to those who face civil proceedings, but to those who face criminal allegations. We want to ensure parity between the person who is a victim of domestic violence and the person who is charged and alleged to be the perpetrator of domestic violence.

Miss Goldie forgets that many people who face civil challenges also have the weight of the state facing them. People who have their children removed are in most cases dealt with under civil, not criminal, legal aid, as are people who face bankruptcy, insolvency or the loss of their house and all the matters that go with that.

Annabel Goldie: Yes, but part 2 of the bill is about people who are accused of crime and their right to be legally represented and how they achieve that.

Kenny MacAskill: It is about achieving the legal aid system that we want, when we have the second-highest bill on record and hundreds of millions of pounds going out. We know that the largest part of legal aid expenditure is on criminal legal aid, so if we are to provide the legal aid system that we want in Scotland—I believe that it should be one that covers clinical negligence, family matters and all the other things that have been rejected for legal aid south of the border—we must ensure that those who have the ability to pay do so. That is why I commend the bill to Parliament.

I look forward to the Law Society of Scotland working constructively with the Legal Aid Board to deal with the matters that remain outstanding in the forthcoming months and years.

The Deputy Presiding Officer: That concludes the debate on the Scottish Civil Justice Council and Criminal Legal Assistance Bill. Before we move to decision time, I invite members to join me in welcoming to the gallery the Premier of Quebec, Mme Pauline Marois. [*Applause.*]

Decision Time

17:30

The Deputy Presiding Officer (Elaine Smith):

There is one question to be put as a result of today's business. The question is, that motion S4M-05479, in the name of Kenny MacAskill, on the Scottish Civil Justice Council and Criminal Legal Assistance Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)

Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 62, Against 53, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Scottish Civil Justice Council and Criminal Legal Assistance Bill be passed.

The Deputy Presiding Officer: That concludes decision time.

Make Young People Your Business

The Deputy Presiding Officer (John Scott): The final item of business today is a members' business debate on motion S4M-05252, in the name of James Dornan, on the make young people your business campaign. The debate will be concluded without any questions being put.

Motion debated,

That the Parliament welcomes the Skills Development Scotland campaign, Make Young People Your Business; notes that the campaign highlights that only 25% of businesses in Scotland have recruited young people straight from school, college or university in the last two to three years; considers that there is a false perception that young people who come straight from education are not ready for the workplace and that this perception makes it harder for young people to gain work experience; further considers that this perception flies in the face of research, with the majority of those taking on young people finding them ready for the workplace, demonstrated in the *UK Commission's Employer Skills Survey 2011: Scotland's Results*, which noted that 68% of businesses found that school leavers were ready for work and 82% of further education college leavers and 86% of university leavers were ready for work; highlights the website at <http://www.ourskillsforce.co.uk>, which helps ensure that employers in Glasgow and across the country are aware of the financial support and assistance available to them, and welcomes efforts to encourage employers to help young people build their skills base by looking favourably on Scotland's young people and the fresh talent that they bring with them.

17:32

James Dornan (Glasgow Cathcart) (SNP): I am delighted to be able to bring to the chamber a debate on the new Skills Development Scotland campaign called make young people your business.

There is no doubt that youth unemployment is one of the most pressing challenges that currently face Governments on both sides of the border and throughout Europe. In Spain, youth unemployment has just hit 60 per cent, and in the United Kingdom a quarter of young people believe that the recession has permanently damaged their future prospects.

While the UK Government continues to follow an austerity agenda that has been debunked by some of its most vociferous initial supporters, it has become clear that the Scottish Government is keen to take a different track.

The opportunities for all scheme, which guarantees a place in education, employment or training for every 16 to 19-year-old in Scotland, is an ambitious programme that is already achieving real results. A record number of pupils moved into positive destinations last year: 87.2 per cent of

school leavers, up from 85.2 per cent the year before.

