



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament Committee of the Whole Parliament

Wednesday 5 October 2022

Session 6



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Scottish Parliament

Wednesday 5 October 2022

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

Portfolio Question Time

Rural Affairs and Islands

The Deputy Presiding Officer (Annabelle Ewing): The first item of business is portfolio question time. If a member wishes to request a supplementary question, they should press their request-to-speak button or enter the letter R in the chat function during the relevant question. To get in as many members as possible, I would appreciate succinct questions and answers to match.

Energy Price Cap (Impact on Farmers)

1. **Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government what assessment it has carried out of the impact on farmers in Scotland of the United Kingdom Government's energy price cap. (S6O-01412)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): We welcome any intervention that can help in this crisis, but the UK Government's energy bill relief scheme is too little, too late. From my on-going engagement with farmers, I am aware that they face a range of increasing costs, including those for animal feed, fertiliser and fuel. The general increases in costs that businesses are facing across the board are all having an impact, and the scheme comes too late for many agriculture businesses that are struggling to pay bills. The scheme is also only in place for six months. I have written to the new Secretary of State for Environment, Food and Rural Affairs to request a meeting, and we will continue to press the UK Government to do more to ease the pressures that farmers and the wider food supply chain are facing.

Elena Whitham: NFU Scotland is working with its members to gauge how the energy price cap will benefit hard-pressed food and farming businesses. I understand that farmers who were paying under 20p per kilowatt hour are now being quoted 83p per kilowatt hour, which is a 315 per cent increase.

Scotland's farmers are crucial to ensuring that we have access to nutritious food, and local farmers have told me that they are being hammered by rising production costs. Does the cabinet secretary agree that the UK Government

needs to go further than the six-month cap and provide more financial certainty and stability to our farmers? Otherwise, food security will continue to be undermined and the prices on shop shelves will continue to climb.

Mairi Gougeon: I absolutely agree. As I said in my initial response, I have written to the new secretary of state at the Department for Environment, Food and Rural Affairs, Ranil Jayawardena, to request a meeting to highlight my concerns about food security. I will also continue to press the UK Government to do more to ease the pressures that we know that farmers and the wider food supply chain are facing.

We are seeking clarity from the UK Government on what plans for protections, such as the energy bill relief scheme, will look like after 31 March 2023, to ensure that businesses have the certainty and security that they need to operate with confidence. The work that we did with the food security and supply task force produced some recommendations that only the UK Government can act on and deliver. We will continue to press it to act and respond to the task force asks.

Rural Visa Pilot

2. **Natalie Don (Renfrewshire North and West) (SNP):** To ask the Scottish Government whether it will provide an update on the proposals for the rural visa pilot. (S6O-01413)

The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray): Last week, the Scottish Government's rural visa pilot proposal gained cross-party support in the Scottish Parliament. The proposal has been issued to the United Kingdom Government and we await its response.

We call on the UK Government to accept the recommendation of its own Migration Advisory Committee to deliver a migration pilot for rural areas. The proposal that was endorsed by this Parliament was co-developed by the Scottish Government, local authorities, rural employers, academic experts and partners. Our ask of the UK Government is clear—for it to work with the Scottish Government, local authorities and employers to establish migration pilots to meet the needs of Scotland's rural and island communities.

Natalie Don: In August, the National Farmers Union estimated that more than £60 million-worth of food had been wasted because of workforce shortages. Farmers are doubly feeling the effect of Tory policy through not having the workforce available to help them, and now farmers, like most in the country, are suffering from inflationary pressures that have been exacerbated by Brexit, which the Tories forced on Scotland. Does the

minister share my view that, unless the UK Government considers Scotland to be beneath its contempt, the very least that it can do is urgently agree to proposals for a rural visa pilot?

Neil Gray: Yes—I do. It is notable that the chief executive and the president of NFU Scotland have publicly called for the rural visa pilot proposal to be implemented. Scott Walker stated that it must be delivered

“in tandem with UK Govt expanding number of seasonal workers visas & a review of shortage occupation list.”

The Conservatives are the only party in this Parliament yet to support the proposal. Donald Cameron asked for more time to consider it in detail, and I know that he and his colleagues will look to engage constructively. I hope that they can do that and that the Parliament can speak with one voice on this critical issue that our rural and island communities face.

Food Security (Brexit)

3. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what its latest engagement has been with the United Kingdom Government on the impact of Brexit on Scotland's food security. (S6O-01414)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Scottish Government takes food security in Scotland seriously. Along with my fellow Scottish ministers, I have repeatedly highlighted to the UK Government our concerns about the effects of its bad Brexit deal.

On 26 August, I wrote to the UK Government to highlight the cumulative impact on the food and drink sector of labour and skills shortages and of rising costs. I have yet to receive a response. The Scottish Government will continue to use all the devolved powers that are available to it to support the sector, but the UK Government needs to do more now to protect our food and drink businesses.

James Dornan: I agree that the UK Government should be doing more as soon as possible. The Green Alliance's recent letter to Kemi Badenoch noted that

“The recent lifting of tariffs and quotas without any equivalence on animal welfare or environmental standards for Australian producers means that UK farmers will now compete with imported food produced to standards that would be illegal in the UK”.

Does the minister share my view that Brexit continues to be a monstrous betrayal of farmers, growers, food producers and the sector in general, for which the Tories should be beyond ashamed?

Mairi Gougeon: I do not think that there is any doubt that food and drink businesses and the

sector in Scotland have borne the brunt of the hard Brexit that the UK Government has pursued. We have seen the UK Government sign up to trade deals with Australia and New Zealand that, as the UK Government's own modelling shows, will be damaging to Scotland's farmers and crofters.

We have worse deals with those countries than those that the European Union negotiated with them. It is really important to highlight an example of that. Although the UK Government has agreed to allow unlimited quantities of tariff-free beef into the UK after 15 years, the EU-New Zealand free trade agreement will maintain quotas permanently and apply a 7.5 per cent tariff. In addition, the quotas that New Zealand has secured in its FTA with the UK are much higher than those in its agreement with the EU. In the first year of the FTA, the UK will allow 12,000 tonnes of New Zealand beef into the UK, while the EU will allow only 3,333 tonnes into the entire EU27. I really look forward to a time when the Scottish Government can work with the EU and others to develop and deliver a trade policy that works in the economic and other interests of the people in Scotland.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): It is no surprise that, on Wednesday 2 November, from Shetland to Stranraer and from Kirkwall to Kelso, and here at Holyrood, farmers and crofters will send a message to the Scottish National Party Government that they need clarity and that food production needs farmers. That rally will not be a celebration, as the civil servant accompanying the cabinet secretary described it at the Rural Affairs, Islands and Natural Environment Committee this morning.

It has taken six years for the SNP to launch a consultation on agricultural policy. Now farmers are being asked to discuss massive issues in an information vacuum. Despite numerous requests, the cabinet secretary's department has failed to give clarity on how the new powers in the proposed agriculture bill would put food production at the heart of delivering the Government's expectations.

The rally will take place in four weeks' time. The Scottish Conservatives will be there to support farmers and crofters. Will the cabinet secretary be there to apologise for her lack of clarity? Will she commit to fully addressing farmers' concerns?

Mairi Gougeon: One thing that I will not be apologising for is continuing to support food production in this country, unlike other parts of the UK. That is one of the central pillars of our vision for agriculture, which we published earlier this year, in which we committed to supporting food production, while looking to tackle the climate and

nature emergencies. They are the three key pillars of our support. That is also why we have committed to maintaining direct payments, to recognise the importance of food production. That is now more important than ever, given the increasing food security risks that we face.

Crofting (Absenteeism)

4. Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the Scottish Government what action it is taking to address the issue of absenteeism in crofting. (S6O-01415)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): In 2022-23, the Crofting Commission received an increase in budget that enabled it to expand its residency and land-use team in order to increase its work in addressing absenteeism and bringing crofts back into productive use. Through the Crofting Commission's development officers, work is under way to implement actions that are contained in the Scottish Government's national development plan for crofting, including bringing more crofts back into active use. As crofting landlords, the Scottish ministers are considering what action can be taken on their crofting estates to increase the active use and occupancy of crofts and to look at opportunities for new entrants.

Alasdair Allan: The cabinet secretary is aware of the importance of crofting to the Highlands and Islands. Crofts falling into disuse as a result of absenteeism represents a barrier to young people acquiring a tenancy to use the land and thereby remain in their communities. Will she say more about how the Government's legislative ambitions will create more active crofts and ensure that people who wish to productively use a croft can access land?

Mairi Gougeon: I use this opportunity to reaffirm our commitment to modernising crofting laws, as we set out in our programme for government this year. The crofting bill group was reinstated in May to consider crofting legislation, including provisions pertaining to the enforcement of the duties of crofters on owner-occupier crofts, such as the residency duty and the duty to cultivate the croft or put the croft to another purposeful use. A number of meetings took place between June and September, and more are scheduled. I look forward to the further development of that work, so that we can really tackle the important issues that Alasdair Allan raised.

Retained EU Law (Revocation and Reform) Bill (Food Safety and Quality)

5. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what discussions the rural affairs secretary has

had with the public health minister regarding how it will ensure the safety and quality of food sold in Scotland in the event that the United Kingdom Government proceeds with its Retained EU Law (Revocation and Reform) Bill proposals. (S6O-01416)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): That is an area that causes us significant concern. Scottish ministers are advised on food safety and standards matters by Food Standards Scotland. The Minister for Public Health, Women's Health and Sport and I meet regularly with the chief executive officer of FSS to discuss a range of issues. The bill will, of course, feature in our on-going discussions with FSS.

The Scottish Government considers the bill to be reckless. I cannot emphasise enough the impact that it will have on the areas that the member has mentioned, as well as more broadly across my portfolio and others.

Independent of the Scottish Government, the FSS considers that the bill will undermine our ability to ensure the safety and quality of food that is sold in Scotland, because unless existing legal protections that are set out in retained European Union law are preserved, they will be removed from the statute book by the end of 2023. The sheer volume of food and feed legislation is significant, the timescales that are proposed by the UK Government are ridiculous and the current protections for consumers are put at risk by the bill.

It goes much further than food safety, because the bill also dismantles our environmental and biosecurity protections, as well as affecting many other areas of devolved competence. We will do everything within the powers that are available to us to prevent the progress of the bill in its current form.

Willie Coffey: I thank the cabinet secretary for that detailed answer. As she is well aware, Food Standards Scotland has already warned about the risks to consumers here. The UK bill will result in removal of consumer protections related to food that have applied in Scotland under the protection of this Parliament for years. Does she agree with me that the bill is another example of the UK Government interfering with and grabbing the powers of this Parliament? What can the Scottish Government do to prevent a race to the bottom in food quality standards and to uphold the high safety and quality of food that we have enjoyed in Scotland for many years?

Mairi Gougeon: As I have outlined, the bill carries an unacceptably high risk that vital law will simply drop off the UK statute book towards the end of next year. My colleague Angus Robertson,

the Cabinet Secretary for the Constitution, External Affairs and Culture, is pressing the UK Government to reconsider the bill in the light of its implications for the devolved Governments. Unless it is changed, and unless current standards remain on the statute book, Scotland's reputation for high-quality food and drink is very much at risk.

It is also worth bearing in mind some of the comments from Food Standards Scotland that highlight the significance of what the bill will mean. FSS has advised of

"major risks and impacts to Scottish consumers in relation to food safety and standards if the ... Bill is progressed in its current form."

It added that

"Even if high legal standards continued to apply in Scotland, the Internal Market Act ... means that there would be no way of stopping goods from elsewhere in the UK being sold in Scotland produced under lower legal standards."

Finlay Carson (Galloway and West Dumfries) (Con): The Scottish National Party-Green Government has already shackled Scotland's farmers to European Union law—for example, on the issue of gene editing—and it is not interested in building a farming policy that is aligned to Scotland's need. The UK Government offered to extend powers in the UK Agriculture Act 2020 to help the devolved Administrations to create their own farming support systems. Although Wales and Northern Ireland accepted that offer, the SNP Government declined. NFU Scotland president Martin Kennedy says that he remains frustrated that

"despite several requests from NFU Scotland and other stakeholders",

they have yet to receive clarity on the new agriculture bill. When will the cabinet secretary start prioritising farmers ahead of constitutional grievance?

Mairi Gougeon: That is a completely nonsensical comment from Finlay Carson with which I completely disagree. We are, of course, putting our farmers and crofters at the forefront of our policy, and we are co-developing it with them, to ensure that we have a policy that works.

Rural Economy (Population Decline)

6. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government what plans it has to support the rural economy in areas impacted by long-term population decline. (S6O-01417)

The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray): We are investing £8.3 million this year to deliver the national islands plan, and

we are developing an addressing depopulation action plan to provide the policy framework to support population retention across rural communities.

We are also investing £11.6 million through our rural community-led fund; developing a remote, rural and islands housing action plan; and investing in digital infrastructure, despite the fact that responsibility for broadband is reserved to the United Kingdom Government. Additionally, Parliament has recently endorsed a bespoke rural visa pilot scheme. That employer-based migration proposal has been developed with representatives from employers across island and rural communities.

Carol Mochan: Can the minister confirm that the £5 million for the now-abandoned islands bond is still ring fenced for tackling depopulation? Can he advise whether plans for utilising that resource will be set out in future financial plans?

Neil Gray: Obviously, we are working with our island communities to develop proposals to ensure that we address depopulation. At the moment, all financial issues are going through the lens of the emergency budget review—details of which will be published as soon as possible.

Karen Adam (Banffshire and Buchan Coast) (SNP): Depopulation is often a multifaceted problem that requires a range of levers to address it. Many of those levers, such as on matters pertaining to immigration, are reserved. The Scottish Government has clearly set out a case for charting a different course from that of UK immigration policies, which, frankly, do not take into account Scotland's unique circumstances and are therefore harmful to our communities. What does the minister think is the basis for the UK Government's opposition to initiatives that are essential to Scotland's wellbeing, to supporting economic growth, to delivery of public services and to enhancing and sustaining our communities?

Neil Gray: The basis is lack of understanding of Scotland's rural needs. Depopulation is a complex issue, so there are no simple solutions. Therefore, it is essential that we work with regional, local and community partners to develop a sustainable approach to enhancing and sustaining our communities. In Scotland, we are proud to have legislation such as the Islands (Scotland) Act 2018, which ensures that we take into account the unique nature of communities and that we develop solutions in a collaborative manner. Without that close working relationship, I struggle to see how the UK Government can understand the needs of our communities and profess to know what is best for them.

Island Communities (Resilience)

7. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government what steps it is taking to improve the resilience of island communities. (S6O-01418)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): By considering population levels, promoting sustainable island economies, supporting wellbeing and health and focusing on reducing fuel poverty, the national islands plan is critical to improving outcomes for island communities and, ultimately, resilience.

I frequently engage with my colleagues across all portfolios to ensure that we respond in real time to issues as they arise, and to ensure that reporting on island resilience matters is timely and effective. That provides me with the assurance that I need on concurrent risk and allows us to explore potential mitigations. My islands officials also correspond with island communities to provide on-the-ground information regarding any major issues.

Liam McArthur: I welcome the work that is ongoing, but it appears that ministers, having abandoned—for which I am thankful—the ill-conceived and overly simplistic proposal for islands bonds, now intend to spend the money, which is £300,000 this year, on practical policy tests to inform a future action plan. That is unlikely to have people dancing in the isles. It will also do nothing to improve transport links, broadband provision or the availability of affordable housing.

Will the cabinet secretary agree to ditch the tests and focus the limited resources on, for example, expanding inter-isles air services in Orkney or providing additional support to students who wish to come to our islands to study? In the past, such students have often stayed on the islands to build lives and careers.

Mairi Gougeon: The detail of any proposals is still to come forward; it is not right for the member to encourage me to ditch something before he has seen the detail. What we propose will be based on feedback from island communities that we received through the extensive consultation that we undertook. I am more than happy to have more discussion with Liam McArthur about what such projects might look like. Any work that we take forward will be based on the needs of our island communities.

I draw attention to the fact that help for our island communities does not come only from the rural affairs and islands portfolio. We should consider all the funding that is being channelled through our housing and transport programmes. A number of interventions that are either planned or under way will help with the overall resilience of island communities.

Jenni Minto (Argyll and Bute) (SNP): Island and rural communities are among the most vibrant, but the cost of living crisis poses a threat to many of them. It has been reported that households in Argyll and Bute will need to earn more than £72,000 per year to avoid fuel poverty this winter.

The key levers to address the crisis rest with the United Kingdom Government. Does the cabinet secretary share my view that the best way to ensure the resilience of island and rural communities is for them to be rid of the chaos of Westminster and the callous politics of the Tories?

Mairi Gougeon: I agree with the points that the member made on both counts. Time and again, we have seen that decisions that are taken in reserved areas simply do not take into account the unique circumstances that rural and island communities face.

I will give one example of that, which relates to the shared prosperity fund, but there are many more. We discussed that when I appeared at the Rural Affairs, Islands and Natural Environment Committee this morning. The Highlands and Islands were recognised as one of the highest-priority areas that were earmarked for European structural funds, but the opposite is the case in relation to the UK Government's levelling up agenda. Every year, £183 million is required to replace European Union funding. That equates to £549 million over the three years that the shared prosperity fund covers. However, instead of receiving £549 million, Scotland will receive just £212 million over the three-year period. That equates to a 60 per cent real-terms reduction in funding. As a result of that lack of regard by the Tories, the Scottish Government continues to press them to take further action to support our households through the cost of living crisis.

Proposed Agriculture Bill (Stakeholder Meeting)

8. Jamie Greene (West Scotland) (Con): To ask the Scottish Government what its response is to the emergency stakeholder meeting on 12 September regarding its proposed new agricultural bill. (S6O-01419)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): Our public consultation—"Delivering our Vision for Scottish Agriculture: Proposals for a new Agriculture Bill"—is open until 21 November this year. It will inform the next steps in our commitment to co-design via the agriculture reform implementation oversight board, so I encourage everyone to engage in the consultation to ensure that their views are captured.

It is important that stakeholders, the Government and wider society come together to discuss issues and work towards shared outcomes as part of the Scottish Government's co-development approach. I trust that the new industry group will feed back to enable discussion with stakeholders representing the wider rural economy in the agriculture and rural development stakeholder group.

Jamie Greene: I think that co-design refers only to the relationship between the Government and the minority party that is propping it up, because senior NFU Scotland figures describe the proposed agriculture bill as reading more like a Green Party manifesto than a true agriculture bill. There is very little mention of food security and food production, which should surely lie at the heart of any such bill. Relationships between the farming community and the Scottish Government are at an all-time low, in the eyes of many people in the industry. Given that the Scottish National Party Government has had years to come up with a plan for the future of Scottish farming, why does the cabinet secretary think that so many farmers are being so vocal in their disappointment and anger about the Government's proposals for their future?

Mairi Gougeon: I do not know whether Jamie Greene has been through the detail of the consultation. It sets out the framework that we are looking to establish and the enabling powers that we will need in any future legislation in which we discuss the importance of our food production and food security. As I have said, that is an area that we identified and highlighted in our vision for agriculture, which we are intent on delivering.

Colin Smyth (South Scotland) (Lab): The cabinet secretary will know that, even when the proposed agriculture framework bill is passed, it will not provide the detail that farmers are looking for on agriculture support. Does she accept their need to see the detail, even before the bill is passed, to allow them to plan the future of their business?

Mairi Gougeon: I absolutely accept that, and I will be working to deliver that. More information on that will be available in due course.

Health and Social Care

The Deputy Presiding Officer (Annabelle Ewing): The next portfolio is health and social care. I remind members that questions 3 and 4 are grouped together and that I will take any supplementaries on those questions once they have both been answered. If a member wishes to request a supplementary question, they should press the request-to-speak button during the relevant question or indicate as such in the chat

function by pressing the letter R. I press members for succinct questions and answers to match, in order to get in as many questions as possible.

Waiting Lists (NHS Boards)

1. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government what its advice is for patients who move from one regional national health service board to another while on a waiting list for essential surgery. (S6O-01420)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Patients who move to another health board area will join the waiting list of the receiving health board. Although waiting times vary across health boards and specialities, I would not expect that to have a negative impact on the length of time that a person should expect to wait.

Clinicians in the new board might wish to reassess the patient to ensure that it is safe to go ahead with the procedure, especially where there has been no prior assessment or some time has elapsed since an assessment was carried out. Again, I would not expect that to be done routinely without good clinical reasons.

Patients with an urgent clinical need will always be prioritised. In all cases, I expect health boards to make every effort to ensure equity of care and to minimise any disruptions to the patient's journey.

Maggie Chapman: A constituent of mine, who was first referred in October 2019, has been waiting—all the while in pain—for surgery since March 2020. They recently had to move—fortunately, still in the north-east region—which required a transfer from NHS Grampian to NHS Tayside. To get on to the Tayside waiting list, they have to undergo a fresh assessment. Will the cabinet secretary outline how patients can ensure that they do not have to redo assessments, at the cost of time, energy and resources to both themselves and the NHS, in order to get on to their new health board's waiting list? What guidance can we give patients who might be willing and able to travel to another health board that has available capacity so as to expedite their surgery or other treatment?

Humza Yousaf: My thoughts are with Maggie Chapman's constituent at what is a difficult time for them.

There should not be any detriment to patients who move to a new health board area. Obviously I do not know the full details of Maggie Chapman's constituent's case but I am happy to receive them. As I said in my answer to the first question, reassessments are not done routinely or necessarily, but there might be a good clinical reason in this case—I do not know because I do

not know the details. However, I would expect there to be no undue impact on the time that her constituent has to wait for the procedure, and I will ask my officials to liaise with the two boards.

On Maggie Chapman's second question, a review of NHS waiting times guidance will be undertaken. The working group has been established, and I am happy to keep her and other members updated.

On the final point about whether there is the possibility of moving to another board for a procedure to take place, that can be a board-to-board discussion. In certain cases, financial help is available for travel and accommodation.

Sandesh Gulhane (Glasgow) (Con): Will the minister guarantee that any patient who moves from one regional NHS board to another while waiting for any out-patient or in-patient services will have their current length-of-wait time taken into account in their new board's scheduled treatment, and that such patients will not simply be moved to the foot of a waiting list?

Humza Yousaf: That would not routinely happen—the clock would not routinely be reset to zero. However, as I said in my answer to Maggie Chapman, an assessment may be necessary, particularly if time has elapsed since the original, or most recent, assessment.

Patients would not routinely have their clock reset to zero. I would be concerned if that was happening routinely in any health board.

Access to Care at Home (Hospital Patients)

2. Jim Fairlie (Perthshire South and Kinross-shire) (SNP): To ask the Scottish Government what work it is undertaking to ensure that patients have access to care packages to help aid recovery at home as soon as possible after a hospital stay. (S6O-01421)

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): The Scottish Government is committed to ensuring that people receive the right care, in the right place, at the right time, avoiding delays in discharge wherever possible. To support that work in 2022-23, we have issued a range of funding packages, including £124 million to enhance care at home; £200 million to increase the hourly rate of pay to £10.50; £20 million to support interim care arrangements; and £40 million to enhance multidisciplinary teams.

We are also investing a further £3.6 million in the development of hospital at home, which can provide acute hospital-level care at home, thereby avoiding the need for an acute admission and a length of stay in hospital. That funding is in addition to the £4.5 million that has already been

invested, which takes our total investment to more than £8 million.

Jim Fairlie: I have recently written to NHS Tayside, the integration joint board and the Cabinet Secretary for Health and Social Care, Humza Yousaf, about a constituent of mine, whom I will not name, who has been waiting an excessively long time for his wife to be returned home after having a stroke. She has all the equipment in place, but it does not seem to be possible to put a care package in place for her. The challenge appears to centre on staffing capacity, which has clearly been impacted by Brexit.

Will the minister set out what action the Scottish Government is taking within its powers to support health boards and IJBs to recruit the staff they need?

Kevin Stewart: I thank Mr Fairlie for raising that distressing case. I understand that he has written to the cabinet secretary, who will respond shortly. I will ask my officials to investigate the situation, if Mr Fairlie could provide us with more detail.

It is absolutely vital that we continue to make every effort to maximise the capacity of the social care system. In addition to the financial investment of £528 million that I outlined, we have, as part of our winter planning preparedness, been working with the Convention of Scottish Local Authorities to develop our joint plan for winter.

The Government has a long-standing commitment to implementing the principles of fair work for the social care sector. We are fully committed to improving the experience of the social care workforce, including by increasing levels of pay and delivering consistent fair work conditions to staff who work with the more than 1,200 employers that deliver social care in Scotland.

On that basis, we have just extended the staff support fund, to ensure that social care staff who are required to isolate if they test positive for Covid receive their full pay over the winter months. We will continue to work in partnership with local government and health and social care partners to do all that we can to support them to ensure that we recruit and retain staff, so that we do not have situations such as the one that Mr Fairlie identified.

Willie Rennie (North East Fife) (LD): Cases such as the one that Jim Fairlie has highlighted are replicated across the country. As of 26 September, 90 people in North East Fife were waiting for a care package, either stuck in hospital or stuck at home. That needs to change.

The trouble is that the minister has been saying what he just said for years, ever since Shona

Robison promised that she would get rid of delayed discharge altogether. Why are the plans that he set out making absolutely no difference?

Kevin Stewart: I think that the work that I have laid out is making a difference. Willie Rennie fails to understand the huge impact that the pandemic has had on our health and social care systems. Some folks forget that we are still in the midst of that pandemic and that there will be situations in which staff are off ill with Covid or for other reasons.

Of course, as Mr Fairlie rightly pointed out, our health and social care system has faced a Brexit shock, with one care organisation that I have spoken to losing 40 per cent of its staff because of Brexit.

We will continue to put in place our winter planning. We will co-operate with local authorities and health and social care partnerships. The cabinet secretary and I are in a constant round of discussions with service providers across the country, so that we can help them as best we can. What we cannot do, unfortunately, is bring back all of the folks who we lost because of the Brexit situation.

Paul O’Kane (West Scotland) (Lab): New research by YouGov has revealed that only 28 per cent of Scots have considered a career in the care sector, with about 40 per cent citing low pay, stress and a perception that the sector is physically demanding. More shockingly, nine out of 10 care workers describe their place of work as understaffed.

I heard what the cabinet secretary said in his statement about winter planning yesterday. However, the headline that we heard on social care was a repeat of the announcement of the £10.50 per hour wage, which equates to a derisory pay rise of 48p. When will the Government get serious, engage with staff and unions on the ground, and respond to the call for £15 an hour?

Kevin Stewart: Mr O’Kane fails to say that if we were to raise pay to £15 an hour at this moment, that would cost £1.75 billion. Mr O’Kane knows that we are already in a stressed situation when it comes to budgets, because of the continued cuts of the Tory Government. We will continue to do all that we can—[*Interruption.*]

The Deputy Presiding Officer: I do not want all this shouting from sedentary positions. Minister, please resume.

Kevin Stewart: We will continue to raise pay and support our social care staff. We have raised pay twice in a year. We keep pay under constant review and will continue to do so.

On the point about career progression and attracting people to the profession, that is one of

the key planks of our national care service proposal. We want to ensure not only that we get pay and conditions right, but that there are career pathways for folks who enter the profession. That is what young people want to see, and those are the folks who we need to enter care. We need to grow our own workforce, thanks to the fact that we have lost so many folks because of the Brexit situation.

The Deputy Presiding Officer: I point out to members that we are now 13 minutes into this question time session and I have another six questions to take. I think that everybody can do the maths on that.

Out-patient Appointments (Waiting Lists)

3. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on its target to eliminate two-year waits for out-patient appointments in NHS Scotland. (S6O-01422)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): The first of those targets, which were set in July to address the impact of the pandemic on planned care, was to eliminate two-year waits for out-patients in most specialities by the end of August. Public Health Scotland data shows that, by 31 August, a majority of specialities had no patients waiting more than two years. In fact, 76 per cent of specialities had fewer than 10 patients waiting more than two years, and 71 per cent of territorial health boards had five patients or fewer waiting more than two years.

Boards are working hard to reduce the number of out-patients waiting more than two years as quickly as possible. I am grateful to our national health service staff who have helped in that effort.

Alexander Stewart: Back in June, the health secretary set a series of targets on long waits for NHS Scotland. He pledged to eradicate two-year out-patient waits only in most specialities, rather than altogether. The fact is that we now find that more than 2,000 Scots have been languishing on out-patient waiting lists for more than two years. That means that the long out-patient waiting lists are seriously far from being eliminated.

Does the cabinet secretary concede that the original targets have failed? When can we expect to see two-year out-patient waits eliminated for good?

Humza Yousaf: I am not sure how Alexander Stewart can stand there and repeat what the target was, which was to eradicate two-year out-patient waits in most specialities, agree with me that that has happened in most specialities, and then ask me whether the target has failed. That does not make any sense to me.

I am surprised that, when those statistics were published, neither Alexander Stewart nor any member of the Opposition uttered a word—or even a syllable—of thanks to NHS staff who have worked so hard to reduce those two-year outpatient waits in the majority of health boards.

Two health boards account for 90 per cent of the two-year outpatient waits—NHS Ayrshire and Arran and NHS Grampian—and I assure the member that we will work intensively with both those health boards to ensure that they get extra support. That does not take away from the fact that we have seen remarkable progress across health boards in the 60 days after those targets were announced, and I hope that the member will join me in thanking NHS staff for their incredible efforts in that regard.

Waiting Lists

4. Pauline McNeill (Glasgow) (Lab): To ask the Scottish Government whether it will provide an update on what new steps it has taken to tackle national health service waiting lists. (S6O-01423)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I will not repeat what I said in my previous answer.

We are working intensively with the national centre for sustainable delivery, which Pauline McNeill will know. We are working with boards to accelerate the implementation of high-impact changes, including active clinical referral triage and patient-initiated review. Those improvement programmes will support the delivery of the targets that I mentioned and provide sustainable solutions for the future.

We are also working with the national centre for sustainable delivery and boards to embed regional and national working, to ensure that long-waiting patients can access treatment quicker, even if that means that they have to travel to do so.

Pauline McNeill: I want to ask about internal waiting times. Last week, an NHS Greater Glasgow and Clyde oncologist raised with my office concerns that cancer-related scans now take up to eight weeks to be returned, when they should normally be returned within one week. The fact that oncologists are waiting for the results of important scans will clearly have a knock-on effect on patients in a priority area of treatment.

Is the cabinet secretary aware of that situation and is he acting on it? What assurances can he give oncologists in Glasgow and the health board area that the scans of worried patients will be returned in a much-reduced timescale?

Humza Yousaf: We are aware of that issue, and the member is right to raise it. I have spoken in the chamber previously about our challenges

around the medical oncology workforce. I am happy to give Pauline McNeill more detail off table about some of the actions that we are taking with NHS Greater Glasgow and Clyde in relation to cancer and other key diagnostics.

We have invested particularly in areas in which we know that diagnostics can take much longer than any of us would want them to take. For example, we have taken actions in relation to endoscopy and neurology, on which I will give Pauline McNeill more detail.

If the member is concerned about a specific constituency case, I will be happy to follow it up with the appropriate board.

Evelyn Tweed (Stirling) (SNP): I welcome the latest statistics, which show an increase in the number of patients who are seen within target times. What work is going on to ensure that that upward trajectory continues?

Humza Yousaf: We know that we are entering a really challenging period—we already are in a challenging period, but the winter months will present significant challenges on top of those that we currently face. The work that we are doing with boards is to try to ensure that we can protect some of the capacity for elective care as much as possible. We know that elective care has taken a real hit because of the pandemic over the past two and a half years, so we are maximising theatre productivity and considering how we can ring fence that capacity.

The centre for sustainable delivery is moving forward with its national elective co-ordination unit, which will help to ensure that we make the best use of theatre capacity across boards, where possible. We are also funding boards to the tune of around £8 million over the course of the winter to help to recruit 750 additional nurses, midwives and allied health professionals, which I hope will boost our workforce over the winter.

NHS Borders (Meetings)

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government what recent discussions it has had with NHS Borders. (S6O-01424)

The Cabinet Secretary for Health and Social Care (Humza Yousaf): I last met with NHS Borders on 22 September and discussed matters of public health that concern the local population.

Christine Grahame: Will the cabinet secretary join me in congratulating all staff at NHS Borders on the recent announcement that 100 per cent of patients who were diagnosed with cancer were treated within the Scottish Government target of 31 days, and almost 97 per cent of eligible patients who were given an urgent suspicion of

cancer referral received their first treatment within the Scottish Government's 62-day target? That is excellent work on the part of the staff at NHS Borders.

Humza Yousaf: I agree whole-heartedly with Christine Grahame, and it is right that we congratulate and pay tribute to our NHS staff, who have had the most difficult and challenging two and a half years of their professional careers. It is right that we congratulate NHS staff when we see progress.

Notwithstanding that excellent progress in NHS Borders, I am not satisfied with our current levels in relation to our 62-day target across the board. I have asked officials to explore closely whether other boards can learn from the boards that are doing well and accelerating, such as NHS Borders, and implement what they are doing.

Maternity Services

6. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government whether it will provide an update on the provision of maternity services. (S6O-01425)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The Scottish Government continues to improve provision of maternity and neonatal services through implementation of "The Best Start: A Five-Year Forward Plan for Maternity and Neonatal Care in Scotland".

Following a pause due to Covid, we have now received implementation plans from all boards, which show an on-track trajectory for completion by the revised end date of 2024 for the majority of the recommendations and 2026 for continuity of carer.

Finlay Carson: In a recent letter to the Galloway community hospital action group, the minister wrote:

"We expect all boards to provide maternity services that are delivered as close to home as possible."

People in my constituency have waited for four long years, with mothers giving birth on the roadside, but there is still no serious discussion from NHS Dumfries and Galloway on the return of maternity services in Wigtownshire. What reassurance can the minister give expectant mothers in that part of my constituency, Galloway and West Dumfries? I know that she is very aware that there is an undeniable need for a midwife-led maternity service at the Galloway community hospital in Stranraer, to prevent a 150-mile and three-hour round trip. Will the minister outline what the Government can do as a matter of urgency to reinstate such a service?

Maree Todd: The member is aware that Scottish Government officials and professional leads, including the chief midwifery officer, are in regular contact with the head of midwifery at NHS Dumfries and Galloway to discuss those issues and explore what support the Government might provide.

The member is also aware that Dumfries and Galloway integration joint board, which is responsible for the planning and delivery of the vast majority of health and adult social care services in the region, has asked the health board to consider options for the delivery of maternity services in Galloway and to report to the IJB. I understand that the matter is to be discussed next week, on 13 October, and I have asked to be kept informed of progress and the outcome of that process.

I plan to visit Galloway community hospital towards the end of the month, on Monday 31 October; I will meet the Galloway community hospital action group at that time and I hope to discuss the issues with it.

Alcohol-related Cancers

7. Joe FitzPatrick (Dundee City West) (SNP): To ask the Scottish Government what action it is taking to address the reported prevalence of alcohol-related cancers in Scotland. (S6O-01426)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The recently published Scottish Health Action on Alcohol Problems guidance for health professionals highlights that the risk of developing a range of cancers increases as alcohol consumption increases. We are working with SHAAP to promote the guidance.

We are investing £10 million to improve how cancer, including alcohol-attributed cancer, is treated in Scotland, and we will launch a new 10-year strategy in April that will take a comprehensive approach to improving patient pathways. We are taking action to reduce alcohol consumption across the population, including consulting on potential alcohol marketing restrictions in autumn and continuing our evaluation of minimum unit pricing.

Joe FitzPatrick: The SHAAP guidance highlights that one in four alcohol-attributed deaths in Scotland is due to cancer, so it is important that we do everything that we can to highlight that to the public. The report that the minister mentioned makes a number of recommendations for intervention; can the minister say more about what the Scottish Government plans to do to make health professionals and the public more aware of the risks? I welcome the comments that the minister made on advertising.

Maree Todd: The Scottish Government works closely with SHAAP, and health professionals across Scotland have been issued with SHAAP's guidance, which highlights the link between alcohol and cancer and suggests that professionals can reduce alcohol-related cancer risks by helping patients to reduce their intake.

We are developing a new, 10-year cancer strategy, to launch in spring 2023, which will take a comprehensive approach to improving patient pathways, from prevention and diagnosis right through to treatment and post-treatment care. That will include alcohol-related cancers.

I welcome the member's focus on the issue. As all members in the chamber will know, this year, deaths that were directly attributable to alcohol rose to 24 a week in Scotland. That is an absolute tragedy and it is the tip of the iceberg, because that number does not include the people who die from cardiac-related illnesses and cancer, in relation to both of which alcohol is a major contributory factor.

Universal Free Prescriptions

8. Marie McNair (Clydebank and Milngavie) (SNP): To ask the Scottish Government whether it will provide an update on its commitment to universal free prescriptions on the national health service. (S6O-01427)

The Minister for Public Health, Women's Health and Sport (Maree Todd): The Scottish Government has no plans whatever for the reintroduction of prescription charges. We have been absolutely clear that prescription charges are a tax on ill health and that any medication prescribed to a patient should be dispensed free of charge, unlike the situation in England, where charges apply and patients pay £9.35 per item—not per prescription but per item.

Marie McNair: The minister agrees with me that free prescriptions are a significant investment in improving health, especially when prescriptions cost £9.35 in England, during a cost of living crisis. People should not be deterred from accessing the vital treatment and medicine that they need. Does the minister share my astonishment that the leader of the Scottish Labour Party refused to back the suggestion that the abolition of prescription charges should be Labour Party policy when he was invited to do so by the First Minister in Parliament last week?

Maree Todd: I absolutely share the member's astonishment. Let me be clear: prescription charges are a tax on ill health and a barrier to better health for many people. Charging for prescriptions would mean that many people who have chronic conditions—even people receiving treatment for cancer—could be liable to pay an

enormous charge. Having to choose between food shopping or vital medicines is not a position that people in Scotland are faced with, unlike in England, where patients are charged £9.35 per item.

We continue to demonstrate our commitment to the provision of free healthcare advice and treatment when needed, with the introduction of the NHS pharmacy first service, which is available at all community pharmacies. The service is available to everyone who is registered with a general practitioner and who is ordinarily resident in Scotland.

I have to say, in relation to Labour policy, that even the Scottish Conservatives dropped their opposition to free prescriptions in 2017 because they recognised the popular support for the policy, which was introduced by the Scottish National Party Administration in 2011.

Urgent Question

14:53

Scottish Covid-19 Inquiry

Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Government what its position is on whether the Scottish COVID-19 Inquiry might be delayed due to the resignation of the Chair and senior counsel.

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): The Scottish Government wants the inquiry to be delivered at speed and to address the range of questions that people have—the bereaved, in particular—so that we can learn and benefit from those lessons as early as possible. That is why arrangements for appointing a new judicial chair for the inquiry have been taken forward urgently to ensure a successful transition.

The Scottish Government remains committed to the vital work of the inquiry, as does the independent inquiry team, and Lady Poole will continue as chair during her notice period of up to three months. A further update will be provided to Parliament at the earliest possible opportunity.

Jackie Baillie: I thank the Deputy First Minister for his response, but I am curious as to why he never mentioned the resignation of four senior and junior counsel when he hosted a cross-party briefing meeting on Monday 3 October. Not a word passed his lips. That is a material consideration, which should have been disclosed, and I regret the lack of transparency from the Government on such an important issue. Some people more cynical than I might say that there is a pattern of secrecy with the Government; I hope that that does not spill over into the inquiry itself.

The Scottish Government seconded senior staff from the civil service to work on the inquiry, so there was no excuse for not knowing what was going on. When was the Scottish Government told about the concerns and problems that preceded those resignations?

John Swinney: The first point to make is that the Inquiries Act 2005 requires that the inquiry is independent of the Government. That is the law; I must obey the law and I am following the law. Under the 2005 act, ministers have the power to establish an independent public inquiry, to set its terms of reference, and to appoint a chair and a panel. Section 17 of the 2005 act gives an inquiry chair alone, rather than ministers, responsibility for deciding how an inquiry should operate. That includes the approach to taking evidence and engaging with stakeholders. That is the legal position that I must follow.

I considered carefully what information I should share with members of Parliament when I telephoned them on Monday evening, because I was mindful of my legal obligation to respect the independence of the inquiry. The staffing matters of the inquiry are exclusively a matter for the chair of the inquiry. At no stage have I tried to conceal information; I have simply respected the legal framework under which I must operate.

In relation to the sequence of events, Lady Poole emailed my office on Friday morning. I spoke to her within minutes of the email being received and Lady Poole intimated to me her decision to step down for personal reasons. In the course of that call, she indicated to me that four members of counsel had resigned from the inquiry the previous day. That was news to me, as were the circumstances that led to Lady Poole's resignation, when I heard it on Friday morning.

Jackie Baillie: I am sure that the Deputy First Minister will agree that this will be a huge disappointment for the families who are grieving the loss of a loved one to Covid. They deserve answers and they have been patient in waiting for the inquiry to start. Lady Poole was appointed in December 2021, the day before Baroness Hallett was appointed to lead the UK-wide inquiry. The UK-wide inquiry has started and has made it clear that the people affected are at the heart of its considerations.

Does the Deputy First Minister agree that it is the Scottish Government's responsibility to ensure that the inquiry system works and is adequately resourced? Can he tell me when the inquiry will start? When will it hear from the families in person? When will the inquiry report and what is the revised cost? Above all, how will he ensure that whoever replaces Lady Poole ensures that the families affected are at the very heart of the inquiry's work?

John Swinney: Presiding Officer, Jackie Baillie invites me, by asking those questions, to break the law, because she invites me to interfere in the running of the inquiry. I simply will not do it, because I have no intention of breaking section 17 of the 2005 act. If I were to do that, the first person to complain about it would be Jackie Baillie.

I have listened with enormous care to the bereaved families on a number of occasions during the establishment of the inquiry. I have taken all the time that they have asked me to take to engage with them. I will be seeing bereaved families next week. I offered to speak to the three bereaved families groups that made representations to me on Monday. I have spoken to one group, I am in correspondence with another and I will see another group next week. Their concerns must be at the heart of the inquiry.

Jackie Baillie asks me what I will do to ensure that their voices are at the heart of the inquiry and that is something that I can do. I can insist, when I secure the appointment of judicial leadership for the inquiry, that the point that Jackie Baillie has put to me will be taken on board. It will be a condition of appointment for the judicial leadership that is put in place that bereaved families must be at the heart of the inquiry. Their issues and concerns must be properly aired and properly addressed. They must have answers. That will be at the heart of the appointment process of the next judicial leadership.

The Deputy Presiding Officer (Annabelle Ewing): I will take a few supplementaries. The first is from Murdo Fraser.

Murdo Fraser (Mid Scotland and Fife) (Con): I was contacted today by a constituent who lost his wife due to Covid. Like many other of the members of the bereaved families, he has serious concerns about what has been reported in the media and about the potential delays in the inquiry starting to take evidence.

Will the Deputy First Minister tell us whether Lady Poole's resignation was prompted by the resignation of the four senior counsel members or was unrelated? Will he assure us that none of the resignations has come about because of any political interference in the direction or operation of the inquiry?

John Swinney: I hope that it was clear from my last answer to Jackie Baillie that the consideration of the bereaved families is absolutely central to the inquiry. If there is any group of people in our country who must secure answers in the Covid inquiry, it must be the bereaved families. I hope that that provides reassurance for Mr Fraser to share with his constituent.

In relation to the reasons for Lady Poole's resignation, she indicated to me that, for personal reasons, she wished to step down from the inquiry. Those were her words to me and it is not incumbent on me to explore or examine the rationale for her statements to me.

Murdo Fraser's final point is, to be frank, one to which I take the greatest of exception because I have judiciously followed the contents of the Inquiries Act 2005, particularly section 17, which guarantees the independence of the inquiry. For the record, there has been absolutely no political interference in the inquiry.

Alex Cole-Hamilton (Edinburgh Western) (LD): There is not a member in the chamber who does not know somebody to whom the outcome of the inquiry will make a material, life-changing difference and for whom it will answer vital questions about the loss of their loved ones.

I am concerned about some of the confusion that exists around Lady Poole's departure. Twice now, the cabinet secretary has been asked why other Opposition spokespeople were not told of the departure of senior and junior counsel at the same time as that of Lady Poole. Given that the narrative around Lady Poole's departure is that it was for personal reasons, what confidence can we have about the narrative around the status of the rest of the inquiry, as it is all starting to fall apart?