Langside College, in the heart of my constituency, is at the forefront of training our young people in the skills that they will need to progress through the jobs market. It draws more than 60 per cent of its student population from the immediate local area, and 36.4 per cent of its students are from one of Scotland's 20 per cent most deprived data zones. That figure is more than 10 per cent higher than the national average. The college also has a progression-to-employment rate of more than 90 per cent for students who specialise in engineering or care.

The extension of the modern apprenticeships scheme—with 26,427 modern apprenticeships being delivered in the past year—shows commitment to ensuring that all youngsters get the best start in their working careers, whether from work or from further or higher education.

The number of unemployed young people in Scotland has also fallen. Last week's figures from the Office for National Statistics showed that there was a fall in youth unemployment of 23,000 over the period from September to November 2012. That is a 4.8 per cent decrease and is the largest drop since those records began in 2006.

The work that is being done by the Scottish Government has led to Scotland's unemployment rate being 19.9 per cent, compared with 21 per cent in the rest of the UK. Youth employment in Scotland is 55.1 per cent, which is higher than the rate of 51.8 per cent in the rest of the UK. Although I recognise that those statistics are encouraging, we cannot become complacent. The opportunities for all programme can become even more successful by working alongside the make young people your business campaign.

I have spoken before about my belief that all members should do all that they can to help young people into work. In my own small way, I have done that by hosting a youth jobs fair and my high school internship contest—I always feel as if someone should sing when I talk about "high school internship contest". I am in the process of interviewing for interns and was interviewing yesterday. Last year, I thought that I was fortunate with the group of young kids who came before me, but this year the standard has, if anything, improved. Young people's academic standard and commitment not only to their studies but to their wider community are lessons to us all. I have no doubt that the winner of the contest will bring much to my office, just as Campbell did last year.

There are many different ways that members can promote young people's ability to work. I ask the Minister for Youth Employment to consider providing an information pack for MSPs to use in

their constituencies, which could offer information on how to engage with local businesses to encourage recruitment of youngsters. It could also give further details of the make young people your business campaign and the employment recruitment initiative, which was announced in the draft budget and discussed in a previous debate.

The make young people your business campaign seeks to change the perception of businesses that have been reluctant to recruit young people straight from school, college or education. I suspect that the most pressing reason for that reluctance has been that the high level of unemployment has generally led to there being many more qualified applicants, many of whom have three or four more years of work experience.

However, the assessment of companies that have employed young people has been incredibly positive and most businesses have found that young people are well prepared for the world of work. That is a testament to Scotland's great education and training system. It is important that we continue to publicise the fact that the involvement of young people in the workplace brings far more benefits than costs. That is apparent in the experiences of people like me and in the testimonials from businesses that continue to employ young people, including the John Lewis Partnership, a quarter of whose workforce is young people. It says that employing young people is

"a win-win because our young partners bring so many benefits to the business. They help us to adapt quickly to the latest trends and give us insights into new markets."

Scottish Chambers of Commerce says:

"Young people can provide real benefits to Scottish businesses, bringing knowledge and enthusiasm. We are working hard to ensure that they are aware of their career opportunities, even in the smallest business."

It is in small businesses that the benefits can be most seen. According to the Federation of Small Businesses, 94 per cent of all private sector enterprises in Scotland are microbusinesses with fewer than 10 employees, and they provide 29 per cent of all private sector employment.

Recruitment causes difficulties for small businesses and could be greatly enhanced by the our skillsforce pack that SDS has launched, which offers companies a range of programmes and financial assistance to help them to plan for and to recruit a skilled workforce. It is a great tool that is to be used in conjunction with the make young people your business campaign, as it matches skills sets with employers. The our skillsforce initiative also provides access to training and learning opportunities, in order that we continue to foster lifelong learning in the current workforce.

The young people of today will be the engineers, academics, joiners, electricians and—if they are unfortunate—politicians of the future. We have a responsibility to ensure that they continue to get opportunities to succeed. Within the framework of SDS, opportunities for all and the make young people your business campaign, the tools exist to help young people into work and to help businesses to employ and train them so that they can become the talented workforce of the future. I look forward to that vital work continuing and I hope for a positive response from the minister on my call for assistance for MSPs.

17:39

David Torrance (Kirkcaldy) (SNP): I thank James Dornan for bringing the debate to the chamber. Make young people your business encourages employers to recruit young people straight from school, college or university and simultaneously tries to remove businesses' perception that young people who come straight from education without life experiences are not ready for the workplace.

We need only look at Diageo, which is a massive employer in my area and is currently investing £150 million in new facilities on the outskirts of Kirkcaldy. Diageo's human resources director, Pamela Scott, has said:

"At Diageo, we are passionate about participating with all our young people to help them grow and realise their full potential. We recognise that our success in the future will depend on the quality of the young people we attract now and therefore recruiting some of the best and brightest young people is a key part of our strategy. Through our talented employees we will ensure knowledge and skills are passed on to the next generation enabling us to remain world leaders in the spirits industry."

That statement from Diageo, which is the world's leading premium drinks business, shows how confident it is in investing in young people and how the continued success of the company in retaining its place as a market leader depends on that.

That is a vital message that we must ensure is taken on board by the 75 per cent of businesses in Scotland that do not recruit young people from school, college or university. It is essential that they realise the potential that is available in the pool of young people who are currently seeking employment. The implications of ignoring the skills that they have to offer could have a significant impact not only on the economy, but on future generations.

Recruiting young people allows companies to develop skills and qualifications that best suit their needs. Young people's work patterns are more flexible, they are more willing to move to different work locations, and they are often more creative,

innovative and willing to learn. All those qualities are important in helping to secure the stability of any company.

Businesses throughout Scotland need to be aware that a wide range of measures is available to help to plan, recruit and develop the skilled workforces that they need. The www.ourskillsforce.co.uk website highlights the wide range of support and financial assistance that is available to them, including support from Skills Development Scotland, Jobcentre Plus and all Scotland's local authorities working in partnership. Recruitment incentives, wage subsidies, free advertising for vacancies and up to 50 per cent of training costs are all available to employers who recruit young people.

The Scottish Government's unique modern apprenticeships scheme is the most recognised apprenticeships scheme in the UK and is hard to beat. It offers a wide range of incentives for employers who recruit young people into employment. The 2013 Scottish apprenticeship week will run from 20 May to 24 May, and will again celebrate the value that the Scottish modern apprenticeships programme brings to the employer. It will build on the success of the 2012 scheme, which was launched by our Minister for Youth Employment, Angela Constance. In that scheme, more than 40 events that involved employers, training providers, colleges and modern apprenticeships, took place throughout the country.

I wish Skills Development Scotland's campaign every success in its aim to highlight the potential of young people, and I hope that more businesses throughout Scotland will become involved and discover the support and financial assistance that are available to help them to plan, recruit and develop the skilled workforces that they need. If they realise that potential and all the measures are in place to help them, that should, I hope, help to maintain the current fall in youth unemployment at the rate that is currently being achieved by the Scottish Government and its partners.

17:42

Margaret McCulloch (Central Scotland) (Lab): This is not the first time that I have spoken in Parliament about youth employment, and it is certainly not the first time that Parliament has considered a motion on the subject but, to the best of my knowledge, this is the first time that we have in this session held a debate on the topic that places such a strong focus on the employer. I therefore thank James Dornan for bringing the debate to the chamber and for allowing us to take a considered look at how employers can help to create opportunities for young people.

I welcome Skills Development Scotland's make young people your business campaign. I hope that it will make employers think more about how they can be part of the solution to youth unemployment. The case studies that the campaign is highlighting prove that taking on a young person who has little or no work history does not have to be a burden. Young people can bring fresh talent, real energy and a unique perspective to any market—especially markets in which the pace of change is quick.

In putting its case to employers, SDS reminds us that, although work placements do not necessarily lead to a guaranteed job, they can be a great trial run for employers. It tells us that young people are among the country's most flexible workers and are often able to commit to work patterns that other staff may be unable to commit to, and that young people are more likely to stick with an employer who has invested in their training needs from the very start and supported their on-going development.