I am very concerned and press the cabinet secretary again on the matter.

John Swinney: I do not know where to start with that question, to be honest, because I simply stood up in Parliament and made it clear that I am following the law, which requires me to respect the independence of the inquiry. If I was to go around nit-picking about the inquiry, which is what Mr Cole-Hamilton invites me to do, Mr Fraser would be on his feet accusing me of interference. Can we please respect the fact that it is an independent inquiry?

The Government has done its bit, which was to appoint a chair and to consult on and agree terms of reference. As far as I am aware from any of the representations that I have had from across the chamber, those terms of reference are judged to be absolutely appropriate. Everybody across the chamber also took the view that Lady Poole was an appropriate appointment.

The two things that the Government is allowed by law to do—to appoint a chair to the inquiry and to establish terms of reference—have been broadly supported across the chamber. Lady Poole has decided to resign and it is not for me to interfere in the running of the inquiry.

My job now is to ask the Lord President to provide me with nominees for replacement judicial leadership, which I have done. I will resolve the leadership of the inquiry as quickly as I possibly can. I want to minimise any disruption and any interruption to the proceedings. There are many staff already in the inquiry. Lady Poole will manage the transition and we will continue to advance, to ensure that the bereaved families and others are able to air the issues that they wish to have aired in the public inquiry.

Siobhian Brown (Ayr) (SNP): It is vital that the families and relatives involved have the utmost confidence in the public inquiry and that the process allows for credible answers to be reached. Can the Deputy First Minister provide further assurances that the important progress that has been made so far by the inquiry is continued and that it will be done in a transparent manner that operates independently of ministers?

John Swinney: I stress the point that the inquiry is established on the basis that it is

independent of Government, and it will continue to operate independently of Government.

I want to ensure—I think that this was broadly understood from the terms of reference—that members of the public who lost loved ones in the Covid pandemic had the opportunity to address their concerns and issues as part of the inquiry. That will be central to the way in which the inquiry proceeds in the days, weeks and months to come.

The Deputy Presiding Officer: That concludes the urgent question.

Before we move to the next item of business, which is a committee of the whole Parliament, I suspend this meeting of Parliament.

15:05

Meeting suspended.

Committee of the Whole Parliament

[The Convener opened the meeting at 15:08]

The Convener (Alison Johnstone): I open this Committee of the Whole Parliament.

Cost of Living (Tenant Protection) (Scotland) Bill: Stage 2

15:08

The Convener (Alison Johnstone): We will consider the Cost of Living (Tenant Protection) (Scotland) Bill at stage 2. For the duration of the proceedings, I am the convener of the committee.

In dealing with amendments, members should have the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes before the first division of the afternoon. The period of voting for the first division will be 45 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 or press R as soon as possible after I call the group.

Jeremy Balfour (Lothian) (Con): On a point of order. I seek your guidance, convener. I attempted to lodge amendments to section 2 of the bill, but Parliament officials said that I was not allowed to lodge them. Is it the policy of Parliament that amendments that would take out certain parts of a bill are not acceptable once it has been passed at stage 1, which means that whatever Parliament thinks of a certain section of a bill it will always remain, even if we vote against it?

The Convener: I thank Mr Balfour for his point of order. Rule 9.10.5(c) states that an amendment is not admissible if

“it is inconsistent with the general principles of the Bill as agreed by the Parliament”.

If a bill is introduced with only one or two principal purposes, and the amendment would reverse, substantially alter or render ineffective a principal purpose of the bill, an amendment to leave out or substantially alter one of the purposes would not normally be admissible.

Jeremy Balfour: I seek further clarification. How would Parliament remove sections of the bill?

Joe FitzPatrick (Dundee City West) (SNP): We would vote against it.

Jeremy Balfour: We cannot.

Stephen Kerr (Central Scotland) (Con): Not in committee.

The Convener: Mr Balfour, for clarity, I point out that you can lodge an amendment to remove a section, unless it would be a wrecking amendment.

Section 1—Rent cap

The Convener: The first group of amendments is on operation of the rent cap. Amendment 1, in the name of Jeremy Balfour, is grouped with amendments 2, 3, 7, 14, 15, 17, 22, 27 and 32. If amendment 21—in the group that is entitled “application of the rent cap”—is agreed to, I cannot call amendments 22 and 27, due to pre-emption.

Jeremy Balfour: We had a very helpful debate yesterday afternoon at stage 1. A lot of evidence was given that supports the idea that the way to control the rights of tenants is not necessarily to control the rents that landlords can charge. We all understand that financial hardship faces many people in Scotland and that landlords and tenants face difficult times. However, in my view and in the opinion of most housing associations and experts, simply saying that we are going to freeze rents and have a controlled sector, as the bill does, will cause greater damage and bring less benefit.

During the speeches yesterday, my colleagues Murdo Fraser and Stephen Kerr gave examples of what has happened in other countries, including in the cities of Dublin, Berlin and Stockholm. In those three cities, more people have become homeless, less housing is available and the situation has grown worse. That is why amendments 1 and 32 are at the heart of what this Parliament should be trying to do.

We agree that action needs to be taken, and we are disappointed that the Scottish Government has taken so long to do anything. Surely, to do a wrong thing is not the answer. Just a few months ago, the Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights and the Cabinet Secretary for Social Justice, Housing and Local Government were making exactly the same argument as I am making today: they were saying that the proposal is not the way forward and that we need action from Government.

John Mason (Glasgow Shettleston) (SNP): Does the member accept that it is a temporary freeze or rent cap? It will last until the end of March and will not affect housing associations, although I accept that they are interested in what happens after April.

Jeremy Balfour: First, the point that I was making was that ministers, cabinet secretaries and the Government have changed their minds. If the

bill is passed unamended today and tomorrow, 18 months will not seem like a long time. I know that the Scottish National Party likes to talk about generations being a few weeks, but for most of us 18 months is not a long time. In my opinion, and in the opinion of housing associations and experts—if John Mason had listened to them in emails that he has received—a rent cap will force people to give up their properties, and more people will be homeless across our country. That is why I ask members to support amendments 1 and 32 in my name.

I move amendment 1.

15:15

Mark Griffin (Central Scotland) (Lab): I will start with amendment 1, which is in the name of Jeremy Balfour. I agree with him that the Government changed its mind on the issue, and we welcome that change of mind. We called for a rent freeze in the summer, so I am absolutely delighted to see the Government following where Labour has led. Therefore, I oppose amendment 1.

The amendments in my name in this group—all the amendments in the group apart from 1 and 32—are my attempt to be helpful to the Government, in particular to the First Minister. In her programme for government statement in early September, the First Minister said that rents would be frozen from that day. However, the bill does not propose to freeze rents from that day—for tenants who live in the private rented sector, rents can increase today, tomorrow, the day after that and for weeks and weeks up until 5 December.

My amendments are an attempt to be helpful to the First Minister to ensure that the statement that she made in Parliament remains accurate. My amendments would change the date in the bill from 6 September to 6 June, which would mean that any notice that is issued by a private landlord, which has three months to take effect, after 6 June would be ruled ineligible. That would mean that the First Minister’s statement that all rents were frozen from the day on which she made her statement on the programme for government would remain valid. On that basis, I ask members to support amendments 2, 3, 7, 14, 15, 17, 22 and 27.

The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights (Patrick Harvie): At the outset, I once again thank colleagues from political parties, stakeholders and, in particular, officials from the Government and the Parliament for the incredible pace at which they have worked in bringing us to this point.

As Jeremy Balfour set out, amendments 1 and 32 are very clearly intended to take away one of

the principal functions of the bill. He said that we had a powerful debate at stage 1—indeed we did, and Parliament agreed to the general principles of the bill. Even if his amendments are admissible, it seems to me that, at a political level, they would fundamentally undermine the purpose of the bill. The Conservatives have the right to disagree, but there is no ambiguity about the amendments: they fundamentally oppose the reasons why we are introducing the bill. In the context of a cost of living crisis, we believe that an emergency response is necessary. Tenants are particularly exposed to that cost of living crisis, which justifies a rent freeze.

We absolutely did not, as Jeremy Balfour suggests, argue the case that he is arguing a few months ago. We opposed an amendment that we were convinced would not have been legally competent. The provisions in the bill are legally competent and will be effective at protecting tenants.

The remaining amendments in the group, as Mr Griffin said, would have the effect of retrospectively applying, to 6 June rather than to 6 September, the rent control measures that are contained in section 1. The purpose of backdating the measures to 6 September is, as I think the First Minister has made clear, to avoid the programme for government announcement resulting in landlords seeking to avoid the effect of the measures by acting before we had time to bring the legislation before Parliament. We are seeking to avoid rent increase notices being issued in response to the announcement. Ensuring that that protection is given will be accomplished by the bill. It is a necessary part of the package that will deliver protections for tenants, and it gives a level of clarity to landlords and tenants.

I am afraid that I cannot accept the amendment to backdate the freeze to June. That would run contrary to the need for the law to be fair and certain, because it would change the effect of landlords having been unaware of the intention to change the law months before the programme for government announcement was made. To do so would inevitably open up the legislation to challenge and cause significant uncertainty.

Mark Griffin: The uncertainty was caused by the First Minister announcing in her programme for government statement that rents would be frozen from that day. That created uncertainty for tenants, who would rightly expect that rents would be frozen from the time when the First Minister made her announcement, not from well into December. If the minister will not accept my amendments, does he accept that the First Minister should change the record?

Patrick Harvie: The First Minister was clear, and I regret that the member is choosing to misinterpret what she said in that way. It is very clear that the intention is to prevent rent increase notices as a response to the programme for government announcement. The bill as it stands will achieve that.

Although I thank members for their contributions to the debate on this group of amendments, I must ask Parliament to vote against all the amendments in it.

The Convener: I call Jeremy Balfour to wind up, and to press or seek to withdraw amendment 1.

Jeremy Balfour: I have nothing to add, convener. I am happy to move.

The Convener: Will you confirm that you are pressing amendment 1, Mr Balfour?

Jeremy Balfour: I am, convener.

The Convener: Thank you very much. The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. As this is the first division of the afternoon, I will suspend the meeting for around five minutes. That will enable members to access the digital voting system.

15:21

Meeting suspended.

15:27

On resuming—

The Convener: We proceed with the division on amendment 1.

The vote is closed.

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): On a point of order, convener. Can I check that my vote was recorded?

The Convener: I can confirm that it was recorded.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, convener.—*[Inaudible.]*—I would have voted no.

The Convener: Thank you. I will ensure that that is recorded.

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): On a point of order, convener. The page would not load. I would have voted no.

The Convener: Thank you. I will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 27, Against 89, Abstentions 0.

Amendment 1 disagreed to.

Schedule 1—Rent Cap

15:30

Amendment 2 moved—[Mark Griffin].

The Convener: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)

Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
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 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 20, Against 95, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 not moved.

The Convener: We move to the group entitled “Application of the rent cap”. Amendment 4, in the name of Miles Briggs, is grouped with amendments 5, 6, 9, 10, 16, 21, 23 to 26 and 31. If amendment 21 is agreed to, I cannot call amendments 22 and 27, which were in the group entitled “Operation of the rent cap”, or amendments 23 to 26 in this group, due to pre-emption.

Miles Briggs (Lothian) (Con): Amendment 4, in my name, would remove the social rented

sector from the bill and exempt it from regulations. The social housing sector is already highly regulated and has taken important steps in keeping rent increases as low as possible. Furthermore, the Scottish Federation of Housing Associations has warned of unintended consequences from the bill for social housing and the development of affordable housing, as well as potential consequences for construction costs, which have increased, and for meeting net zero targets. We therefore ask members to support my amendment 4 and Willie Rennie's amendment 5.

Amendment 23, in my name, looks towards mid-market rent properties, which are an affordable housing tenure that housing associations offer. They are homes that are for rent to households that are on low to middle incomes.

Rents for MMR homes are generally set lower than private rents but higher than housing association rents for social housing. The tenure is an important part of the housing mix to support those who may not be eligible for or who cannot access social rented homes but who struggle to afford higher rents in the private rented sector. The issue is that the tenancy type is a private residency, so it is the same as homes that are rented from private landlords. We therefore hope that members will support my amendment 23.

My amendment 26 relates to rent increase notices that are sent to tenants before the legislation expires. The bill states that any rent increase notice that is served while the rent cap is in force will have no effect. That means in effect that no rent increase notice can be served on any tenant prior to 1 April 2023, if we assume that the rent freeze expires the day before that, so the rent freeze would remain in place until the end of April—not the end of March, as ministers have outlined—given the requirement to give 28 days' notice of any rent change in the social sector. We therefore believe that landlords should be able to provide such notices before 1 April.

I move amendment 4.

Willie Rennie (North East Fife) (LD): I will speak to amendments 5, 21 and 25. My amendments focus on the social sector and on mid-market rental properties in the charity sector. In short, I want to remove them from the bill's provisions. My rationale is that their inclusion will not help. The majority of tenants in the social sector will not benefit from the cap, as their rent is paid through universal credit. There are targeted funds to help people who are struggling and finding it difficult to pay their rent, and rents in the social sector are about half of those in the private sector, so the cap will not really help people with the cost of living, but the damage could be significant.

It is the uncertainty that is most damaging. Although the rent cap might never have an effect on rents in the social sector, uncertainty about whether it might will have a massive impact on planning for the future. That will mean a cut to house building and maintenance programmes. Even though they support the universal cap, several charities and organisations have highlighted that issue in their lobbying today.

The minister recognises that there is a problem. To his credit, he has been working to reassure the sector. He has committed to working in partnership with it. He has indicated that the social and private sectors might be decoupled after March, but I suggest that it would be much easier to decouple them now by removing the social sector from the scope of the bill. Tenants would continue to be protected by the sector, the uncertainty would be removed, planning could restart, new houses that were in doubt could go ahead, and existing homes could have new bathrooms, kitchens, windows and roofs fitted.

Yesterday, we heard wise contributions from Bob Doris and John Mason, who relayed the concerns of housing associations.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Although I will not support his amendments, does Willie Rennie agree that the statutory rent consultation process that all housing associations must conduct would be a useful tool in deciding whether to use the powers from next April onwards? I state again that, in principle, we are introducing a cap, not a freeze, so the powers could—in theory—be used sparingly, although my preference would be that the powers were not used at all. Does Willie Rennie agree that the rent consultation process could inform whether the powers are ever used?

Willie Rennie: Bob Doris is right. One benefit of the social sector is that such consultations have been in place for many years, which has resulted in very low rents—half of those in the private sector. My argument is that we should use those processes now, not just after March, but I accept Bob Doris's point that they might be a mechanism that could be used in the future.

I think that the social sector should be treated differently. Let us not fix what is not broken. My three amendments have three purposes. Amendment 21 would remove social housing from the scope of the bill. Amendment 25 would provide a longer notice period for rent cap changes, to allow the sector to consult on and prepare for any changes. I also support Miles Briggs's amendment 4.

Amendment 23 is about mid-market rents. I support removing such rents in the charity sector from the scope of the bill. Many organisations,

such as the Gannochy Trust in Perth, provide excellent housing that is of a high standard. In fact, recently, I saw its new houses, which have very high energy efficiency and mid-market rents. Such rents are, in effect, controlled now, so the bill is trying to control what is already controlled. The trust's future planning could be interrupted, so I suggest that we remove mid-market rents in the charity sector, as well as social housing, from the scope of the bill.

I urge members to support amendments 4, 5, 21, 23 and 25.

Pauline McNeill (Glasgow) (Lab): My first set of amendments in the group—amendments 6, 16 and 24—address the matter of landlords not raising rents between tenancies. Up to 31 March 2023, the amendments would prevent a landlord from raising the rent of a property between tenancies and would apply to private rented sector short assured tenancies and Scottish secure tenancies. I want to test a couple of issues from my Fair Rents (Scotland) Bill of the previous parliamentary session in relation to this bill, and this is one of them.

I have a concern that, unless the issue is addressed, we might see a surge in illegal evictions or illegal rent increases. Third sector organisations have raised that in their briefings for members this week. Citizens Advice Scotland, the Joseph Rowntree Foundation, the Poverty Alliance and Shelter Scotland are concerned about unintended consequences of the bill for tenants and landlords; with low public awareness of the issue, they are concerned that there runs the risk of an increased number of evictions and unlawful rent increases, with unclear options for redress.

I ask ministers to consider their response to the concern that, although the framework of the legislation is clear on how things will work if landlords operate within the law, a small minority of landlords might not operate within the law. I ask them to also consider the fact that being “between tenancies” means that the tenant has already been evicted and the landlord can impose a new rent, which is not subject to a rent freeze. The joint briefing from the organisations that I named expresses sincere and widespread concerns about illegal evictions, which I ask ministers to address.

My amendments 9 and 10 relate to the statement that, under the framework of the bill, landlords will make in relation to their application to increase rents. The amendments would ensure that landlords cannot insist that their proposed increase is applied until after the rent officer or First-tier Tribunal of Scotland has approved it. Further to that, the landlord would have to make it clear in their communication to the tenant that the

new rent was not payable until it had been approved.

I am exploring that because I do not believe that we have the right balance between landlords and tenants in the legislative framework beyond the bill—Richard Leonard made that point yesterday in the stage 1 debate, as did other members. Where possible, we must seek to balance the situation for what might be fearful tenants who think that, because their landlord has applied for an increase, it will automatically be approved. I would like landlords to have to explain to their tenants that they are applying for an increase and want that to be included in the statement, because the tribunal might not be satisfied that the hardship test has been met.

I do not want to comment much on the amendments from Willie Rennie and Miles Briggs in the group. However, I have one point to make to Willie Rennie.

Edward Mountain (Highlands and Islands) (Con): I thank Pauline McNeill for taking an intervention. As I noted yesterday, my entry in the register of members' interests shows that I own private rental housing.

The problem with First-tier Tribunal arbitration is that the current wait time is eight to nine months. The financial memorandum for the bill says that there are sufficient funds for it, but obviously there are not. Will Pauline McNeill reflect on whether, to comply with her wish, the First-tier Tribunal would have to have more money so that it could sit more regularly and give satisfactory answers quickly to tenants?

Pauline McNeill: It is difficult to disagree with Edward Mountain on that. In anything that I have ever said in the Parliament on the issue, I have always tried to strike the right balance between landlords and tenants, and it does not help anyone to have an inefficient tribunal system. I have no difficulty in agreeing with his comment.

I do not want tenants thinking that, because a landlord has applied for an increase, it will be approved—notwithstanding Edward Mountain's point that the process can take some time. I totally accept that that is not fair to the landlord, but it is also unfair to the tenant. Through my amendments, I seek fairness for tenants.

I have one point to make to Willie Rennie about universal credit. It is quite important to understand that, in the housing support sector, for people who are on low pay and who do not get universal credit or other support from the Government, it is incredibly hard to access hardship funds. I have argued that many times. I ask members not to discount poor families and children—particularly those in the private rented sector, which is where poverty mainly lies—and to do more to ensure that

those families have the support that they need to maintain their tenancies. I have spoken for long enough and will allow Willie Rennie to intervene.

15:45

Willie Rennie: I have no great disagreement with Pauline McNeill, especially on her point about the poverty of people who have tenancies in the private rented sector. My point about support mechanisms is simply that hardship grants are available through housing associations. Those grants are perhaps not worth as much as we would like them to be, but they are available and will help those who are struggling to pay their rent, on top of those who receive universal credit. That is my central point, and I think that that outweighs the disadvantages of including the social rented sector in the scope of the bill.

Pauline McNeill: The member makes his point very well, but I hope that my point is not overlooked. If the provision of support is based on entitlement to hardship funds, by and large many people will not meet the test. Such provision is not universal. When we are in the middle of an acute cost of living crisis, the fact that those who do not receive Government support need better ways to support their tenancies is an issue that we must address further down the line. I make that wider point.

Alex Rowley (Mid Scotland and Fife) (Lab): I am pleased to speak to my amendment 31, because I feel that an opportunity has been missed to extend the proposed protections to a group that the bill has overlooked. Care home residents are, in effect, tenants in the same manner as students are, yet while the bill offers students protection, care home residents are sidelined. Some care home charges fall under common-law tenancies in a similar manner to student residential tenancies and include, for example, accommodation, utilities, food and insurance. My amendment mirrors the wording of the provisions that relate to student residential tenancies and seeks to apply them to eligible care home charges.

Great effort has been put into ensuring that students are included in the bill's provisions, despite the fact that more complex arrangements might be in place. The same concern has not been shown to care home residents. The Parliament's bills team has advised that independently funded supported person contracts could be considered to be equivalent to those for student accommodation and could therefore fall within the scope of the bill.

When Mercedes Villalba lodged amendments to the Coronavirus (Recovery and Reform) (Scotland) Bill to freeze rents, the Deputy First Minister responded by saying what was wrong

with those amendments and where the weaknesses lay. I intervened to ask him what the Government was going to do about the excessive rent rises that Mercedes Villalba had highlighted. I have lodged amendment 31 in order to raise the same issues. People who have to pay their own care home fees are having excessive costs piled on them.

I highlight the plight of self-funders in care homes and their families, who say to me that they are being fleeced, and no one seems to care. I have heard from care home residents who face monthly increases in the charges that they pay. Although safeguards are in place for many tenancies to stop rent increases taking place more than once a year, the same protection is not afforded to care home residents who are self-funders. People tell me that they are struggling to keep up with the continual rises in fees and that all their money is disappearing as they seek to meet those rises. Often, those people have worked hard and saved up throughout their lives. Now, that money is disappearing, as a result of ever-increasing care home fees.

It is worth restating that such people do not have major wealth; they have worked hard all their lives, saved a bit and bought their homes. They now need support and care, and they are told that they must pay for it. As costs go up but local authority fees remain stagnant, those people are the only source of additional income for private care home operators.

I say again that residents and their families feel as if they are being fleeced, and they want the same protections as all other renters have. I look forward to hearing what the minister has to say, because the situation cannot continue. Those people cannot be ignored, and neither can the fact that charges are continually being put up. It seems to those people that there is nothing that they can do and nobody cares.