SSE plc, Stoddart's of Broxburn and Diageo have all made it clear that recruiting young people can add value to a business. Members may also be aware of the youth with hope initiative, which was launched last year by Sir Willie Haughey with the support of businesses and entrepreneurs from across the country. The youth with hope initiative encourages firms to employ at least one new young person as a green champion. The organisers envisage that the post will be self-financing, effectively being paid for through reductions to energy bills. Employers need to hear such positive and practical messages in these hard times.

Different parties bring different ideas to Parliament about how to tackle youth unemployment, but across the chamber we all recognise the central role that employers must play. That is why we have to change attitudes. That is why we have to promote the job readiness of young people who are poised to enter the labour market and why we have to make every effort to educate and train those who are not. That is why the campaign is so important—to our economy as it is now, and to our country as it will be in the future. I record my appreciation for the work of SDS and the UK Commission for Employment and Skills, for a positive and well-informed campaign to help young people into work.

The Joseph Rowntree Foundation reports that levels of youth unemployment have doubled since the start of the global financial crisis in 2008. It confirms that there are now 90,000 young people out of work in Scotland and that the jobless rate for under-25s far exceeds the unemployment rate more generally.

I want to draw members' attention to two areas where I feel that the Scottish Government could make a difference. First, I stress that in some parts of Scotland as many as 20 people are chasing every job. Before we can aspire to full employment again, we need to address the fundamental problems with the economy. There has to be co-ordinated investment in job creation and a further capital injection to lift aggregate demand.

Secondly, we need to give unemployed young people—many of whom have never worked before—a worthwhile and rewarding experience in the workplace. Too many young people cannot get a job because they do not have experience, but do not have experience because they cannot get a job.

I know that the coalition's work programme has been under fire in recent months, but we cannot tar all work experience opportunities with the same brush. As a former training consultant, I know that getting the right trainee into the right placement can break the cycle of unemployment and transform young lives. That is what I have been trying to do with South Lanarkshire College in my area, by matching up students on the college learning programme with leading national employers that are offering fantastic work experience opportunities.

I thank James Dornan again for bringing the debate to the chamber. I fully expect that there will be plenty more opportunities to discuss this important issue in the weeks and months ahead.

17:47

Richard Lyle (Central Scotland) (SNP): I, too, thank James Dornan for bringing the debate to the chamber. Young people who are just leaving education are extremely important to the Scottish economy. Business needs young, educated people—whether they are coming straight from school or from further or higher education—in order to help businesses grow. That in turn will help those businesses stave off the effects of the current slow economy. Recruiting straight from education is an efficient way of building an effective and productive workforce.

Despite the fact that the majority of businesses that recruit staff straight from education find young people well prepared for the workplace, only 25 per cent of businesses in Scotland have recruited straight from an education environment in the past two to three years.

There seems to be an inherent problem for young people looking for work. Companies want young people with experience, but those young people cannot get that experience without gaining employment in the first place. That is where the make young people your business campaign has

the most to offer. By highlighting that problem, we can move on to helping young people gain employment by increasing their employability skills.

There are many advantages to recruiting young, educated people. In today's workplace, with the advancement of technology, many markets are changing rapidly and rely on a youthful customer base. By employing young people, our companies will be able to utilise their fresh ideas and approaches, which in turn will help to open up new and emerging markets.

The make young people your business campaign is keen to point out that schemes such as modern apprenticeships often pay for themselves very quickly. Also, offering young people work placements helps to take the risk out of recruitment, as the placement acts as a trial period for both parties before any formal commitment is made by offering a job. At the end of the placement, if the company feels that it cannot offer a job to the person, that placement will still have given them invaluable experience that they will be able to put to use in other jobs that they go on to apply for.