Edward Mountain: I speak in support of Willie Rennie's amendment 5 and Miles Briggs's amendment 23. I do not think that anyone can argue that housing associations and charities have not worked extremely hard to meet the needs of their tenants. They have struggled in previous years with rent caps.

One of the big issues with the cost of living crisis is that houses are incorrectly insulated, which is why we need to invest in the insulation of houses. A survey that I carried out in Wick alone suggested that, of the 850 properties that the council owns, 530 are below energy performance certificate rating C. It would cost in excess of £21 million to get those properties up to the correct level.

We need to encourage landlords to invest in their properties, and I, along with many other Highland MSPs this morning, received a disturbing email from a housing association that is going to have to review its future investment in properties as a result of the bill. It has—rightly—agreed a rent freeze, and it was looking to have a rent increase in line with inflation next year. That seems to be sensible—it was helping its tenants this year in order to invest next year. Now, it is in the position where it has helped the tenants this year but it cannot help them next year by investing in the fabric of its buildings, because it will not be allowed to address the issue of rent.

We need to remove housing associations and charities from the bill so that they can address that issue and carry on with such investment. If we do not give them certainty into the future, the supplier industry is such that any work that might be allowed if the rent freeze did not continue would not be able to be programmed, because the materials would not have been requisitioned early enough.

That is why I support amendments 5 and 23, and I believe that the Parliament should too, because to do so will not only help tenants but address the problem of insulating properties, which Scotland should be trying to achieve.

Patrick Harvie: Before I turn to the amendments, I will respond to those last points on energy efficiency. The Government has given not just a clear indication but a clear commitment on investment in energy efficiency across our built environment and in social housing, in particular. Edward Mountain is quite right to draw attention to the critically important nature of that investment in reducing our emissions and tenants' energy costs. I would refer Edward Mountain to the recent comments of the British Energy Efficiency Federation, which, in giving advice to the UK Government, said that it should follow the Scottish Government's lead on the support that we are giving in the area.

Edward Mountain: Will the minister take an intervention?

Patrick Harvie: If it is brief.

Edward Mountain: It will be very brief. I understand that the Scottish Government wishes to invest in housing, but insulating old housing costs a lot of money. I have been a surveyor and I have had properties that have had to be insulated, and it is my estimate that it costs £40,000 to £50,000 to get a property up even one level of the EPC ratings. That is nowhere near what the Government is promising for its social housing.

Patrick Harvie: I will turn to the amendments. In response to one of the last points that was made, I remind the members who are moving

amendments 4, 5, 21 and 23 that, fundamentally, the commitment to a zero per cent rent cap for the first six months has reduced the income of no social landlord in Scotland and no decision has been made about the future. We are working constructively with the sector in order to inform those decisions. Amendments 4, 5, 21 and 23 would have the effect of removing registered social landlords, their wholly owned subsidiaries and local authorities from the rent cap.

As we discussed yesterday, we propose the application of the rent cap until 31 March in the first instance and having it separately variable between the private and social rented sectors in order to take account of the sectors' distinct nature. That date was set with the social rented sector in mind, as we are aware that rents in that sector are not generally set until 1 April and will not increase before then. We set that date specifically to ensure that those emergency measures do not immediately impact on the finances of the social rented sector without full consideration of its perspective.

Willie Rennie: The minister is right about that point. Does he not accept, however, the broader point about the huge uncertainty that exists? I know that he has had good discussions with the sector and that a good partnership is in place, so the sector will probably be given a bit of foresight about what is happening. However, it will not be given a guarantee that the cap will not extend beyond March, and the uncertainty around that will have a long-term effect on the planning of the building of new homes, maintenance and the rest of the package. Does the minister not accept that point about uncertainty?

Patrick Harvie: I will come to some of the arguments around Mr Rennie's amendments and some of the reasons why I do not think that his approach would give certainty in the way that he suggests.

We are firmly committed to working with the sector as well as supporting it to undertake meaningful consultations with tenants while that work continues. To drive that progress forward, we have established a short-life task and finish working group that brings together Government officials with leaders from across the sector to identify and consider the available options.

Every discussion in which I have taken part with the sector—I think that this is true of the cabinet secretary's discussions with it as well—gives me great confidence that we can find a way to meet the needs of tenants in the sector, who would have the same expectation of security for themselves as other tenants, and the needs of the sector as well as the wider purposes of social housing. I am therefore not able to support

amendments 4, 5, 21 and 23, and I ask the members not to press them.

Amendments 6, 16 and 24, in Pauline McNeill's name, raise a substantive issue. The aim of the bill is to protect tenants, helping them to stay in their homes during the cost crisis by stabilising their housing costs. The average tenancy in Scotland lasts around 18 months, so the emergency measures will provide protection to the majority of tenants. The application of the rent freeze on that basis responds to the need to ensure proportionate measures.

Pauline McNeill has mentioned the risk of illegal evictions. The additional penalties that the bill will provide create a strong disincentive for landlords to pursue unlawful evictions. The member is quite right to raise the issue about raising awareness in the sector among tenants and landlords, and we will debate that point when we get to other parts of the bill.

Prospective tenants who enter into a new tenancy will do so on the basis of an agreed rent, and they will immediately have protection from any rent increase, as the provisions in the bill will apply while their tenancy is in effect.

Pauline McNeill: The minister has perhaps clarified the matter with his last point, but I want to make sure. If a tenant's lease is due to end within the six-month period of the bill, the landlord could just not renew the lease. Is the minister saying that the bill would protect tenants—that the rent would be frozen? If he is saying that, I am content; if he is not, my point that there should be a rent freeze between tenancies is valid.

Patrick Harvie: The majority of tenants have security of tenure. We might need to continue to discuss aspects of those provisions with Pauline McNeill over the course of the day. The enforcement of a rent freeze or rent controls—

Edward Mountain: On a point of order, convener. Is the minister saying that, under the latest legislation—which he will know—tenancies will end? That is not true. If that is what he has just said, that is wrong. I would like the minister to clarify that point.

16:00

The Convener: I do not believe that that is a point of order; it is a debating point.

Patrick Harvie: I do not believe that it is a point of order, and I do not believe that that is what I said.

To return to the points raised by Pauline McNeill, end-tenancy rent increases generally do not take place in the social rented sector, and most rents have been set annually from 1 April.

There are very important longer-term arguments here about the operation of the rented sector, which we will continue to address in our longer-term work on permanent changes to legislation, but I am afraid that, in the context of this emergency bill, I am not able to support the amendment to extend the bill to inter-tenancy rent increases. I therefore ask the member not to move her amendments. If they are moved, I ask Parliament not to support them.

Turning to Pauline McNeill's amendments 9 and 10, I again ask the member not to move the amendments. We all want to make sure that tenants are well informed, but the amendments are flawed in their references and would require to be mirrored in the provisions relating to tenancies in the Housing Act 1988. However, in considering those issues, we would be content to bring back an amendment at stage 3, tomorrow, with the correct references that addresses the points that Pauline McNeill seeks to address in amendments 9 and 10.

Willie Rennie says that amendment 25 seeks to achieve clarity, but I do not believe that it would do that. It would require a lengthy notice period to be provided by the Scottish ministers when laying regulations to modify the rent cap for social tenancies. As I said, the Scottish ministers will work closely with social landlords and tenants in social tenancies to discuss any changes to the rent cap, but amendment 25 would remove the ability of ministers to react to changing circumstances, in order to protect the interests of landlords when the cap must be increased.

Equally, any future decrease in the rent cap, if it had already been increased, could not be actioned quickly due to the amendment. There are existing procedural safeguards in the bill, as the rent cap can be increased only by regulations that are subject to the affirmative procedure.

To ensure that Scottish ministers can react quickly to changing circumstances, I cannot support the amendment, and I invite Willie Rennie not to press it. If it is pressed, I urge members to reject it.

I turn to Miles Briggs's amendment 26. We also cannot agree with that amendment in its current form, but it raises an important issue that we agree needs to be addressed. Therefore, we will lodge a stage 3 amendment to allow rent increase notices to be issued for the social sector if the cap is lifted one month before 1 April 2023, to allow social landlords to issue rent increase notices in time for them to take effect on 1 April. That is an important issue, and, as I say, we intend to address it tomorrow at stage 3. I hope that Miles Briggs will accept that position.

I am afraid that I also cannot accept amendment 31. There is an understandable desire, as we debate emergency legislation in relation to the cost of living, to widen the debate out beyond rented housing, but I am afraid that we are not able to do that. Amendment 31 clearly widens out the debate beyond the issue of rented housing.

There are key differences between living in rented housing and living in a care home that mean that it is not appropriate to address care homes in this bill, which relates to the protection of tenants. In a care home, the purpose of the accommodation is the provision of a service, so the charges are an amalgamation of charges for services and accommodation. Charges cover food, heating, care, support and workforce costs, among other elements.

Care homes do not offer tenancies; instead, residents have a residency agreement that sets out, among other things, the services that will be provided, the payment of fees and charges, and notice and termination periods for the residency agreement. The Government recognises that care home fees can be high for independently funded supported people, which is why free personal and nursing care rates have been increased by more than the inflationary measure for the past two years.

Pam Duncan-Glancy (Glasgow) (Lab): Is the minister aware that one reason why care home costs are so high is that they have ancillary costs attached, including rent, and that it is easy to subtract that from their usual bills?

Patrick Harvie: I am afraid that I do not think that the amendment offers a way to disambiguate those costs. We will continue to work with the UK Government to address the increasing energy costs that the sector faces, to mitigate any impact from that on increasing fees. Having said that, I am afraid that I must—

Alex Rowley: Will the minister take an intervention?

Patrick Harvie: I will.

Alex Rowley: The important point of lodging the amendment was to raise the plight of self-funders. One person who wrote to me said that their costs went up from £2,669 to £2,786, and then to £3,221, all within a six-month period. Is the Government aware of the massive pressures that are being put on self-funders and of the fact that they are the only people who seem to be being asked to pay the price? The Government and local authorities have not put up care home costs for people who receive state funding; they have put up costs only for self-funders.

Patrick Harvie: The Government is aware of the impact on people in care homes and of the

issues that the member raises, but I am afraid that they go significantly beyond the issue of rented housing, which is what the bill seeks to address. I suggest that the member engage in dialogue with the Minister for Mental Wellbeing and Social Care to address those issues further. I entirely respect the intention with which he has raised them, but I am afraid that the amendment goes beyond the purpose of the bill. Therefore, I urge the member not to move amendment 31. If he does, I am afraid that I must ask the chamber not to support it.

The Convener: I call Miles Briggs to wind up and to press or withdraw amendment 4.

Miles Briggs: It is my intention to press amendment 4 and to ask members to support Willie Rennie's amendment 5. This is our one opportunity to remove the social rented sector from the bill, and members across the Parliament need to take it, because the damage that including that sector and its not seeing the future investment that is vitally needed for all our communities would cause is unacceptable. I hope that it will be removed.

I will also move amendment 23. However, given what the minister said about amendment 26, I am happy not to move that amendment and to have discussions before stage 3, tomorrow.

The Convener: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should cast their votes now.

The vote is closed.

Edward Mountain: On a point of order, convener. I could not connect to the voting app. I would have voted yes.

The Convener: Thank you. We will ensure that that is recorded.

Màiri McAllan (Clydesdale) (SNP): On a point of order, convener. My app froze. I would have voted no.

The Convener: Thank you. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)

Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 30, Against 85, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Willie Rennie].

The Convener: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should cast their votes now.

The vote is closed.

Bob Doris: On a point of order, convener. I could not connect to the digital platform. I would have voted no.

The Convener: Thank you. We will ensure that that is recorded.

Fiona Hyslop (Linlithgow) (SNP): On a point of order, convener. I could not cast my vote. I would have voted no.

The Convener: Thank you. We will ensure that that is recorded.

Liam McArthur (Orkney Islands) (LD): On a point of order, convener. My app was not connected to the system either. I would have voted yes.

The Convener: Thank you. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)

Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 31, Against 85, Abstentions 0.

Amendment 5 disagreed to.

Amendment 6 not moved.

The Convener: Amendment 7, in the name of Mark Griffin, has already been debated with amendment 1. I call Mark Griffin to move or not move amendment 7.

Mark Griffin: I apologise to you, convener, and to other members in the chamber. I should have drawn members' attention to my entry in the register of members' interests as the owner of a

rental property in North Lanarkshire. I apologise for not doing that at the start of the debate.

Amendment 7 not moved.

The Convener: Thank you, Mr Griffin.

The next group is on landlord protection. Amendment 8, in the name of Jeremy Balfour, is grouped with amendments 11 to 13, 18 to 20, 28 to 30, and 72.

Jeremy Balfour: I will speak to amendments 8, 11, 12, 13, 18, 19 and 20. The amendments would allow the landlord to apply to a rent officer for a rent increase that would cover 100 per cent of any increased property cost. That would ensure that the tenancy remained financially viable for the landlord and that the increased costs associated with a property could be paid to ensure the ongoing quality of a property. It would also have the positive effect of the tenant not having to leave a property.

As the bill stands, the Government has put in the figure of 50 per cent, but in my view, with the situation that we will have over the next few months, that will still cause problems. That view was highlighted to me yesterday evening as I went home on the bus. I was a bit surprised that one of my constituents had engaged, listened to the debate and decided to discuss it with me on my way home. They have a property in Edinburgh that they had bought for a relation, with a mortgage. That relation has now died, so a tenant has gone into the property and is living there. However, the owner is not particularly well off and the rent covers their mortgage and other costs. Without that rent, they could not pay the mortgage and would have to take the property back and sell it. They expect that, over the next couple of months, their mortgage will go up. *[Interruption.]*

16:15

Patrick Harvie: I wonder whether, as a number of members are already commenting, Jeremy Balfour would reflect on and acknowledge the cause of the increases to which he refers and where political responsibility for those reckless choices lies.

Jeremy Balfour: I find that to be an interesting narrative coming from the Scottish Government. I was elected to the Parliament to represent my constituents and make decisions—

The Cabinet Secretary for Health and Social Care (Humza Yousaf): Mortgage rises!

The Deputy Convener (Liam McArthur): Mr Yousaf!

Jeremy Balfour: Does the cabinet secretary want to intervene or does he just want to shout?

Humza Yousaf: I am happy to intervene to say that Jeremy Balfour's constituents and mine are facing mortgage rises because of his party's economic vandalism.

Jeremy Balfour: No doubt the interest rate increases across western Europe are all to do with Westminster, as well. *[Interruption.]*

The Deputy Convener: Let us listen to Mr Balfour.

Jeremy Balfour: I come back to my constituent because, after all, we are here to represent our constituents—not to make cheap political points.

My constituent has informed me—*[Interruption.]* Obviously, the committee does not want to hear this. My constituent has informed me that any rise in their mortgage for whatever reason will mean that they will have to use the provision in the bill on financial hardship and evict the tenant to sell the property. Having had several other emails from constituents in Lothian as the debate has been going on, I suspect that that individual will not be the only one who does that.

If the Government wants to pursue the policy, which, as we have heard from other parties, might be challenged in court—let us be honest that the Scottish Government's record on getting bills legally right is not good—let us at least protect landlords from having to sell property because of a financial situation that they have not created. We are not asking for profit. We are not asking that anyone benefit financially from the policy. We are simply talking about covering costs. If the Scottish Government cannot see that that is a fair and reasonable thing to do—

Mark Griffin: Jeremy Balfour makes the point that a landlord should not face hardship because of costs that are outwith their control and that they should be allowed to sell the property to recover those costs. Why should a tenant be made homeless by a landlord selling the property because of costs and things that happen that are outwith their control?

Jeremy Balfour: With respect, I say that I do not think that Mark Griffin quite understands what we are trying to do. We are trying to stop that; we are trying to prevent the tenant from having to leave the property because the landlord simply cannot afford to pay his or her mortgage. That will happen because, if the landlord does not sell the property, the bank or building society will come and take it off them, my constituent on the bus will have a negative credit rating and the tenant will still be evicted. It will be a lose-lose situation.

I believe that my amendment 8 is a reasonable one that will protect tenants and landlords for the next six to 18 months and will allow people to plan with the certainty that they will not lose their

property. For that reason, I ask the committee to support amendment 8.

I move amendment 8.

The Deputy Convener: I call Mark Griffin to speak to amendment 14 and other amendments in this group.

Mark Griffin: Groups 3, 4, 5 and 6 have a number of amendments that work across the groups and are linked together. The amendments would ensure that exceptions related to substantial arrears and financial hardship on the part of landlords can apply only where a high test of financial hardship applies as a result of those financial arrears. We are saying that landlords should not just—

Miles Briggs: Convener, I think that that is maybe the wrong group.

The Deputy Convener: We will have a brief suspension while I check the papers.

16:21

Meeting suspended.

16:23

On resuming—

The Deputy Convener: I apologise to the committee, and particularly to Mark Griffin, who tried to style it out commendably. My mistake.

I call Murdo Fraser to speak to amendment 28 and other amendments in the group.

Murdo Fraser (Mid Scotland and Fife) (Con): That is a perfect illustration of what happens when we try to rush legislation through Parliament without proper scrutiny and consultation.

Before I come to the amendments in the group, because this is my first contribution, I remind members of my entry in the register of members' interests, which states that I am a member of the Law Society of Scotland and that I have an interest in two properties that are let on a long-term basis.

I have three amendments in the group. Amendments 28 and 29 cover essentially the same point. The bill, as it is presented, provides that, in the private rented sector, landlords are able to increase rents to cover up to 50 per cent of increased costs, such as finance costs or insurance premiums. However, that provision applies only to the private rented sector, not to the social rented sector. Amendments 28 and 29 seek to extend the measure to cover the social rented sector.

Yesterday, in the stage 1 debate, we heard a number of members from various political parties

speaking about the importance of the social rented sector. That is a view that is widely shared across the chamber, so I hope that there will be some sympathy for social landlords, who will face similar pressures to private landlords with regard to increasing costs, whether that involves finance, insurance premiums or other things. Therefore, my amendments 28 and 29 seek to give social landlords the additional protection that already applies in the private rented sector.

Amendment 29, which is my preferred amendment, provides that social landlords would have 100 per cent protection from increased costs. However, an alternative that members might find more amenable is my amendment 28, which would restrict that protection to 50 per cent, in line with what is provided for private landlords. I simply observe that the Scottish Federation of Housing Associations, in its briefing for the debate this afternoon, has expressed support for my amendment 28, and I encourage members to listen to what the federation has to say on that particular point.

Amendment 30 deals with a slightly different point. The rent freeze that is encapsulated in the bill relates to "any sums" that are paid by the tenant to the landlord. In some tenancies, the cost of utilities, such as gas or electricity, are not charged separately and will, therefore, be caught by the rent freeze. As per schedule 1 of the bill, the rent freeze would also apply to utility charges arising from the tenant's utilities use, except where those are deemed to be "excessive". Therefore, if a landlord sees a large increase in utility costs, they are not, as the bill stands, permitted to pass that on to the tenant, unless the tenant's use of those utilities is excessive.

The difficulty with that is that we do not know what is meant in the bill by the word "excessive". Perhaps the minister, in responding, can tell us what is excessive use of utilities. There is nothing in the policy memorandum that indicates what that might be. Would it be 10 per cent, 50 per cent or 100 per cent above the norm? What is the definition of "excessive"? It seems to be unreasonable that the landlord is not able to pass on any increase in utility costs, except where it is excessive, when we do not know what "excessive" means. My proposal is that we remove the word "excessive", which is not defined. That would ensure that the tenant who is using the utilities pays for the utilities and the tenant's use of the utilities is not billed to the landlord, which seems to be the provision in the bill, as drafted.

The Deputy Convener: I call Jamie Greene to speak to amendment 72 and other amendments in the group.

Jamie Greene (West Scotland) (Con): I will speak only to amendment 72, convener.

I feel like the odd one out, because I have no interests to declare in relation to rental properties. [Laughter.]

Stephen Kerr: You are not alone.

Jamie Greene: I am glad that I am not alone. It seems that the members on the SNP benches have more of such interests to declare. [Interruption.] I am not pointing at anyone—for example, in the third row up, on the right.

On a serious note, I do have an interest in today's proceedings, because my mother lives in a housing association home, and I have quite grave concerns about the state of it. My mother, many of her neighbours and many in my community need vital upgrades to their heating, windows and doors. Those necessary upgrades—which would help to insulate their homes and lower their heating costs, and would help our whole country meet our net zero targets—are all clearly at risk, because of how we have just voted on amendment 4, in the name of my colleague Miles Briggs. I commend him for lodging that amendment.

We have all had correspondence, which I hope that we have all read, from housing associations, which are on the record as being explicit about the risk to those vital upgrades and investments in current—not new—properties. Much of their stock is old, ageing and dilapidated. I know that, because I have seen the insides of many of them, as I am sure we all have.

Amendment 72 is based on the following simple assumptions. First, the Government is seeking to use the law to cap the amount of rental income that a private landlord can charge. Secondly, many landlords—although not all—will have used buy-to-let mortgages to fund the purchase of those properties. Thirdly, there is often a very direct financial correlation between the amount of rent that is received from the rental property and the mortgage. In fact, for many, there is a simple pass-through between the rental income and the outgoing mortgage payment. There is not always profit involved for many small landlords. Fourthly—and this is the point of amendment 72—if, as a result of a cap that the Government has introduced, the rental income is less than the amount of the mortgage that is payable on that property, I believe that that will cause financial issues for the property owner.

That could potentially put them at risk of defaulting on the debt and, in the worst cases, put the property itself at risk. Mortgages are big financial contracts between a borrower and a lender. A borrower runs the same risk as anyone else does of falling foul of that contract due to non-payment if they cannot afford to make the payments.

16:30

Michelle Thomson (Falkirk East) (SNP): It is only fair to note that in the exact circumstances that you outlined, the real issue is section 24 of the Finance Act 2015 from Westminster, which provides that such costs cannot be offset as a legitimate business expense. Perhaps you should clarify that for everyone here. In other words, Westminster legislation has greatly contributed to that situation.

The Deputy Convener: I remind members to talk through the chair.

Jamie Greene: I am not sure whether the member declared her interest at the beginning of her intervention, but she is really scraping the barrel here. We are talking about her Government introducing legislation that caps the amount of revenue that can be charged for rental properties. At the same time, the same landlord, who might have only one property, also has a mortgage to pay on that property. There is a direct correlation, which is what I am pointing out—that is the point of my amendment.

If the member wants to listen carefully, I will share my philosophical view about this. If her Government introduces a policy that caps rental revenue, it—not the wider public and certainly not the people who will be affected by the policy—should pay for it.

Shona Robison: I want to make sure that we are understanding the amendment and its purpose clearly. As we know—it has been referred to by other members—the UK Tory Government has trashed the economy. One of the results of that, as Jamie Greene knows, is a massive rise in interest rates, which is putting people's homes at risk and putting up landlords' mortgage costs, which is the point of his amendment. That is correct, is it not? That is the point of his amendment.

The Scottish Tories are now coming to the chamber with an amendment that would put Scotland's public finances in place to pay for that Tory incompetence by paying for any rise in interest rates on landlords' mortgages. That is what the amendment says. It seeks to use public money to set up a scheme to cover any increase in the interest rates on landlords' mortgages, which is directly related to the economic folly of the Tory Government. That is an incredible amendment for the Scottish Tories to bring to the chamber. It would be good if Jamie Greene could clarify whether that is exactly what his amendment seeks to do.

The Deputy Convener: There is an opportunity for any member who wishes to speak in the debate to press their request-to-speak button, but interventions should be interventions rather than speeches.

Jamie Greene: The cabinet secretary is welcome to participate in the debate—

Miles Briggs rose—

Jamie Greene: One second.

The cabinet secretary is welcome to participate in the debate rather than give lengthy, grievance-riddled speeches about Westminster, Tory Governments and Tory this and that.

Shona Robison rose—

Jamie Greene: We have heard quite enough, cabinet secretary.

I will answer the question directly, and then I will take another intervention. My point is that it is this Government's policy to introduce a cap on the amount of revenue that can be gained from rent. Whatever the rights and wrongs of the policy—we can have a debate about that—if it means that the property is put at risk, which might well be the case, that is a problem. I will come to the evidence base behind that, if the cabinet secretary wants to listen. I am simply asking why the public, not the Government, should pay the price of that policy. It is the Government's policy to introduce that cap, not the public's.

Miles Briggs: I listened to the flawed logic of the cabinet secretary. What she is saying also applies to the social rented sector. In other words, it is this SNP-Green Government that is trashing the social rented sector in Scotland.

Jamie Greene: The sad truth is that Mr Briggs is right. If we are in a scenario in which, as a result of the cap, social housing providers cannot put vital investment into degraded housing stock, on this Government's head be it.

We know that we could be in a situation in which landlords simply cannot afford to pay their mortgages or meet other costs.

I accept that there is provision in the bill around that, but I simply do not think that it goes far enough. We do not want to see people getting into difficulties, and we certainly do not want to see property market stock reducing as a by-product of the legislation because that would lead to real issues. I think that that point will be made throughout the debate.

Stephen Kerr: Will the member give way?

Jamie Greene: Just one second.

I will close, in the interest of time—we will be here all night otherwise—by mentioning an email from a landlady in my region, who wanted me to pass on a message to the Government. She has only one rental property, which is her only source of income and being unable to put up the rent or evict non-payers could put her into a difficult

situation or near bankruptcy. She said that she is already near that stage. She also said that not all landlords are big portfolio owners with lots of money, but everyday people with a little money and that the blanket policy does not fairly consider the thousands of landlords across Scotland who also are struggling. She is absolutely right. Why are we not listening to people like her?

Shona Robison: Jamie Greene makes an important point. The point made by the landlady is the reason why the bill includes safeguards to cover that very scenario. I hope that he will reassure her about that. It is important that we all reassure our constituents when we get the opportunity to do so.

Jamie Greene: I am glad that the cabinet secretary mentioned safeguards. As far as I can see from section 33A, any increase is capped at 50 per cent of any rise in property costs and that rent can go up only by a maximum of 3 per cent. If I am wrong about that, I am happy to stand corrected. For many, that simply might not be enough, which is why I will be moving my amendment.

This is a path of the Government's own choosing, whatever the rights and wrongs of it. People have different views on that. I am simply saying that the Government should pay for that, or at least be honest with people. If the Government disagrees with my amendment, it should be up front, honest and clear in telling landlords that it is asking—in fact, it is expecting—them to pay for that policy. That is all that I have to say on the matter.

The Deputy Convener: I call Mark Griffin.

Mark Griffin: I was not planning to speak to this group of amendments until you called me, much to my surprise, convener. However, given how the debate has gone, I feel that I must speak to amendment 72 in the name of Jamie Greene. I cannot believe that a Conservative MSP would lodge an amendment that would give public subsidy to a private landlord struggling with their mortgage, which is the direct fault of his UK Government's actions in pushing up interest rates. *[Interruption.]* I will not give way at the moment. I cannot believe that the Conservative Party's priority is to protect landlords from rising interest rates, but that it has no plans whatsoever—it has put forward no proposals—to support the hundreds of thousands of households who are paying the price for his Government's ineptitude as a result of skyrocketing interest and mortgage rates.

Patrick Harvie: Clearly, this group of amendments has opened up the opportunity for some of the fundamental differences in approach that were debated yesterday to be heard again

today. Obviously, we welcome a robust exchange of views. We have very divergent opinions, although I expect that those divergent opinions on the fundamentals are between the Conservatives and all the other parties in the chamber. Even if some colleagues might disagree on some of the details, I think that we are mostly on the same page on the fundamentals.

In addressing Mr Balfour's amendments, I want to look at some of Mr Greene's comments about balance. Fundamentally, in crafting the bill, we have had to ensure that there is a balance of interests between landlords and tenants. The purpose of the package of safeguards that we have built into the bill is to recognise the exact point that Mr Greene makes. Not all landlords are hugely wealthy, with hugely profitable businesses and extensive property portfolios. Some are, but some landlords are the kind of people that Mr Greene described. The package of safeguards in the bill is designed precisely to address their circumstances.

Indeed, the Scottish Association of Landlords has recognised that. On the radio this morning, John Blackwood said:

"We all support the idea that tenants do need protection."

He went on to say:

"Certainly we do welcome the mitigations in the bill".

On several occasions outside of that interview, Mr Blackwood has also recognised the work that the Government has done to produce a balanced package. Indeed, if we had not produced a balanced package, we would not have been able to satisfy ourselves or the Presiding Officer that the bill is within the Parliament's competence. It has to achieve that balance in order to be within competence, and that is what it does.

Jamie Greene: I thank the minister for acknowledging that I lodged the amendment in good faith as a result of the feedback that I am getting. Does he also recognise that the same John Blackwood was explicitly clear that, because of the challenges, some landlords will soon find themselves

"in financial difficulty and, ultimately, having to take action by selling the property and exiting the sector"?—[*Local Government, Housing and Planning Committee*, 4 October 2022; c 22.]

Surely none of us in Parliament wants that. We do not want to see a reduction in the private stock, because it is needed—whether we like it or not.

Patrick Harvie: None of us wants to see anybody in this country facing financial hardship. I only wish that both Governments were acting with due regard to that risk.

I will come on to Mr Greene's amendment, but I want to address those wider points about balance first, because they also relate to Mr Balfour's amendments 8, 11, 12, 13, 18, 19 and 20.

Mr Balfour once again sets out—quite fairly, as he is within his right to do—that he is fundamentally against the measures in the bill. He does not support the measures that we are taking to protect tenants. I urge him, as well as others, to recognise comments that the Scottish Association of Landlords has made about the balanced package of safeguards. He is concerned about people facing costs that are outwith their control, but he seems to be concerned only about landlords who face costs that are outwith their control. I think that Mr Griffin was quite right to pick up that we should be concerned about landlords and tenants.

Jeremy Balfour: Will the minister give way?

Patrick Harvie: I will give way in just a moment.

The need for that balance is what the 50 per cent figure seeks to recognise. It seeks to ensure that, if there are increases in prescribed, limited costs, they will be balanced between landlord and tenant.

Jeremy Balfour: Does the minister concede and accept that if the landlord cannot pay his mortgage, the tenant is very likely to face eviction? It is not just about supporting the landlord. The consequence of the landlord not being able to pay their mortgage will be that the tenant is evicted.

Patrick Harvie: Without once again getting into the politics of the reasons behind the rise in interest rates, it is worth reflecting on the fact that the majority of private rented tenancies in Scotland do not have a mortgage behind them, and that many of those that do are on a fixed rate that will not be due to change in the immediate period ahead.

The approach that we have taken is, as I have said, balanced. It recognises that, where there are increased costs, there needs to be some degree of flexibility, but the approach needs to work in a way that is balanced.

I come to amendments 28, 29 and 30. Amendments 28 and 29 will cut across the work that we and the social rented sector are committed to doing collectively and collaboratively through the short-life working group that I have mentioned. As I said, I get the sense that there is a real willingness to work in that collaborative spirit to ensure that there is a way forward that protects tenants as well as the providers of social housing. Amendments 28 and 29 do not set out a way in which we think that the protections for the social rented sector would work. In fact, I think that they might undermine and pre-empt the work that we

intend to take forward, which we intend to do with momentum.

On amendment 30, it is important to recognise that student tenancies are structured differently. We have the desire to offer parity of protection, but student tenancies often include energy costs. We have defined rent for this sector to make it clear that rent includes the

“Sums payable in respect of services, repairs, maintenance or insurance”.

However, where utilities are included in the rent and the student makes “excessive use” of them, it is right and fair that an accommodation provider can seek recovery—

Murdo Fraser: Will the minister give way?

Patrick Harvie: Just a moment; I will make some progress first.

It is right and proper that the provider can seek recovery of that from the tenant where the tenancy allows it.

Mr Fraser’s amendment 30 would create a loophole. It would allow providers to circumvent the rent freeze by increasing the utility part of the rent, even if the utilities are being used normally rather than excessively.

On the questions about definition that Mr Fraser raised, the term “excessive” is part of the contracts. It would not be appropriate to have a global definition in the bill, because the matter is provided for in individual contracts that govern purpose-built student accommodation.

16:45

Murdo Fraser: I am grateful to the minister for the explanation that he has just given. He said that it is a matter for the contracts. Is he saying that it is for the accommodation provider—the landlord, such as a university or a private company that has developed student flats—to specify what would be excessive use? If a provider said that it was 5 per cent above the trend, would that be acceptable?

Patrick Harvie: The existing contracts stand and, generally speaking, they allow providers to charge extra fees for excessive use. The provisions would be interpreted in that context.

Finally, I turn to Jamie Greene’s amendment 72. The cabinet secretary was right to challenge the fundamentals of the amendment and the idea that the public purse should pay people’s mortgage costs. However, perhaps the cabinet secretary was a little kind in this instance, in referring to “interest”. The amendment from Jamie Greene states:

“The Scottish Ministers must make a scheme or schemes for the making of payments to landlords who are

able to demonstrate that their monthly mortgage payments ... exceed the rental income”.

Amendment 72 would cover not just interest payments but the repayment element of the mortgage.

Mr Greene says that the costs should not fall on the wider public, but that is precisely who they would fall on. The Scottish Government holds the public purse and holds money on behalf of the wider public, and he is asking for that to be dipped into to repay the personal debt of landlords—not to service their interest payments but to service all of their monthly mortgage payments. The idea that we should use public funds in that way is astonishing. It would be astonishing to somebody on the right of the political spectrum, and it is certainly astonishing to the rest of us.

Jamie Greene: Mr Harvie fails to acknowledge or accept that it is his Government’s policy to cap rents and the amount that can be charged. I am simply making the point that that may be fine when the two numbers match but, when payments by the landlord are higher than the cap that his Government has introduced, it is his Government’s policy that is undermining the borrower’s ability to keep up with the payments. I am asking his Government, and not the wider public, to pay for its policy.

Patrick Harvie: I might take that argument seriously if it came from the kind of tenants’ rights campaigner who argues that, at a time when mortgage payments are less than rental income, the difference should be repaid to the tenant or the public purse. However, I do not think that that is Mr Greene’s position on how private renting ought to work.

The idea that we should have public payment of people’s repayment of their mortgages in these circumstances is astonishing. We have seen unfunded tax cuts from the Conservative Party recently, but the idea of unfunded repayment of landlords’ mortgages is astonishing.

Who would end up repaying? It would be those who benefit from the services that the Government would have to cut in order to fund that uncoded measure. Who should pay for that? Should we pay for it by scrapping the Scottish child payment or free prescription charges? No. The Government has introduced a balanced bill that reflects the interests of tenants, who need protection from rising rents in these difficult times, and the interests of landlords, not all of whom are in the same circumstances. The bill is balanced already, and amendment 72 would unbalance it fatally.

I urge members to reject all the amendments in the group.

The Deputy Convener: I call Jeremy Balfour to wind up and to say whether he wishes to press or withdraw amendment 8.

Jeremy Balfour: I will be brief. In the past 20 to 30 minutes, we have seen the bill simply collapse. We have seen it collapse through the minister's speech and interventions. Did members notice how often he said that the bill is legally competent? Well, let us wait and see what happens in a few months.

I have a lot of respect for Mark Griffin, but I genuinely think that he is missing the point, because we are trying to protect tenants from being evicted from properties. As my colleagues Murdo Fraser and Jamie Greene have said, without a 100 per cent guarantee, we will end up with more people being evicted from properties.

Bob Doris: Does the member think that reinstating funding that has been cut from universal credit and uprating benefits by inflation would do more to protect tenants from eviction than your lousy amendments?

The Deputy Convener: Speak through the chair, please.

Jeremy Balfour: I think that Bob Doris is better than that intervention. He might want to stand for the Westminster Parliament if he is so keen about that. We are in the Scottish Parliament and are dealing with the bill that we are discussing today. He should concentrate on the bill and, if he wants to go to Westminster, he should do that.

In the responses to my amendment 8, we have heard political dogma over pragmatism. What we have heard from the minister and the cabinet secretary shows that, frankly, their parties are happy to go with dogma even if that means more people becoming homeless. I am afraid that that is what the Government has shown today.

I press amendment 8.

The Deputy Convener: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)

(Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 27, Against 87, Abstentions 0.

Amendment 8 disagreed to.

Amendments 9 to 20 not moved.

Amendment 21 moved—[Willie Rennie].

The Deputy Convener: I remind members that, if amendment 21 is agreed to, I cannot call amendments 22 to 27, due to a pre-emption.

The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 31, Against 84, Abstentions 0.

Amendment 21 disagreed to.

Amendment 22 not moved.

Amendment 23 moved—[Miles Briggs].

17:00

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

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 48, Against 66, Abstentions 0.

Amendment 23 disagreed to.

Amendment 24 not moved.

Amendment 25 moved—[Willie Rennie].

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

Members: No.

The Deputy Convener: There will be a division. Members should cast their votes now.

The vote is closed.

Jamie Halcro Johnston (Highlands and Islands) (Con): On a point of order, convener. Unfortunately, my voting app would not connect. I would have voted yes.

The Deputy Convener: Thank you, Mr Halcro Johnston. I will make sure that that is taken account of.

Maggie Chapman (North East Scotland) (Green): On a point of order, convener. I do not think that my vote registered. I would have voted no.

The Deputy Convener: Thank you, Ms Chapman. I will make sure that that is taken account of.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 51, Against 65, Abstentions 0.

Amendment 25 disagreed to.

The Deputy Convener: I call amendment 26, in the name of Miles Briggs.

Miles Briggs: In the light of the minister's commitment with regard to stage 3, I will not move the amendment.

Amendments 26 and 27 not moved.

Amendment 28 moved—[Murdo Fraser].

The Deputy Convener: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Mark Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)

Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 28 disagreed to.

Amendment 29 moved—[Murdo Fraser].

The Deputy Convener: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 31, Against 85, Abstentions 0.

Amendment 29 disagreed to.

Amendment 30 moved—[Murdo Fraser].

The Deputy Convener: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 29, Against 87, Abstentions 0.

Amendment 30 disagreed to.

Amendment 31 moved—[Alex Rowley].

The Deputy Convener: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)

Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 19, Against 96, Abstentions 0.

Amendment 31 disagreed to.

Amendment 32 not moved.

Schedule 1 agreed to.

Section 2 agreed to.

The Deputy Convener: There will be a brief pause before we move to the next group.

17:11

Meeting suspended.

17:12

On resuming—

Schedule 2—Protection from Eviction

The Deputy Convener (Annabelle Ewing): The next group of amendments is on operation of the evictions moratorium. Amendment 33, in the name of Murdo Fraser, is grouped with amendments 34 to 44 and amendment 54. I call Murdo Fraser to move amendment 33 and to speak to all amendments in the group.

Murdo Fraser: I will just speak to amendment 33 and let other members speak to their own amendments.

Schedule 2, paragraph 1, deals with the issue of “protection from eviction”, seeking to protect those who have had an

“eviction notice served on or after 6 September 2022”.

I understand why the Government has introduced that particular measure—it is introduced as an anti-avoidance measure—and why it has been backdated to 6 September, which was the day on which the First Minister intimated that the eviction ban would come in.

Subparagraph 2(1) of schedule 2 mentions specifically that eviction notices that were

“served on or after 6 September 2022”

will not be valid, in effect because they are caught by the eviction ban.

The bill infers that the ban will not catch eviction notices that are served before 6 September 2022, but it would be helpful for that to be put in the bill. My amendment 33 seeks to make explicit that any eviction notice that was served before 6 September 2022 will not be caught by the eviction ban. Such a provision would protect people who had had to take action to remove tenants for various reasons—perhaps for a long period of non-payment of rent, antisocial behaviour or other purposes—before that date.

It is clear from paragraph 42 of the policy memorandum that accompanies the bill that there is no intention that the bill should catch eviction notices that were served prior to 6 September. Therefore, I hope that the Government will support amendment 33.

I move amendment 33.

The Deputy Convener: I call Stephen Kerr to speak to amendment 34 and other amendments in the group.

17:15

Stephen Kerr: I am afraid that we are once again making bad law by rushing a bill through all its stages.

I am astonished that so few members seem to read the business pages of any decent newspapers, so that they could understand that interest rates are rising not only here but across the entire advanced global economy.

I will speak to amendments 34 and 44. Amendment 34 is based on the belief that universities should be able to evict students who have breached tenancy agreements. Tenancy agreements often contain terms and conditions to ensure that students are not disruptive to others and are not committing antisocial behaviour. Universities Scotland has made it clear that universities must retain the power to remove

students from accommodation when they pose a violent or sexual risk to other students. In its briefing, it highlights that as a particular problem in university halls of residence.

Joe FitzPatrick: Does the member recognise that the briefing came out before the bill was published?

Stephen Kerr: I recognise that, but the briefing is nonetheless still largely relevant, in particular in relation to amendment 34, because the bill states that students can be evicted for a “relevant conviction”, which means an offence

“committed by using, or allowing the use of, the let property for an immoral or illegal purpose”,

or any offence that is “punishable by prison”.

The bill defines antisocial behaviour as doing something that

“causes or is likely to cause the other person alarm, distress, nuisance or annoyance”,

but that might not cover all students who pose a risk to others. I lodged amendment 34 because I believe, as does Universities Scotland, that it is necessary to give universities the power to evict students who pose a risk to others. It is a very reasonable and reasoned amendment.

Amendment 44 will allow institutions the ability to make judgments on evicting people from purpose-built student accommodation. The amendment is primarily about trust and protection of young people, some of whom can be very vulnerable as they take their first tentative steps away from home. Perhaps some members can still remember their sense of vulnerability when they first went to university; it was probably the first time that they stayed away from home on an extended basis.

I would be astonished if someone disagrees with this: Scotland’s universities take their duty of care for their students very seriously. The uniqueness of purpose-built student accommodation should be recognised by the minister in the context of amendment 44. If members think that universities do not move heaven and earth to protect their students, I suggest that they spend some time at Scottish universities.

There are members in the chamber who have had their entire political ambition shaped by their experience at university. I hope that I can say this with recognisable authenticity: we should put down our megaphones and rationally consider what amendment 44 does in relation to protecting students. The behaviours that are covered by the briefing that Universities Scotland provided go beyond the criminal antisocial behaviour that is mentioned in the bill.

I am also sure that all members will have had the experience of dealing with cases of constituents having felt threatened by someone whose actions are not criminal but nevertheless pose a risk to others. Amendment 44 is about protection from risk.

Universities in Scotland need to have the freedom to be able to evict people who pose a risk to others. That happens now, and it is handled discreetly and with great care by university accommodation managers up and down the country. It is done subtly and allows professional housing managers to take action to prevent problems before there is a criminal accusation, charge and conviction. That is sensible management and it is a sensible approach to what is often a very difficult and sensitive problem. This bill would remove the ability of those professionals to do their job in the interests of all of the students who are in their care. Amendment 34 would put a reasonable and controlled amount of ability into the hands of those who are closest to the issues that I have described, which require sensitive management.

I am very firmly of the view that the bill—which we are rushing through Parliament this week—will be a disaster because it will increase homelessness and choke off the supply of available property for accommodation to rent.

But let me put that aside for a minute. Threats, neighbourhood disputes, disruption, drug taking, loud parties and abusive behaviour are a scourge on our communities and are responsible for so much misery. There is no need for that to be tolerated within the confines of purpose-built student accommodation.

According to the community safety group Resolve, 700,000 of our fellow Scots report having been victims of antisocial behaviour in the past three years. To protect the minority of perpetrators, the Government seems to be prepared—in the context of purpose-built student accommodation—to be content to leave the majority of students in halls miserable because nothing can be done. It is imperative that we do not allow that to happen and that we trust the professionals, give them the power and flexibility to run the institutions that they know best how to run and allow them to protect the people whom they know best how to protect.

It is a common-sense based proposal that allows universities to operate without restrictive and disproportionate legislation that will restrain them and leave our young people without adequate protection.

The Deputy Convener: I call Jeremy Balfour to speak to amendment 35 and other amendments in the group.

Jeremy Balfour: It will not surprise members to hear that Mr Harvie and I do not agree on many things, politically, but we do agree—I think that everyone in the chamber agrees on this—that we want as many homes as possible to be available for people to live in and that we do not want homes lying empty for a number of months.

At this point, I declare that I am a member of the Church of Scotland. Amendments 35 and 40 would give property that is tied to religious settings an exemption from the legislation, for purely pragmatic reasons. The issue was raised previously by my colleague Murdo Fraser, and I hope that the Government has had time to reflect on it.