As I said, most businesses find that people who have just left education are prepared for work: 86 per cent of businesses believe that university leavers are prepared for work; and 60 per cent believe that school leavers are prepared for the working environment. If that is the case, why are businesses so reluctant to use that valuable resource?

We must make Scottish business aware of the many benefits in recruiting young educated people and help them to recruit those young people. Steps are already being taken to do that. Skills Development Scotland is seeking the support of employers that would consider offering disadvantaged young people opportunities for sustainable employment in their business, and payments of £1,500 are available through the employer recruitment incentive. In addition, talent Scotland offers a free service for employers that includes job advertising, company promotion and access to graduates.

Those are just some of the many schemes available to employers to encourage them to employ young people straight from education. For years, we have been telling young people to get a good education so that they can get a good job. For that statement to be true, we must help employers to see the advantages of employing young people in their companies. The make young people your business campaign is a good way in which to do that.

17:51

Mary Scanlon (Highlands and Islands) (Con):

I, too, thank James Dornan for securing the make young people your business debate. I was delighted to hear his praise for Langside College and the work that it does—I am sure that that would apply to all colleges across Scotland.

Some of the points from the Skills Development Scotland campaign and the UK Commission for Employment and Skills employer skills survey have been raised in parliamentary debates on youth unemployment. Nonetheless, the subject is undoubtedly worthy of a members' business debate, given the impact on youth unemployment across Scotland.

As Margaret McCulloch said, no one can get a job without experience and no one can get experience without a job. Employers need to rise to that challenge, accept their responsibilities and play their part. As Richard Lyle said, with only 25 per cent of businesses recruiting straight from school, college or university in the past two to three years, there is no doubt that employers need to be more involved.

Skills Development Scotland states that offering young people work placements can serve as an informal trial period—a point that Margaret McCulloch made, too—but that works both ways. It gives the employee an opportunity to decide whether the work or, indeed, the organisation is suited to them.

Bringing young people into work placements or modern apprenticeships helps maintain productivity and reduce what can be, particularly to a small firm, significant recruitment costs. Young people bring fresh ideas, innovation and a willingness to learn. I share James Dornan's praise for the John Lewis Partnership, which is often cited for its tremendous support.

Practical support for employers includes free advertising, recruitment incentives, wage subsidies, work placements and internships. However, James Dornan has a point, and I wonder whether all businesses know that that support is available. I am sure that many do, but we can play our part, too. I am pleased that, as a member of the Scottish Parliamentary Corporate Body, I can say that the Parliament has recently recruited two people under the modern apprenticeship scheme.

Another scheme that I want to commend is the adopt an apprentice initiative, through which employers are offered £2,000 to help with recruitment and wage costs for a modern apprentice who has been made redundant. Many young people, particularly in the construction industry, lose their apprenticeship training through no fault of their own and it can be difficult for other

employers to adopt an apprentice halfway through their training with another employer, who may have taken a slightly different approach.

I was pleased to note that many Scottish and Southern Energy executive staff began their careers as apprentices, and have enjoyed significant development and training opportunities since joining the company. We need to look at that. A person does not have to be a graduate to get to the top, if there are good apprenticeships and training.

Some of the evidence in the UK Commission for Employment and Skills recent report causes concern. I looked up the reasons why vacancies are hard to fill. According to the report:

“One third (33 per cent) of hard-to-fill vacancies are caused by a low number of applicants with the skills required for the role. A quarter (25 per cent) are caused by a lack of work experience the company demands”.

The skills shortage in the North Sea oil and gas sector is often mentioned, but I appreciate that some initiatives have been taken.

I am pleased to support James Dornan in bringing a debate on a topic that affects many families throughout Scotland.

17:55

Linda Fabiani (East Kilbride) (SNP): I, too, thank James Dornan. For me, the sentence in his motion that stuck out was this one:

“there is a false perception that young people who come straight from education are not ready for the workplace and ... this perception makes it harder for young people to gain work experience”.

The motion goes on to say that the UK Commission for Employment and Skills survey

“noted that 68% of businesses found that school leavers were ready for work ... and 86% of university leavers were ready for work”.

The perception that young people who come straight from education are not ready for work is therefore very much a false one. Over the years, when I have been fortunate enough to take on a young person on work experience, whether they were at school, college or university, I would have considered employing the young person straight away in quite a high proportion of cases, if only I had been able to do so. I suspect that if such a study were carried out with other age groups, we might well find that the differences between age groups are not great.

When young people are trying to gain experience but get rejection after rejection, they begin to feel hopeless and that no one cares. Their self-esteem is lowered and they can develop an attitude that becomes almost self-fulfilling. We very much have to guard against that.

All communities have a responsibility in that regard. I am pleased that in my constituency, East Kilbride, many businesses are fully engaged in programmes with schools and colleges to ensure that young people are aware of what employers are looking for and can work to achieve some of the required skills.

I want to pay tribute to a few groups. Rotary clubs are active in East Kilbride. For more years than I care to remember and certainly during my previous career, before I was elected to the Parliament, I was very much aware of Rotary clubs' work on skills improvement to help young people on their way.

Coca-Cola Enterprises has just welcomed its 30,000th visitor to its education centre in my constituency. It has been working hard with young people in our community for a long time.

However, it is not just the big companies that work with young people; small companies do that too. James Dornan mentioned the proportion of small and medium-sized enterprises that are capable of employing people, and I think that it was Margaret McCulloch who mentioned a programme in which companies take on a young person to help with a specific aspect of their work, which can be helpful.

It is important to make such initiatives local and to work with communities, because the programmes become much more personal for the people who can offer jobs and for the people who are looking for jobs. That is one of the reasons why we launched our youth employment initiative in East Kilbride recently. I want to show the young people in East Kilbride that their community cares about them and will work with them to try to secure a better future for them and give them the opportunities that they need if they are to succeed. We have done that in partnership with East Kilbride Jobcentre Plus, Voluntary Action South Lanarkshire, the inclusiveness project, the Scottish Government, South Lanarkshire Council, Ingenis, the Prince's Trust and many others. It is early days, but I hope that we will see success.

A couple of young people have already been given opportunities to work through the scheme. For example, Jordan Campbell from East Kilbride has a work placement at the Optical Factory in the town. As MSPs, we all have a duty to be advocates for young people and to work as well as we can to promote just how capable our young people are.

I like James Dornan's idea of an information pack for MSPs, because it is a difficult landscape to work our way through. We have some Westminster initiatives, some Scottish Government initiatives and some initiatives of associated agencies. I like the idea of an

information pack, but I like even more the idea of something simple that can go out to businesses and young people on a local, community basis. Let us draw some of this stuff together.

18:00

The Minister for Youth Employment (Angela Constance): I, too, congratulate James Dornan on securing this debate. He has made the case in a very heartfelt way for recruiting young people. I also pay tribute to him for organising a jobs fair in his constituency. I know that the event inspired other MSPs to arrange jobs fairs in their constituencies, me being one of them and Alex Neil being another, along with Kenneth Gibson and Christina McKelvie. I say to all MSPs that I am always more than willing to support their endeavours in their constituencies.

In that vein, I know that Margaret McCulloch has done some interesting work with key sectors—I am thinking about hospitality—building on her past experience as a training provider. Kezia Dugdale is not here today, but the work that she does in offering a paid internship through her offices as an MSP is another important example of what we, as individuals, can do.

I acknowledge the contributions of all the speakers in tonight's debate—David Torrance, Margaret McCulloch, Richard Lyle, Mary Scanlon and Linda Fabiani. The debate has been a mature and reflective one.

We all know that, to successfully tackle youth unemployment, we need a concerted effort on a number of levels. Action has to be rooted in the local and macro economies. We often have debates in the chamber about the need for economic growth, how to use capital investment and the austerity agenda, and we often have debates that touch on constitutional arguments and the powers that the Scottish Parliament does and does not have. Our response to youth unemployment cannot just be about responding to rising unemployment as a result of the recession; we need to address structural unemployment as well.