Because of where Scotland is today, many religious organisations—churches, in particular—have empty properties because they do not have a minister or someone to lead their denomination. Take the example of the Church of Scotland. At the moment, it has a blanket rule that no church is able to call a minister, which means that if a church is vacant it will remain so for the foreseeable future. That means that there is an empty property that could be let out to somebody in the community.

However, when that church is allowed to call a minister, it clearly needs that property back so that the minister can live there and carry out his or her role within that community. Amendment 40 would allow the church to let out its property, but when a minister is called, that property can then go back to the church. That would seem to me to allow an opportunity for more homes to be used over the winter period without the risk of the church never getting them back. I would be interested, when the minister responds on this group of amendments, to hear whether he could tell me why that is a bad thing.

Murdo Fraser: As Mr Balfour acknowledged, I raised the issue in relation to previous Covid legislation, which addressed similar points. Then, I said that the concern was that there would be an unintended consequence that churches would just refuse to rent out empty manse, which would continue to lie empty without anybody living in them. That is now happening as a consequence of that legislation. This is an opportunity to put that right and to bring those properties back into use. I hope that the Government will take that opportunity.

Jeremy Balfour: As always, I simply follow in the member's footsteps and I agree absolutely—he has got this right. I say, as a former church minister, that ministers need somewhere to live when they are in that job. However, as somebody who recognises that there are empty homes at the moment, why not enable them to be let out? Why

not help, particularly in areas where we need that housing?

Amendments 36 and 54, which are in my name, deal with another matter that would allow individuals to release property, particularly over the winter months, and allow it to be used by local people. As, I am sure, we are all aware, there are seasonal workers who come to agricultural and rural businesses and stay in tied housing, but they need that housing only in the spring and summer. Often, that housing lies empty over the winter because the owner needs it back for the next season. We are stopping local people within those communities being able to benefit from that housing, even on a short-term basis.

I would genuinely welcome hearing why the minister thinks that we should not be releasing those types of property on to the market. The minister is saying that we will hold him back, but it is because we know from the evidence, as Mr Fraser has said, that churches as well as businesses in rural and agricultural areas are holding properties back because they will need them at some point. The minister should move away from dogma, be pragmatic and support the amendments in the group.

The Deputy Convener: Mark Griffin will speak to amendment 37 and other amendments in the group.

Mark Griffin: I have a series of probing amendments in groups 4, 5 and 6. I understand the minister's ambition to make sure that this legislation balances the rights of landlords and tenants, but my amendments in these three groups probe as to whether the balance has gone slightly too far in favour of the landlords as opposed to the tenants.

In particular, in this group, amendments 37, 38, 41 and 42 ensure that exceptions relating to substantial arrears and financial hardship on the part of the landlord can apply only when a high test of financial hardship applies as a direct result of those substantial arrears: the hardship reported must be as a result of the arrears experienced.

A moratorium on evictions is what we are legislating for and I feel that the exceptions for substantial arrears provide too wide an exemption from that moratorium and hence these amendments remove that exception entirely. Regarding the social sector, Shelter advises that the average arrears for evicted tenants in 2019-20 were around £9,000. In that context, the bill sets the threshold far too low to be considered substantial, at a level of just over £2,000.

Due to time constraints, the substantial rent arrears definition has been removed from the list of exemptions, but the detail is still retained in the bill. It is my intention to come back at stage 3, but I

ask members to support the amendments in my name in the group.

The Deputy Convener: I call Miles Briggs to speak to amendment 39 and other amendments in the group.

17:30

Miles Briggs: Amendment 39 relates to landlords having the right to decant or evict tenants in the case of essential work and demolition, which has not been discussed. Essential work, such as the removal of asbestos, can be dangerous to occupants. Therefore, landlords should be able to decant tenants from properties that are undergoing essential maintenance. Furthermore, landlords should also be able to evict tenants when buildings have to be demolished. Demolition could occur because a property is too old and unsafe for occupants. Therefore, we propose the amendment to keep tenants safe as well.

My second amendment in the group, amendment 43, relates to landlords having the right to evict unlawful occupants. An unlawful occupier is a person who lives in a property without the consent of the home owner. They could include people who were not initially agreed on when the lease was signed. Therefore, landlords should have the right to evict them. A landlord is unable to charge those occupants rent, as they are not the tenant so, if the landlord is unable to evict due to the moratorium, it would represent a significant financial loss. That ground is already used commonly to evict tenants who have ended their tenancy but not notified the landlord and not moved out.

I hope that the Government considers those amendments workable.

Patrick Harvie: First of all, I will address amendment 39, to which Miles Briggs spoke a moment ago and which exempts the demolition of, or substantial work on, property in the social rented sector from the moratorium on evictions.

We are keen to ensure that tenants are protected from eviction, but we recognise that being able to refurbish large accommodation will help many tenants. We would expect tenants in those circumstances to be supported through the process, including being provided with alternative accommodation. Therefore, we intend to support amendment 39. I thank Miles Briggs for lodging it and encourage members to vote for it.

Some of the other amendments in the group are attempting to reduce the protection for tenants by increasing the exemptions from the moratorium and others attempt to remove some of the safeguards that we believe are needed,

particularly on substantial rent arrears. Again, we come back to the theme of balance, which has come out of several of the groups of amendments. We need a bill that achieves a level of protection that tenants need but also has safeguards within it. We believe that the bill achieves that and we will not support the other amendments in the group.

Some of the amendments that seek to increase the exemptions from the moratorium and, therefore, reduce the level of protection seem to be predicated on the idea that the Government is holding properties back from rent. That is clearly not the case. It would be possible for us to remove all tenants' rights and protections altogether. That would work in the interests of those who want to become landlords and have complete flexibility working on their side. That would not be appropriate. All organisations that seek to become landlords have to accept that, when tenants move into a property, it becomes their home and that home and their rights and security need to be respected.

Jeremy Balfour: Does the minister accept that people are holding back property that could be used? I accept that he does not want that, but it is happening. It is an unforeseen circumstance, but it has been shown over the past few months that people are not putting on to the market property that could be used because of the fear that they will not get their property back. Is it not better to have somebody in a home, even for a short period, than having them homeless?

Patrick Harvie: The problem of empty homes has existed for a long time, and successive Governments—not just this one but previous ones going way back to the days of the Labour-Liberal Democrat Administration—have continued to increase the effort that has been put into bringing empty homes into use. There will always be work to do—I am sure that there is more that we can do—to create the right incentives to bring empty homes into use, but I do not think that that should be achieved by reducing the protection of tenants for whom those properties would become homes.

On amendments 37, 38, 41 and 42, which attempt to remove or weaken some of the safeguards that are needed around substantial rent arrears, I recognise that the provisions on rent arrears are one of the controversial areas in the bill. As I said in the stage 1 debate, I thought long and hard about whether to present those measures as part of the package of safeguards. I believe that the support that tenants facing substantial rent arrears really need is not necessarily the same as the support that is needed in other areas. They need direct support, and that is coming through discretionary housing payments, the tenant grant fund and the work that we are doing to raise awareness of tenants' rights

and ensure that people are able to exercise those rights. I think that those particular amendments would weaken the package of safeguards to the point of not having a bill that strikes the appropriate balance.

Stephen Kerr: Will the member take an intervention?

Patrick Harvie: I will be coming on to Mr Kerr's amendment in a moment. I see that he is happy to wait until I get to that point.

Bob Doris: On the level of rent arrears at which evictions could proceed, could the minister assure me that that will not undermine the other protections that exist for tenants through pre-action protocols and requirements, and that cases will still have to appear in court, where, if the case is found not to be reasonable, it will be thrown out?

Patrick Harvie: Yes. The measures on pre-action protocols, which have been a requirement in the social rented sector for a long time and which Parliament earlier this year agreed to make permanent in relation to the private rented sector, will not be bypassed in any way. Indeed, if an eviction measure goes to the First-tier Tribunal, the requirement to take all circumstances into account and to apply the test of reasonableness is still important.

On amendment 44, if it was accepted, evictions could still go ahead as they do now, negating the point of including college and university halls of residence and purpose-built student accommodation in the moratorium. It would also place a new duty on the First-tier Tribunal to consider whether a student tenant has failed to comply with the tenancy agreement and determine whether that is reasonable. Not only would that have an impact on the workload and the costs of the tribunal, it would represent a new type of tenancy agreement for it to consider.

Mr Kerr quite properly and rightly says that universities have a serious responsibility and a duty of care, which they take seriously, including in situations in which one student might pose a risk to others. However, the move to eviction is a serious measure and it requires there to be a high bar of evidence around it. I am concerned about the possibility that, if we accepted Mr Kerr's amendment, any breach in the tenancy agreement—even a minor one—could be used. Even though that test of reasonableness could be applied if the case reached the tribunal, students in that situation would not have the security of knowing that, if they breached their tenancy in any very minor way, they could not be evicted.

Stephen Kerr: If the minister is concerned about the scope of the measure because of the way in which it has been written, will he work with

me to ensure that the objective that I have described in my remarks in support of the amendment is satisfied? Would he be willing to work with me to achieve that? I think that this is a worthwhile thing to work together on.

Patrick Harvie: I am not currently persuaded that the concerns that Mr Kerr outlined require an amendment to the bill, but I am content to have my officials contact him and explore other viable approaches to address his concerns. I do not believe that those concerns are validated at the moment in relation to the bill as we have it, but I am happy for that conversation between my office and his to take place before the amendment deadline for stage 3.

Stephen Kerr: Of course, I would be happy to engage with the minister's officials but, surely, he accepts that Universities Scotland knows what it is talking about. Its focus on this sort of amendment adds weight to its importance. It has been constantly dealing with those issues in purpose-built student accommodation, and I hope that he accepts that.

Patrick Harvie: Mr FitzPatrick mentioned that the briefing came out before Universities Scotland had seen the text of the bill. As I said, at the moment, I am not persuaded that there is a serious issue that requires an amendment to the bill, but I am happy to have my office and Mr Kerr communicate about that and explore whether any change might be justified before the stage 3 amendment deadline.

I urge members to support amendment 39 but will not support the other amendments in the group.

The Deputy Convener: I call Murdo Fraser to wind up the debate on the group and to press or withdraw amendment 33.

Murdo Fraser: I did not hear any comments from the minister on amendment 33, so I am not entirely clear whether there is any particular reason why the Government is not supporting it. If Mr Harvie would like to intervene, I am happy to take an intervention.

Patrick Harvie: My general comments were that some of the amendments—those that seek to weaken or undermine the protections against eviction—are not amendments that we would support. Other amendments seek to undermine the safeguards, and we do not support those amendments either.

Murdo Fraser: Frankly, the minister does not seem to understand his own bill. My amendment does none of those things. It seeks simply to clarify, on the face of the bill, that the eviction ban will not apply to notices that are served before 6 September 2022. The policy memorandum is very

clear that that is in line with the Government's stated intent. I am really surprised that the minister claims that it means something else entirely. I am totally confused by that, so I will press amendment 33.

I turn briefly to other matters. I welcome the fact that the Government will support amendment 39, in the name of my colleague Miles Briggs.

I think that Mr Balfour made a very strong case for his amendment 35. Like Mr Balfour, I am a member of the Church of Scotland. I am aware that there are Church of Scotland properties that are currently lying empty. They are not being—and will not be—offered up for rent because of the church's concern that, if it offers them for rent, it will not be able to resume possession should they be required for the purposes of hosting a minister or pastoral worker.

In response to Mr Balfour, the minister said that properties are not being held back. That is simply not true. The minister has not done his homework, he has not engaged with stakeholders and he has not listened to those who have an interest in this particular field. If he had, he would know that he is talking balderdash in the chamber. It is not true that properties are not being held back. All that he has to do is to pick up the phone to the Church of Scotland or any other church and he will hear the truth. He needs to start doing the work as a minister and stop being so lazy. It is shocking—*[Interruption.]*

The Deputy Convener: Could we not have sedentary conversations across the chamber, please?

The question is, that amendment 33 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)

McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh East) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: I call members to order—that includes every member in the chamber.

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

Amendment 33 disagreed to.

Amendment 34 moved—[Stephen Kerr].

17:45

The Deputy Convener: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
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 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
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 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
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 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
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 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
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 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
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 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 29, Against 83, Abstentions 0.

Amendment 34 disagreed to.

Amendment 35 moved—[Jeremy Balfour].

The Deputy Convener: The question is, that amendment 35 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

The vote is now closed.

Roz McCall (Mid Scotland and Fife) (Con): On a point of order. My vote did not go through. I would have voted yes.

The Deputy Convener: Thank you, Ms McCall. That will be recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
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 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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 Adam, Karen (Banffshire and Buchan Coast) (SNP)
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 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
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 Duncan-Glancy, Pam (Glasgow) (Lab)
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 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
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 Harper, Emma (South Scotland) (SNP)
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 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine)

(SNP)
 O’Kane, Paul (West Scotland) (Lab)
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 Smyth, Colin (South Scotland) (Lab)
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 Sweeney, Paul (Glasgow) (Lab)
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 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 29, Against 86, Abstentions 0.

Amendment 35 disagreed to.

Amendment 36 moved—[Jeremy Balfour].

The Deputy Convener: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 28, Against 86, Abstentions 0.

Amendment 36 disagreed to.

Amendment 37 moved—[Mark Griffin].

The Deputy Convener: The question is, that amendment 37 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)

Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 19, Against 96, Abstentions 0.

Amendment 37 disagreed to.

Amendment 38 not moved.

The Deputy Convener: Amendment 39, in the name of Miles Briggs, has already been debated with amendment 33. Mr Briggs, do you want to move or not move the amendment?

Miles Briggs: This might represent the most important part of my work this week, convener.

Amendment 39 moved—[Miles Briggs]—and agreed to.

The Deputy Convener: Amendment 40, in the name of Jeremy Balfour, has already been debated with amendment 33. Mr Balfour, do you want to move or not move the amendment?

Jeremy Balfour: Tempting, but no, convener.

The Deputy Convener: I am sorry, Mr Balfour, but can you clarify that?

Jeremy Balfour: That is no; not moving—N-O-T.

The Deputy Convener: Thank you.

Amendments 40 to 42 not moved.

Amendment 43 moved—[Miles Briggs].

The Deputy Convener: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)

Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)

McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 29, Against 87, Abstentions 0.

Amendment 43 disagreed to.

Amendment 44 moved—[Stephen Kerr].

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

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)

Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)

Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 29, Against 86, Abstentions 0.

Amendment 44 disagreed to.

The Deputy Convener: The next group of amendments is on safeguards for landlords: financial hardship. Amendment 45, in the name of Pauline McNeill, is grouped with amendments 46 to 50, 55, 56, 58 and 64 to 67.

Pauline McNeill: I will speak to amendments 45, 50, 56, 58, 65 and 66, in my name. They relate to the right to apply for a wrongful termination order. These amendments provide for a tenant to be able to apply for a wrongful termination order if a landlord fails to take up occupancy of the property. The bill as drafted deals with landlords who intend to sell a property. I am dealing with the second half of that—the proposed paragraph 4A(1) to schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016:

“It is an eviction ground that the landlord intends to live in the ... property to alleviate financial hardship”,

which applies if the landlord

“(i) is suffering financial hardship, and

(ii) intends to alleviate that hardship by occupying the let property as the landlord's only or principal home”.

There is nothing wrong with that.

Under current housing law, there are 17 grounds for eviction. I have seen many cases in which the landlord has said, “You are being evicted because I or my family intend to move into that property.” I appreciate that this provision is narrower than that. However, I want to probe this issue, because nothing in the bill provides that

there must be evidence that the landlord has moved into the property. For the purposes of probing that, I have come up with the suggestion that three months of council tax would be expected to be paid if someone was actually living in the property.

Especially when we are dealing with emergency legislation, which is quite a rushed process, it is important to ensure that we do not leave any loopholes. Members might think that such cases are few and far between and that they cannot be resolved, because the tenant is already evicted. However, my amendments in the group seek to discourage landlords who decide to use financial hardship for grounds of eviction and who say that they need to move into the property that they are renting out but then subsequently do not do so and a new tenant moves in.

18:00

As I said, at the beginning of the pandemic I dealt with many constituency cases involving people who had to move out of their property simply because their landlord said, “I'd like this property, thank you very much.” I am simply seeking to flush out any landlords who seek to take that approach. I realise that it might be a tiny minority, but, if we are to consider the bill properly, I would like to probe that issue.

I move amendment 45.

Mark Griffin: This group of amendments continues the theme of trying to strike a balance between landlords and tenants so that the Government does not go a bit too far in balancing rights towards the landlord rather than the tenant.

The amendments in my name set out that a tenant should not lose their home because a landlord intends to sell or live in the property if that tenant has not caused the financial hardship of the landlord. It does not seem fair to me that a tenant should be forced out of a home through no fault of their own. My amendments would mean that the exception could be used only when the significant financial hardship is caused by keeping a tenant who continues to build up arrears until the end of the eviction ban. It is only fair that the exception can be applied if the hardship is caused directly by the tenant.

My amendments set out that, as an additional burden on landlords, they must provide the tribunal with an affidavit of their intention to sell or live in the property, as well as evidence of their undertakings to sell and confirmation from a financial or money adviser or a chartered accountant. As I said, I feel that we have perhaps gone too far in the balance between landlord and tenant, and my amendments try to pull that back more in favour of the tenant.

Patrick Harvie: I can accept only one amendment in the group. However, I am sympathetic to a number of the other amendments, and I offer to work with colleagues on them. I will address the amendments in turn.

On amendment 45, I can confirm that the existing protections against wrongful termination will apply to the emergency measures. Given that, I do not believe that the amendment is required.

Amendment 46 seeks to link the definition of “financial hardship” to substantial rent arrears, and Mark Griffin set out some of the reasons why he thinks that that is justified. However, it is clear that financial hardship can arise as a result of other factors that are outwith the landlord’s control. In order to strike a balance, we have to recognise that a landlord who might have lost their job or whose separate business has failed and who has ended up with unmanageable debts might need to take action. Those factors would not be within their, or the tenant’s, control, but the landlord would face the prospect of financial hardship, and the only option might be to sell or move into a property. We believe that that meets the test of proportionality and balance, and we do not think that it is appropriate to link the definition of hardship to rent arrears.

Amendments 47, 49, 55 and 64 would require landlords who seek an eviction on the basis of one of the new grounds of financial hardship to provide specific types of information to the tribunal to evidence that hardship. Landlords must evidence that hardship, but the information that is required will depend on the circumstances of each case, and the tribunal is best placed to determine the specific information that it considers to be necessary in determining whether the landlord is in financial hardship.

Therefore, I do not think that it is appropriate for us to mandate that the specific information that is outlined in the amendments be provided. However, there are good examples in the amendments of the information that the tribunal might wish to request. So, although I cannot support the amendments today, I have spoken to Mark Griffin and hope to be able to support amendments at stage 3 that will address the issue.

I am pleased to support amendment 48, which provides that an affidavit from a landlord that they intend to live in the let property could be an example of the evidence that could be provided to the tribunal as part of an eviction case.

Pauline McNeill: Will the minister take an intervention?

Patrick Harvie: Amendments 50, 56 and 65 all seek to require landlords to provide three months’ worth of council tax statements to evidence that they have moved into the property that is being

repossessed. The amendments seek to address an issue that I am concerned about, but the tribunal does not have a role in ensuring that a landlord has moved into the property except when a tenant makes a wrongful termination application. It is therefore not appropriate to require that landlords provide such information to the tribunal, so I cannot accept those amendments.

Amendments 53, 57, 62 and 63 all seek to require the tribunal to consider whether the tenant has been informed about all the available support before it grants an application for eviction. I agree that that is vital support for tenants, but the pre-action protocols for rent arrears—which we made a permanent requirement during the passage of what became the Coronavirus (Recovery and Reform) (Scotland) Act 2022—already ensure that landlords are required to do that. The extent to which a landlord has complied with that will be taken into account by the tribunal when it determines whether it is reasonable to grant an eviction. I therefore do not support those amendments.

Amendment 58 aims to ensure that a wrongful termination relating to when a landlord fails to live in the let property would be considered an unlawful eviction. Unlawful eviction requirements provide protection for tenants when a landlord has not used the correct legal processes to end a tenancy. However, wrongful termination applies when they have used the correct process but have misled the tenant and the tribunal into ordering an eviction. I do not believe that it is appropriate to combine those two separate processes.

Amendment 66 would create an offence when a landlord repossesses a property under the Rent (Scotland) Act 1984 but fails to move into the property. Although I am sympathetic to the intention behind the amendment, it would not be appropriate to create a new criminal offence through temporary legislation. In addition, there are existing criminal and civil protections in such circumstances, so I cannot support amendment 66.

Amendment 67 would link substantial rent arrears to financial hardship. As I said in relation to amendment 46, that would substantially reduce the safeguards that are part of the balanced package that we are presenting today. I therefore cannot support amendment 67.

In summary, I support amendment 48 but not the other amendments in the group.

The Deputy Convener: I call Pauline McNeill to wind up and to press or withdraw amendment 45.

Pauline McNeill: I had wanted to intervene on the minister in relation to amendment 45, but he might not have heard me. He said that existing protections will apply, but he did not say what

those are. I am not clear what the protections are, and I do not think that I am the only member who has had such cases. The landlord has to pass the hardship test, but I am not talking about the hardship test; I am talking about the statement that the landlord then requires to live in the property. That will never be tested.

I do not understand the difference, in layperson's terms, between wrongful termination and an unlawful eviction. If someone wrongly terminates the contract by saying that they will move into the property but does not do so, that surely must be unlawful. In the discussion about evictions that we had in the chamber during the passage of the coronavirus legislation, Andy Wightman talked about the 17 grounds. Under the bill, if the hardship test was passed, it would be relatively easy for someone to say that they were moving into a property while not doing so.

I have to express a bit of disappointment that that point has not been taken on board by ministers. I could probably have guessed what the minister would say about the remainder of the amendments—I am not suggesting that my amendments are the best way forward to make landlords prove that they are moving into a property. However, I stand by what I am saying: as the law stands, it is quite easy for landlords, having passed the first test, to say that they are doing that, but no one will ever check whether they have done so. Unfortunately, the poor tenant will already be out of the property.