Despite the magnitude of the issues and the scale of the challenge, we must not underestimate the role that we can all play both as individuals and collectively. It is imperative that we have the support of members of the Scottish Parliament for the make young people your business campaign. I was heartened by the speeches that members made tonight, because we are all, in our own ways, agents of change. We all have networks and contacts in our constituencies and we have scope to make a difference at a local level. We heard about some of the ideas and the good work that is going on in that regard in the debate.

At its core, the motion is about combating the perceptions that sometimes exist about young people. The UK Commission for Employment and Skills is showing through its work that the vast majority of our young people are work ready, and they should not be shy about saying that. That does not mean that there are not some young people who need additional support on their journey towards and into work, but the vast majority are willing and able to work. What they lack is opportunity, not talent. Therefore, we must address the fact that only 25 per cent of businesses recruit directly from education and the fact that the proportion of young people in the workforce, in both the public and private sectors, has been declining since 2005.

David Torrance mentioned Pamela Scott from Diageo. She attended the national economic forum last February, which focused solely on youth unemployment, then went back to her employer at Diageo and went to work on their own youth employment plan. Indeed, Diageo now has a support package for that and has invested £5 million of its own money in it.

At the heart of the make young people your business campaign is making a positive business case for employing a young person, which is not just the right thing but the smart thing to do. We have young people who are willing to work and ready to learn and who are, as Margaret McCulloch said, flexible and loyal. They are most certainly not a burden; indeed, they are an asset. Young people can make a contribution to any business and could have a positive impact on the bottom line.

Given the challenges that businesses of all sizes face, I accept that we must make it easier for businesses to employ young people and that we should provide them with information about the employer recruitment incentive, which will be live this April, and other information tools, such as the our skillsforce website. In that regard, James Dornan made an important suggestion about an information pack that could go to members of the Scottish Parliament, and Linda Fabiani was right to say that the information should be relevant at the local level. I will therefore go away and look at how we can devise an information pack for constituency and list MSPs that will actively assist them in their work in their own communities and constituencies if they are going on employer visits or visiting businesses or, indeed, going along to their local Rotary meeting to tell other people about the benefits of employing young people and what assistance is available.

Preparing that material will not be a small bit of work, and there is perhaps scope for the Government to look at having a paid internship for that piece of work. There could be an argument for

employing a young person to take on the work, given the skills that they often have in communication and social media. We will go away and look at that, because I certainly want to do everything that I can to assist members of the Scottish Parliament in their constituency work, particularly if it will assist local businesses and help more of our young people to get into work.

There has been some discussion tonight about the importance of work experience. Of course, it is important, but it must be ethical, voluntary and high quality. Certainly, the Government's provision in that regard—our work experience programmes and internships—are all paid. The issue of work experience also touches on Skills Development Scotland's certificate of work readiness, which is now increasingly used in get ready for work training courses. It builds work experience into a training course, and the work experience is assessed by the employer. That means that, in effect, the certificate can act as a reference.

Like Margaret McCulloch, I pay tribute to Sir Willie Haughey and his youth with hope initiative, which is a very pragmatic initiative. I certainly wish it every success and I look forward to hearing how it develops. As Linda Fabiani said, we all have to be advocates for the young people in our communities.

For the second month in a row, the labour market statistics have been positive. It is important that we mark that we have had the largest-ever fall in youth unemployment since those particular records began in 2006. I very much welcome the fact that we have 23,000 fewer young unemployed Scots now than we did at this time last year. However, one unemployed Scot is one too many for this Government. We still have 82,000 16 to 24-year-olds seeking work. We must all address that.

Unemployment remains too high and now is most certainly not the time for us to take our foot off the gas in that regard. There is always more to do and we must always do more in challenging each other, because we cannot let ourselves or our young people become the victims of a cycle of despair. What Linda Fabiani said is worth repeating: we need to be advocates for young people.

Meeting closed at 18:09.

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