Patrick Harvie: I do not disagree for a moment with that, and I hope that my remarks recognise the substance of the issues that Pauline McNeill has raised. I agree that there are substantial issues here. I suspect that they are best addressed in the longer-term review of the repossession grounds, to which the Government is already committed in terms of making permanent change to the law. They are not best addressed through the temporary measures in this emergency bill.

I am happy to ensure that, after we have finished with this legislation, officials get in touch with Pauline McNeill and other colleagues to make sure that our longer-term work is well informed by the concerns that she has raised. Like other members, I recognise the issues from my local postbag. I suspect that there is great scope for working together on the longer-term work, but the emergency legislation is not the right place for it.

Pauline McNeill: I thank the minister for his answer, and I accept that wider reforms are needed. However, I want to get the substantive point on the agenda now. For that reason, I will press amendment 45, but I will not move my other amendments when the convener asks me.

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

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 21, Against 90, Abstentions 0.

Amendment 45 disagreed to.

Amendment 46 moved—[Mark Griffin].

The Deputy Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)

Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 19, Against 96, Abstentions 0.

Amendment 46 disagreed to.

18:15

Amendment 47 not moved.

Amendment 48 moved—[Mark Griffin].

The Deputy Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

The Deputy Convener: The result of the division is: For 85, Against 29, Abstentions 0.

Amendment 48 agreed to.

Amendments 49 and 50 not moved.

The Deputy Convener: The next group of amendments is on safeguards for landlords: substantial rent arrears. Amendment 51, in the name of Mark Griffin, is grouped with amendments 52, 53, 57, 59 to 63 and 68 to 70.

Mark Griffin: This is the third group in which I have lodged amendments that attempt to rebalance rights so that they are more in favour of the tenant than the landlord. The first example of that is amendment 53, which would provide that a landlord must show that they have taken steps

“to ensure the tenant is informed about all support available, including that the tenant has exhausted applications for any local authority financial support to which the tenant is entitled.”

I feel that it is a sensible measure to ensure that, before the substantial rent arrears eviction ground is deemed to apply, the landlord has done all that

they can to point their tenant towards the support packages that are available to alleviate the burden of those arrears on the tenant's debt and on the landlord.

I think that the hardship test should be linked to the arrears from the property in question. I do not think that it is fair for a tenant to be evicted as a result of financial forces elsewhere. I believe that the landlord should have to prove that the hardship that they are experiencing is a direct result of the arrears that have been built up through that tenancy.

I ask members to support all my amendments in the group.

I move amendment 51.

Edward Mountain: Before I speak to amendments 52, 61 and 68, I would like to correct an error that I made earlier by chiding the minister for not understanding that a private residential tenancy does not have a fixed term but actually lasts for an undefined period. I said that in response to a comment that I thought was made by the minister, but it was actually made by Ms McNeill. However, the minister did not correct her, which caused me some concern. I ask the minister to accept my apologies—[*Interruption.*] No, this is a substantial point, and when one is wrong, I think that it is always worth admitting it. [*Interruption.*]

The Deputy Convener: Is somebody trying to make a point of order? No. Mr Mountain, would you like to continue?

Edward Mountain: I am sorry, convener. I could not hear what was being said.

I want to speak to amendments 52, 61 and 68, which relate to the period of time in which substantial rent arrears can accrue. In the bill currently, the period is six months; I am suggesting that it should be three months.

I would like to make it clear why I am suggesting that. First, there seems to have been a confection peddled that all landlords are bad landlords, but that is not the case. Most landlords are struggling to let their properties, and most do that at a fair rate.

Patrick Harvie: Can the member point to who, in any of our debates on or scrutiny of the bill, has said what he has just accused people of saying? Will he recognise that the Government's consistent position is to recognise that not all landlords are in the same financial circumstances and that it is the minority of landlords who behave in abusive or exploitative ways?

Edward Mountain: I thank the minister for that helpful clarification of the Government's position, which dispels some of the comments that have been made by other people. I would say that those

comments have not been made by him or the Government.

Landlords struggle to keep their properties let. They want continuation of a tenancy, because every time a tenant moves out of a property, there are costs incurred, such as carrying out an inventory, portable appliance testing, gas testing and advertising the property, to name but a few. Those costs can be in excess of £800 per property.

That is an interesting figure, because it correlates to the figure that is in the bill's financial memorandum, which says that the average rent for properties in Scotland is in the region of £780. That is an interesting figure as well, because rent arrears for such a property for three months would equate to over £2,000 and rent arrears for four months would equate to over £3,000. If one allows those rent arrears to build up, one is building up problems for the tenant, because they will have to repay. My concern is that the longer that takes to get to a conclusion, the more a tenant could be struggling.

Addressing the problem over three months might not be a silly thing to do. That gives the tenant and the landlord the chance to get together to try to find a solution. Evidence that has been given to me today suggests that going to the First-tier Tribunal takes six to nine months in Glasgow, so the problem is that it could be 15 months before a problem is resolved.

If someone repays rent arrears at £50 a month, which seems to be reasonable, that means that the tenant could be paying £50 a month for over 15 years. That is an incredibly long period, and that causes me concern.

I would also suggest that the longer the tenant is in arrears, the more difficult it is for the landlord to make improvements. I made this argument earlier in the debate: we all have an obligation to ensure that properties are properly insulated and costs are kept down. To give the minister an idea—although I am sure that he knows these figures—a boiler for an average house costs about £4,000 and double glazing could cost £6,000 to £7,000. Insulation for the house alone—without including the floor—could, by the time one has redecorated, be in the region of £15,000. Every time the landlord loses money, we are delaying the point at which we will reach net zero.

I have made the point about landlords working with tenants.

No mention or acknowledgement has been made of the important part that landlord registration plays at local government level. Landlords who do not measure up—landlords who are not good landlords—can be removed from the

Scottish landlord register, which then means that they are not able to rent their property.

I lodged amendment 70 in a bit of a rush because of the emergency nature of the legislation, and it could be improved. I ask the minister or his officials to consider including a provision that advice be made available to landlords as well as tenants, so that both sides know the advice that they need to consider when the value of rent in arrears reaches excessive levels, which would be helpful for both parties. If the minister were minded to consider that addition, I would be happy not to move amendment 70 at this stage and lodge it again at stage 3. I am happy to hear other arguments on the amendments that I have lodged.

Patrick Harvie: I am afraid that I will not accept any of the amendments in this group. If members press them, I will ask Parliament to vote against them.

Amendments 51 and 60 seek to make the eviction ground for “substantial rent arrears” subject to the eviction ground of the landlord’s

“intent to live in house to alleviate financial hardship”.

The amendments appear to allow that the landlord could evict a tenant for “substantial rent arrears” only if the former also intended to live in the property. Given that the “intent to live” ground is already a stand-alone provision that can provide the basis for evictions anyway, the effect of the amendments is to make the ground for “substantial rent arrears” redundant in most cases and applicable only in those cases in which the landlord intends to occupy the property. Such a provision would significantly reduce the impact of the package of safeguards, which we have said is balanced with regard to respecting the rights and interests of both tenants and landlords. The amendments would interfere with that balance in a way that would give rise to a significant risk of challenge.

Amendments 53, 57 and 63 seek to place an obligation—presumably on the landlord—to

“ensure that the tenant is informed of all support available, including that the tenant has exhausted applications for any local authority financial support to which the tenant is entitled.”

I am sure that it is not the intention behind the amendments to do so, but we believe that they would inappropriately require the landlord to make potentially intrusive inquiries into the financial affairs of a tenant, when many tenants might not want to share that information with their landlord.

The tribunal already has discretion to explore whether the tenant has attempted to seek support and whether they have complied with procedures in circumstances that require a pre-action protocol.

We believe that the intention behind the amendments is not necessary and we urge the member not to move them.

In relation to a landlord's intent to live in the let property, amendments 59 and 69 seek to tie the link between a landlord's "financial hardship" and the tenant's being in "substantial rent arrears". Those grounds are separate, because it is acknowledged that the cost of living crisis impacts not only on tenants but on landlords, regardless of whether their tenant is paying rent.

If a landlord lost their residence due to financial hardship, we think it reasonable that they should be able to occupy a rental property that they own. In each individual case, the tribunal would determine whether eviction was reasonable in those circumstances. Again, I ask the member not to move those amendments, and Parliament to vote against them if they are moved.

As for amendments 70 and 62—which I think is consequential on amendment 70—we have considered carefully what the appropriate level of arrears should be.

We have concluded that six months' worth of rent is the appropriate level. A reduced threshold for triggering that eviction ground might see tenants being at risk of eviction after a relatively short and temporary period of financial difficulty.

We do not believe that the amendment should be supported, and it is worth reflecting that some members in the debate have argued that a level of six months of rent arrears is setting the bar too low, while others have suggested that it is setting the bar too high. We come back to the issue of balance: we need to ensure that we have a balanced package. We believe that the bill represents that, so I cannot support the amendments in this group. I urge members not to press them, and to vote against them if they are pressed.

18:30

Edward Mountain: I understand that the minister grouped amendment 70 with amendments 52, 61 and 68, but amendment 70 is different—it is about advice to tenants and landlords. The minister has not covered that amendment. I would be happy not to move it if the minister or his officials will work with me to allow advice to be developed for tenants and landlords. That would strengthen the bill.

Patrick Harvie: I offer as sincere an apology to the member as he offered to me earlier. I may have glanced over some of my speaking notes on amendment 70, which seeks that ministers make sure that advice is available for landlords on how to recoup rent arrears. A landlord will be able to go

through the usual eviction proceedings in cases where a tenant has not paid their rent, and will also be able to pursue any existing remedies for recovery of arrears owed to them. Nothing in the bill impacts on the existing processes for landlords' recovery of rent.

Mark Griffin: I thank members for engaging in the debate, and I thank the minister for his comments in response. I seek permission to withdraw amendment 51.

Amendment 51, by agreement, withdrawn.

Amendment 52 moved—[Edward Mountain].

The Convener (Alison Johnstone): The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennan, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 27, Against 87, Abstentions 0.

Amendment 52 disagreed to.

Amendments 53 to 70 not moved.

Schedule 2, as amended, agreed to.

Before section 3

The Convener: The next group is on the duty to provide information and advice. Amendment 71, in the name of Paul Sweeney, is grouped with amendment 73.

Paul Sweeney (Glasgow) (Lab): I support the principle of the bill and I hope that amendment 71 will be received by the Government in the spirit that is intended, which is to be constructive and non-contentious. I welcome that the Government has introduced the bill, although I think that it could and should have been done sooner and that it should go further and do more to address the fundamental imbalance of power that exists between tenants and their landlords.

However, in the absence of increased protection, and considering what the minister said regarding legal challenge, I think that we should now look at how we communicate with and inform those who will be affected by the legislation of their rights under it, and that we should tell them where they can receive advice and support during the period for which the legislation will be in force.

The Scottish Government's programme for government set out the intention to increase the rights and protections that are available to tenants. It committed to a tenants' rights campaign that would showcase existing rights and ensure that tenants are aware of their ability to challenge rent rises. Although that is admirable, the requirement for it is even greater with the increased rights that are contained in this bill. As such, I believe that it makes sense to include an obligation on the Government to take steps to ensure that the new provisions that are contained in the bill—when it is enacted—are communicated clearly and concisely to those who will be impacted by its provisions. It would be a minor adjustment to the legislation, but it would guarantee that all tenants are aware of their rights, that they can easily access information and that they all know where to access support if they need to.

Research by RentBetter that was conducted in May 2022 found that tenants in Scotland have low awareness of their rights. Against the backdrop of the cost of living crisis and in the wake of new tenant protections coming into force with the introduction of the bill, it is vital that we do

everything in our power to ensure that tenants are well informed about their rights. In doing so, we might not fully address the balance of power between tenants and landlords, but we will, at the very least, begin to enable tenants to exercise their rights.

I encourage the Government to take amendment 71 in the spirit in which it is intended, which is that it would add to and complement what is already in the bill—not detract from it.

I move amendment 71.

Mark Griffin: I ask members to support amendment 73, which is in my name, and amendment 71, which is in my colleague Paul Sweeney's name.

Amendment 73 would place a duty on the Scottish Government to write to tenants and landlords to give them advice and information on the rent freeze and eviction ban. I raised that during stage 1 yesterday and I was pleased to get support for the principle from across the chamber. As I indicated in the debate yesterday, communication about the cap, the moratorium and the rights to enforce protection is a key issue.

In May, RentBetter reported that there is a lack of confidence and, most would say, a fear among tenants about exercising their rights. That is due to a perceived risk of repercussions such as rent increases or, perhaps, even loss of their home.

The duty would come into force at the same time as part 1 of the bill. Registered landlords are defined as those in the landlord register. Because there is no register of tenants, ministers should write to the properties that are recorded in the register with letters addressed to "The Tenant". I hope that that would give tenants the information that they would need to confidently challenge a landlord who decided to act illegally and hoped that their tenants were misinformed and would simply pay a higher rent.

I ask members to support amendments 71 and 73.

The Convener: I call the cabinet secretary.

Shona Robison: We are happy to support amendment 71, but we cannot support amendment 73. Amendment 71 would require the Scottish ministers to take steps to ensure that tenants who are affected by the rent cap and the evictions moratorium receive appropriate information, advice and support. We are committed to taking those steps and have plans in place, including through our cost of living campaign, to raise awareness of tenants' rights and the support that is available to them. We are happy to accept that in the bill.

Amendment 73 would require that the Scottish ministers write to all registered landlords and residential addresses on the landlord register. Of course, it is important that landlords and tenants are fully aware of their responsibilities and rights. Therefore, we will work with local authorities to ensure that all registered landlords are informed about the emergency measures and the support that is available to their tenants.

It is vital that tenants have the right information, too. However, we know that a blanket approach would not be the best or most cost-effective way to contact tenants and landlords, which is why we will not support amendment 73. We will, however, employ a full range of communication channels to ensure effective and broad reach of our messages.

I urge members to support amendment 71 but not to support amendment 73.

The Convener: I call Paul Sweeney to wind up, and to press or seek to withdraw amendment 71.

Paul Sweeney: I thank the Government for the constructive way in which it has engaged with my amendment. I wish to press amendment 71.

Amendment 71 agreed to.

Section 3 agreed to.

After section 3

Amendments 72 and 73 not moved.

Section 4 agreed to.

Section 5—Power to suspend and revive Part 1

The Convener: The next group is on the expiry and suspension of provisions. Amendment 74, in the name of Mark Griffin is grouped with amendments 75, 76, 77, 78, 79 and 82. If either amendment 77 or 78 is agreed to, I cannot call amendment 79 due to pre-emption.

18:45

Mark Griffin: I ask members to support amendment 74 and the other amendments in my name in this group.

Amendments 74 to 76 would ensure that an eviction ban was in place from October 2023 to March 2024 regardless of whether the remainder of the bill's provisions had been extended. All exceptions that are already in the bill—for example, those that concern antisocial behaviour, criminal behaviour or abandonment—would apply. These amendments relate to the whole of schedule 2 and provide that, if the schedule is suspended, it must be revived over winter. The amendments expire the provision on 31 March

2024 so that it is not subject to the expiry date in the bill or any earlier one that could be provided for in regulations.

The consultation on the Scottish Government's draft strategy "A New Deal for Tenants" found that a substantial majority—90 per cent of people who answered the question—thought that additional protections against the ending of tenancies during winter were needed. The intention of the amendments is to ensure that such a winter eviction ban is in place for this winter and continues next winter ahead of the proposed new housing bill becoming law.

I move amendment 74.

Miles Briggs: My amendment 77 looks to put in place a point at which the bill would expire. The First Minister has stated that such interventions in the housing market must be time limited. The bill is emergency legislation and it must have an end date. Therefore, we note that ministers are already signalling two potential extensions, which would mean that the bill would sit on the statute book for at least 18 months.

Examples from other countries, such as Sweden and Ireland, indicate that prolonged controls on rents can lead to significant housing shortages, which, in turn, hurt potential tenants and homeless people who are trying to access tenancies, especially private tenancies. Therefore, I hope that members will support amendment 77 to put in place an expiry date for the bill.

Jeremy Balfour: One of the advantages of modern technology is that constituents can contact us as the debate goes on. I received an email a few moments ago from one of my constituents in Edinburgh:

"I have 4 hmo properties housing 21 tenants".

If the bill is passed tomorrow,

"I will need to sell up now—no option and unfortunately these youngsters will have to be evicted."

That is the consequence of the legislation that the Government is forcing through. When those 21 people go to Mr Macpherson's surgery asking where they can live, I hope that he can look them in the eye and tell them that they could have had a safe house if he had not voted for the bill. That is what he is doing today.

I will speak to amendments 78 and 82 in my name. Amendment 82 was inspired by the speeches by my good friends Bob Doris and John Mason yesterday afternoon.

We are told that the bill is emergency legislation and that that is why it cannot be scrutinised and must be rushed through in three sittings of the Parliament. If that is right, no further extensions should be allowed. We should come back and

review the bill appropriately. If the bill is truly designed as an emergency power with short-term measures, no extensions should be allowed. Instead, the Government should introduce new primary legislation that can be fully scrutinised by the whole Parliament.

The Government is suggesting that, if it wants to extend the provisions in the bill—it has already pretty well said that it does—it will be done by regulation. As all members know, regulations cannot be amended. We can simply vote for or against them. That gives Parliament no opportunity for scrutiny that would enable us to make changes to anything that we look at, which means that we either take it all or leave it all. That does not seem appropriate, and that is why I have lodged amendment 78. None of us knows what the economic situation will be like in six months, and none of us knows how this legislation will work—we can guess that more people are going to be homeless, because we are hearing that already from people writing to us, but we do not know that.

What the Government should be doing is bringing forward legislation only if it is required, not just staging a power grab.

Willie Rennie: Even though I am still crushed by Bob Doris's rejection of my earlier amendments, I am back with another attempt, so he has a chance to redeem himself.

I will speak to amendment 79, which seeks to remove the social sector from the power to extend post-March next year. Earlier, I sought to remove the social housing sector from the scope of the bill altogether, but now I make a more modest attempt to limit the arrangement to March next year. Housing associations set their rents once a year in conjunction with tenants, with the majority seeing any changes to rents take effect from April 1 each year. Removing the ability to extend the term of the cap would give housing associations and councils the certainty they need to plan for the year ahead and engage as they would normally do with tenants, and certainty with regard to rent levels and service levels.

The ability to extend the cap and remove housing associations' and councils' control over their income would also damage investor confidence in the social housing sector in Scotland.

The indications that the minister has given today and yesterday have been that the social housing sector could be decoupled post-March. That is a good sign. All that my amendment seeks to do is to confirm that now rather than waiting until later. I urge members to vote for amendment 79, to remove the uncertainty now. That will be of benefit

to councils, housing associations and their tenants.

Patrick Harvie: I promise the chamber that there is nothing deliberate in the fact that the cabinet secretary chose to lead on the group in which we are being magnanimous and I am once again having to ask Parliament to vote against the amendments in a group.

Amendments 74 and 75 would require the moratorium on evictions to be in place over next winter, regardless of whether ministers consider the provisions to be necessary and proportionate at the time, and, if they had expired before then, they would have to be revived.

As we have stated on a number of occasions, this emergency legislation needs to be justified in terms of its necessity and its proportionality in relation to the context that we are living in, and I am afraid that those amendments would undermine that. The proposal would be a dilution of the on-going requirements that we have built into the bill in recognition of the fact that emergency legislation is a serious step for Government and Parliament to take. The on-going requirements will allow the provisions to be extended for two six-month periods, where we consider them to be necessary and proportionate. That is an important safeguard and I do not think that it would be appropriate to set it aside.

Amendment 76 supports amendments 74 and 75, so I cannot support it either.

Amendment 77 would remove the power of the Scottish ministers to extend the provisions for those two subsequent periods of six months. Amendment 78 removes that power too, and also says that any extension would have to be done through a further primary act of the Scottish Parliament. We consider that the ability to have the provisions in place for a potential period of 18 months is fundamental to the protection for tenants that we are proposing in the bill, so I cannot support amendments 77 and 78.

Mr Balfour said that it would be appropriate to come back and review these measures in an appropriate way, but that is precisely what is already built into the bill, just as it was for previous emergency legislation. There are very clear provisions on review periods and a requirement for Parliament to be consulted if any future decisions on extension or expiry are proposed.

Amendment 79 would prevent the power to extend the expiry of the bill with regard to Scottish secure tenancies and Scottish short secure tenancies. As I set out, tenants in the social rented sector are some of the most vulnerable to the cost crisis in our society, and we require to be able to extend the provisions, if necessary, to those tenants beyond 31 March.

Again, I will emphasise the confidence that we have, from the conversations that we have already been undertaking with the social rented sector, that we can work collaboratively with the sector, and that might be an alternative to an extension after the end of March. However, amendment 79 would pre-empt the work that we need to take forward with the sector.

Bob Doris: My good friend Willie Rennie suggested during his contribution that, if amendment 79 was passed, that would allow social landlords to get on with the statutory duty to consult on potential rent increases. Can Mr Harvie confirm that there is nothing in this legislation to prevent them from getting on with that consultation?

Patrick Harvie: Indeed—not only is there nothing to prevent them from consulting, that consultation is a fundamental and important part of the way in which the social rented sector operates. We encourage landlords to continue—and tenants to participate in—those consultation processes, which will inform the decisions on rent setting after the end of March.

Mr Rennie said that the zero per cent cap that is in place for the first six months could be decoupled. Not only could it be decoupled, it—very clearly within the bill—operates as a separate cap in the social and rented sectors. Yes, it could be decoupled, but I cannot commit now to a guarantee that it will not need to operate at any level after 31 March. To do so would pre-empt and potentially undermine the very positive and constructive dialogue that we are having between Government and the social rented sector.

Finally, amendment 82 would delete section 6 entirely, which would mean that the bill could not be extended beyond 31 March next year. Members will understand that, quite obviously, I cannot support that.

Once again, I urge members not to move the amendments in this group. If they are moved, I urge Parliament to reject them.

The Convener: I call Mark Griffin to wind up the debate on this group and press or withdraw amendment 74.

Mark Griffin: I appreciate the minister's comments on the introduction of a winter moratorium on evictions, which would go beyond the period during which Government would be assessing whether the emergency legislation was appropriate. He could take comfort from the fact that more than 90 per cent of respondents to the consultation on a new deal for tenants said that they supported that measure. I would be happy to seek permission to withdraw amendment 74 if the minister assured me that the Government would

seek to take forward that policy and proposal in the housing bill.

Patrick Harvie: If Mark Griffin is asking whether we continue to commit to collaborate with colleagues on our longer-term work under the new deal for tenants, I absolutely give that assurance. As I said, I do not think that it is appropriate to make longer-term, permanent changes within the emergency legislation.

Mark Griffin: I think that I was looking for a more concrete commitment, not just to work constructively across all areas, which I look forward to, but on that particular point on the policy and principle of a winter moratorium on evictions. However, given the discussions that we have had, I look to continue the conversation as other legislation progresses.

I seek to withdraw amendment 74.

Amendment 74, by agreement, withdrawn.

Amendment 75 not moved.

Section 5 agreed to.

Section 6—Expiry of Part 1

Amendment 76 not moved.

Amendment 77 moved—[Miles Briggs].

19:00

The Convener: If amendment 77 is agreed to, I cannot call amendment 79 due to a pre-emption.

The question is, that amendment 77 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)

Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 88, Abstentions 0.

Amendment 77 disagreed to.

Amendment 78 moved—[Jeremy Balfour].

The Convener: If amendment 78 is agreed to, I cannot call amendment 79 due to a pre-emption.

The question is, that amendment 78 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
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 Wells, Annie (Glasgow) (Con)
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Against

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 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
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 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
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 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
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 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
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 Matheson, Michael (Falkirk West) (SNP)
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 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
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 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
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Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
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 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
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 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 27, Against 86, Abstentions 0.

Amendment 78 disagreed to.

The Convener: I call Willie Rennie to move or not move amendment 79.

Willie Rennie: Based on the assurances provided by the minister, I will not move amendment 79.

Amendment 79 not moved.

The Convener: The next group is on additional information to be provided by Scottish ministers. Amendment 80, in the name of Mark Griffin, is grouped with amendments 81 and 83 to 92.

Mark Griffin: Amendment 80 was drafted and lodged on the recommendation of the Scottish Federation of Housing Associations. *[Interruption.]* It requires ministers, as part of their review processes, to assess the impact of an extension to part 1 on the on-going viability of the tenant grant fund and funding for the affordable housing supply programme. *[Interruption.]*

Jeremy Balfour: On a point of order, convener.

The Convener: Excuse me. Before I take your point of order, Mr Balfour, I remind members that a debate is on-going. I would be very grateful if all conversations could cease.

Jeremy Balfour: That was my point of order, convener: I could not hear Mr Griffin.

The Convener: Thank you. Please continue, Mr Griffin.

Mark Griffin: Thank you, convener.

Yesterday, I outlined substantial concerns about the freeze and about the social rented sector's ability to continue its plan to build new affordable housing, which directly tackles Scotland's housing crisis, as well as its ability to maintain and upgrade its existing properties. The sector has rung the alarm bell. For one association in my region—

Abronhill Housing Association—that could mean suspending all its investment programmes well into 2024.

Given that seven out of 10 social tenants receive housing benefit or universal credit, the majority of them will not benefit from a freeze but could potentially lose out on investment in their homes. Where rent is paid by the UK Government, so, too, are any increases. The Scottish Parliament information centre's modelling shows that approximately £30 million would be lost from the housing sector, based on a 3 per cent rise next year, with the UK Treasury retaining that money instead.

I lodged amendment 87 because absent from section 8 is any provision to consult relevant parties in the review process that is required to consider whether part 1 remains necessary and proportionate. The amendment would add such a provision; its absence has led to the emergency legislation process being severely criticised. I hope that having formal consultation would go some way towards resolving that issue. I ask members to support amendments 80 and 87.

I move amendment 80.

The Convener: I call Jamie Greene to speak to amendment 81 and other amendments in the group.

Jamie Greene: First, I put on record our comments on Mark Griffin's amendment 80. He made very valid points that reflect views that many of us have heard. We will support his amendment if he presses it.

I wrote to all the housing associations in my region about the points that Mark Griffin has just made, and I received a number of detailed responses. Given the time constraints, I will not go into those in detail, but a number of them made the same points.

For example, Horizon Housing Association said that

"the rent freeze will impact our future cash flow projections and reduce our ability to invest in our homes."

That is an issue that we have been talking about today, and I have that in front of me in black and white. Horizon said that investing in homes is not just about new homes and that the legislation will result in fewer

"kitchens, bathrooms, boilers, heat pumps, fabric first works etc".

Horizon carries on and on in its response.

Another group—Cloch Housing Association—said that the legislation will have a negative impact on the services that it offers its tenants and that that is a major concern. The Link Group, which is another housing association in my area, said

something similar, as did the Hanover (Scotland) Housing Association. I have reams and reams of comments. I urge members to think carefully about voting against amendment 80.

My amendment 81 deals with the extension issue. We have heard that we are dealing with emergency legislation with a finite life. Some have concerns that the 18-month provision stretches a little bit too far. There is nothing very temporary about 18 months; that is a long time to have such a policy in place.

I think that very few people really believe that the measure will be temporary. As is evident from the responses that we have had from the market, there is a real fear that mission creep will go on and on. It is highly unlikely that the wider cost of living issues that have been discussed by members and by ministers will clear up or go away any time soon. Therefore, there is a fear that it is inevitable that the Government will come back and say that it has to keep the measures going.

What I am asking for specifically in amendment 81 concerns that crunch point in March 2023 when ministers report and make a statement to Parliament. Ideally, that statement would be that there is to be a new act, as members have indicated in other amendments. However, if the emergency legislation is to continue, amendment 81 would add some extra parameters of data to be covered.

Data should be driving this—specifically, data on:

- “(a) rent levels,
- (b) numbers of evictions,
- (c) the number of rental properties available on the housing market,
- (d) the level of rent arrears.”

I believe that all that data should be available to the Government; if it is not, I would be worried. If the data is available and the Government does not want to include it in the statement, I would be equally worried. If some of that data is simply not available, that would be fine.

This is a stage 2 amendment, and I am happy to work with the minister if he thinks that that sounds a bit onerous. We can take some of it out or add to it if he thinks that that would be helpful. I would very interested to hear the Government’s views. If it is minded to push back on amendment 81, I would ask why.

Amendments 88 and 89 do something slightly similar, but they are on the wider reporting requirements around what the rent cap means.

Amendment 88 asks for empirical data on

- “(a) average rent levels,

- (b) the number of rental properties available on the housing market,

- (c) the level of rent arrears.”

However, amendment 89 goes further. It asks ministers, if they have identified a notable decline in those metrics, to come back to Parliament and say what they will do to address that. For example, if the stock of available housing in the rental market notably reduces as a by-product of the legislation, the Government must say what it is doing about that. If more people are being evicted, for whatever reason, or if rent arrears are markedly increasing, what is the Government doing to address that?

I hope that the amendments are helpful to the Parliament. Ultimately, it will be all of us who will have to give consent to an extension in March next year. I look forward to hearing the Government’s comments on my amendments.

The Convener: I call Pam Duncan-Glancy to speak to amendment 83 and the other amendments in the group.

Pam Duncan-Glancy: Thank you, convener. I will speak to amendments in the group that are in my name.

The bill is firmly about helping to alleviate the cost of living crisis by freezing rents. As I outlined yesterday, I support the bill. However, this crisis affects so many areas of our lives and so many people. In its midst, we need wide-ranging and bold action—action that delivers help to the people who need it for all the things that they need help with. People need to know that we as legislators are listening and that we understand the scale of the problems that they face today.

As legislators, we must remain focused on the variety of measures that impact the cost of living crisis, and Government must always be transparent about what it is doing to help. That is what I am seeking to achieve with my amendments.

In amendments 83 and 91, I ask the Government to define the cost of living. Doing that would be good legislative practice, and as I strongly support principles of the bill, I want to do all that I can to make it as robust as possible. If the Government believes, as I do, that the cost of living crisis is strong enough to demand emergency legislation, I think that it is only right that the bill should say what is meant by “the cost of living” and that it should list the various pressures on pockets this winter. Clear language makes for better legislation that is more easily implemented by the people who are responsible for making it work. It also makes it clearer to people in our regions that we understand the totality of their hardship.

Although the bill addresses a key factor by reducing the cost of living for people who rent, it will, necessarily, reach only one portion of the population, and it will affect only one of the many increasing bills that people will face. That is why, in amendment 91, I have set out a list of areas that affect the cost of living.

Crises, by their nature, need fast action, and that needs transparent decision making. In amendments 84 and 86, I seek to improve transparency of decision making by asking the Government to set out what it has taken into account when prioritising action on the cost of living—action that I support—and what other action it has taken, and will take, to alleviate the cost of living on the basis of the various factors that are set out in amendment 91. That clarity is important because people need to be clear about what the Government has done to help, and why.

We have heard claims that the Government has spent £3 billion on the crisis, but we know from the Scottish Parliament information centre that only one sixth of that is actually new funding. People in our regions need to know what we are doing to help them, and Parliament needs accurate and detailed information to be able to hold the Government to account for its actions, particularly when they are taken in the midst of a crisis and at pace. Amendment 91 will help with that by ensuring that the Government sets out clearly the actions that it is taking during the crisis.

19:15

Lastly, amendment 90 is a procedural one that would clarify the process for social landlords during the period when the bill is in force. The amendment would create an opportunity for the Government to set out when it will let Parliament know whether the rent freeze and other provisions in the bill are to be extended. I will move that amendment on behalf of social housing providers, which have been in contact with my party to outline how helpful it would be to know in January or February what the Government intends to do and whether it intends to extend the provisions. That is for the purposes of those providers' planning procedures, such as consulting tenants over future rent levels.

In the midst of a crisis, we need bold action and decisions that will help the most people. The Government can do that only if it sets out where action is needed and what action it has taken so that it can monitor that. We on the Labour benches can help the Government only if we can see what the Government has done and what it still has to do. That is what all the amendments that have been lodged in my name aim to address, and I hope that the Government will take them in good faith and will support them.

I urge members to back the amendments in my name.

Paul Sweeney: I will speak to amendment 85 in my name, following the Government's acceptance of my earlier amendment 71, which was on the provision of information and support for tenants. Amendment 85 would put a duty on ministers to report on their progress with regards to keeping tenants informed of their rights, as outlined in my earlier amendment.

Edward Mountain: I am taken by the fact that the amendments that have been lodged in the group all seek to achieve the same thing, which is to hold the Government to account as a result of the emergency legislation. We are all trying to work out what the effects will be, not only on landlords but on tenants and therefore on housing in Scotland. I am taken, too, by the comments of Mark Griffin and Pam Duncan-Glancy—I cannot agree with all their amendments but I agree with some of them—as well as those of Jamie Greene and Paul Sweeney. I like their approach, because it is about making the Government answer questions on legislation that it has introduced.

My amendment 92 aims to further hold the Government to account. It would require the Scottish ministers to prepare a report, after the expiry of part 1, on

“the cost and effect on landlord and tenants”

and

“the cost to the Scottish Ministers, including loss of income from taxation”.

That latter issue is not covered properly in the financial memorandum that accompanies the bill.

If the five members who have amendments in the group got together and drafted an amendment to make a proper reporting procedure for the Government, that would have huge merit. The Government says that it will

“undertake a review of the operation of the provisions of Part 1 with a view to considering whether those provisions remain necessary and proportionate”.

All that it has to say is that the provisions are necessary and proportionate, and that could be the end of the report. To me, that is not sufficient.

Shona Robison: Before I come on to the amendments in the group, I want to reiterate a point that Patrick Harvie made on the position of the social rented sector and give assurance in relation to some of the points that Mark Griffin and others have raised. Throughout yesterday and today, we have made it clear that the success of and continued investment by the social rented sector are crucial to the delivery of the affordable housing supply programme. That is why we have said that we will work with the sector, and that

approach has been well received by the sector. We have the structure already set up through the task and finish group, and we want to do that work at pace—certainly before the review period—in order to make a judgment about what happens from 1 April next year. We want to do that in partnership with the sector. It is not about our doing it to the sector; it will be done in agreement with the sector.

Miles Briggs: Does the cabinet secretary recognise that people in the sector are now rewriting 10-year business plans and cancelling affordable homes projects, which we all want to be delivered?

Shona Robison: As we speak, the sector is bringing forward affordable homes projects and delivering affordable homes.

Miles Briggs: So there will be no loss.

Shona Robison: I know that Miles Briggs does not like to hear that, but the sector is delivering affordable homes. Figures that were published just yesterday show that 113,000 more affordable homes, 79,000 of which are for social rent, have been delivered since April 2007, so we are way ahead of the UK Government in providing affordable housing.

We need to ensure that the agreement between the sector and the Scottish Government relating to what happens from April next year meets a number of criteria. First, affordable homes should continue to be delivered. Secondly, we should ensure that tenants' rents are affordable. We need to ensure that the sector can continue to support tenants and their welfare, because we know that that is what it does well. We will work with the sector to ensure that all of that is delivered.

I now turn to the amendments in the group. Amendment 80 would require the Scottish Government to include information about funding. The statement of reasons will be much more comprehensive than that, because we will include all relevant information. For that reason, amendment 80 is not required, so we do not support it.

We cannot support amendments 81, 88 and 89 for the following reasons. The statement of reasons that is required under section 6(6) if the Scottish ministers wish to extend the expiry date of the bill, and the report that is required under section 8(1) setting out why the Scottish ministers believe that the measures

"remain necessary and proportionate in connection with the cost of living",

will be evidence based, in the same way as we have set out the evidence for the bill in the accompanying documents that we have prepared. We would expect to be challenged if our decisions

were anything else, so amendments 81 and 88 are not necessary.

I am content to support amendment 85, in line with our acceptance of amendment 71.

Pam Duncan-Glancy's amendments 83, 84, 86, 90 and 91 would create a very tight definition of the "cost of living" that would restrict the ability to include other key economic factors, such as levels of income, that have an impact on the cost of living. Some parts of the definition that are set out in the amendments are not directly relevant to the protection of tenants through a rent cap and an evictions moratorium, so they are not within the scope of the bill. The ordinary meaning of the "cost of living" is appropriate, so amendments to the bill in that regard are not required. Furthermore, the amendments include elements, such as those relating to energy, that are outside the Parliament's legislative competence. For those reasons, we urge members not to support those amendments.

Amendment 87 would introduce a new requirement for the Government to consult before undertaking the reporting reviews that we have set out in the bill. Given that we will consult with the persons and bodies that are set out in Mr Griffin's amendment on an on-going basis anyway, we are content to accept the amendment.

We cannot support amendment 92. Ministers will, of course, consider the impacts of the bill, and the Parliament can debate those.

In summary, we have tried to accept amendments when we can.

Jamie Greene: It sounds as though, in summing up, the Government is saying no to all the amendments from a number of members across the chamber. The amendments simply seek to enhance the level of scrutiny that the Parliament can provide in relation to the extension of the measures. They seek to expand the amount of data that is made available to us and that the Government must gather and analyse. The Government is simply saying that it will make a statement, that it will all be fine and that we should trust it. I fail to see any coherent rationale as to why the Government is pushing back on all the amendments. Surely there must be some give at stage 2.

Shona Robison: I wish that Tory members would listen to what is said. I have just said that I will accept Paul Sweeney's amendment 85 and Mark Griffin's amendment 87. He said that we are not accepting amendments but, if he listened to what we said, he would perhaps not have to make interventions that are a bit silly.

Pam Duncan-Glancy: Please forgive the length of time that it has taken me to intervene. I was looking for the amendment number in the list.

Amendment 86 asks the Government to

“set out any additional steps the Scottish Ministers have taken to alleviate the cost of living”.

Although I recognise that a definition for something such as the cost of living could be expansive, I would welcome a potential amendment at stage 3, if the Government was willing to consider what that definition could look like. If the Government is not minded to define the cost of living, which I find odd for a bill with “cost of living” in its name, would it at least consider reporting through the mechanism in the bill to enable members to understand all the measures that the Government is taking to alleviate the cost of living during the period for which the rent freeze is in place? That would be not just so that we could scrutinise the legislation, but so that other people outside the Parliament could understand that the Government appreciates the totality of their hardship.

Shona Robison: The general definition of cost of living covers the cost of goods and services that are viewed as necessary to maintain an average or minimal standard of living. That is a common understanding of the cost of living.

On Pam Duncan-Glancy’s point about the actions that the Government is taking on the cost of living, we have already set those out. However, we can debate her point about the £3 billion. As I have previously said to her, something does not have to have been announced last month to impact positively on household budgets. If someone in Scotland requires a prescription next week, they will not have to pay for it, whereas they would be paying £9.25 per item if they were based in England. That helps with household budgets. We have to look at the package of cost of living support in the round, which we will continue to do.

Pam Duncan-Glancy: I am grateful to the minister for taking my intervention and to other members in the chamber, because I appreciate that it is late.

The point that I am making about the £3 billion is not about comparing what the Scottish Government is spending on prescriptions with what is happening in England. I am asking the Scottish Government to set out what it is doing now, when the cost of living crisis is biting, that is specifically about getting us through the crisis. I am not asking it to package together all the measures that we expect to have in Scotland, some of which were put in place by a Labour Scottish Executive.

Shona Robison: It does not matter when they were put in place; the point is that they are impacting positively on household budgets to help people with the cost of living. It would be ridiculous to count only the things that were announced in the past year, because that would exclude so many important elements that help with family budgets.

We always want to consider what more we can do, and we have made a commitment through the emergency budget review to do just that. However, it cannot always be about what has been newly announced; it has to be looked at in the round and must include everything that is being done. Of the £3 billion-worth of support, £1 billion is available only in Scotland. This Government put those resources in place and that support is not available anywhere else, so, of course, that has to be counted.

We have tried to support the amendments that will get to the nub of what members are looking for through this set of amendments. We are content to support amendment 85, in the name of Paul Sweeney, and amendment 87, in the name of Mark Griffin. However, we cannot support the remainder of the amendments in the grouping, and we urge members not to press or move them.

The Convener: I call Mark Griffin to wind up and to press or seek to withdraw amendment 80.

Mark Griffin: I welcome the cabinet secretary’s comments and her support for amendments 85 and 87.

I have a degree of sympathy for amendment 81, which is in the name of Jamie Greene, because it gets to the heart of the issue that has plagued the housing market for longer than the Parliament has been here—the lack of data on rents and rent increases within tenancies. There is in the sector a dearth of data to help us to come to a reasoned assessment of whether a policy position is right or wrong, so I appreciate the motivation behind the amendment.

19:30

On amendment 80, I think that it is fair to say that the subject of the impact of a cap on the finances of housing associations has been a key point in the debate, and one that has been raised not just by me but by members from across the chamber. Amendment 80 seeks to provide a specific requirement that an assessment be carried out of the financial impact of extending the provisions of part 1 on housing associations and, in particular, on their funding for the affordable housing supply programme. That is key, given that it is an area in which the good action that the Government is taking in the short term—which we support—to get us through the cost of living crisis

is at odds with our long-term ambition of boosting the number of affordable houses that are built.

I heard what the cabinet secretary said about the work that was on-going, and I welcome that. I also heard what she said about the fact that the measures that I am suggesting would be included in a comprehensive review that will be carried out anyway. I gently say that if what I propose will be included in that review, there would be no harm in supporting it. That would give an assurance to Parliament that serious account will be taken of the financial viability of registered social landlords, as well as giving comfort to the sector.

I press amendment 80.

The Convener: The question is, that amendment 80 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)

Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)

(SNP)

Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 50, Against 63, Abstentions 0.

Amendment 80 disagreed to.

Amendment 81 moved—[Jamie Greene].

The Convener: The question is, that amendment 81 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should cast their votes now.

The vote is closed.

Sharon Dowey (South Scotland) (Con): On a point of order, convener. I would have voted yes.

The Convener: Thank you. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)

Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)

Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)

Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 48, Against 66, Abstentions 0.

Amendment 81 disagreed to.

Amendment 82 not moved.

Section 6 agreed to.

Section 7 agreed to.

Section 8—Reports by the Scottish Ministers on status of Part 1 provisions

Amendment 83 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 83 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)

Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 21, Against 93, Abstentions 0.

Amendment 83 disagreed to.

Amendment 84 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 84 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

The vote is closed.

Finlay Carson (Galloway and West Dumfries) (Con): On a point of order, convener. I was unable to connect to the voting system. I would have voted no.

The Convener: We will ensure that that is recorded.

Stephanie Callaghan: On a point of order, convener. I do not think that my vote has gone through; I would have voted no.

The Convener: Thank you. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 20, Against 92, Abstentions 0.

Amendment 84 disagreed to.

Amendment 85 moved—[Paul Sweeney]—and agreed to.

Amendment 86 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 86 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)

Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 21, Against 94, Abstentions 0.

Amendment 86 disagreed to.

Amendment 87 moved—[Mark Griffin]—and agreed to.

Amendments 88 and 89 not moved.

Amendment 90 moved—[Pam Duncan-Glancy].

The Convener: The question is, that amendment 90 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)

Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 50, Against 66, Abstentions 0.

Amendment 90 disagreed to.

19:45

Section 8, as amended, agreed to.

After section 8

Amendment 91 not moved.

Amendment 92 moved—[Edward Mountain].

The Convener: The question is, that amendment 92 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 85, Abstentions 0.

Amendment 92 disagreed to.

The Convener: We move to the group on ensuring resources for tribunals. Amendment 93, in the name of Miles Briggs, is the only amendment in the group.

Miles Briggs: Amendment 93 aims to provide additional resources for tribunals. We are concerned that the bill's impact could be significant. We already know that the First-tier Tribunal faces an eight to nine-month waiting time and backlog of work, so we call on ministers to provide financial resources and assistance to the tribunals, including grants, loans, guarantees and indemnities, over and above the current financial year settlement, should there be a significant increase in cases coming forward. I hope that ministers will consider that as an important part of making sure that the system works for landlords and tenants.

I move amendment 93.

Edward Mountain: I want to speak to that point, because it is seriously important that the First-tier Tribunal is working properly to prevent problems getting worse. My colleague Miles Briggs mentioned getting the correct resources. It would also be extremely helpful for the Government to consider reporting on the efficiency of the tribunals.

I have asked questions on the issue in Parliament before, but the Government has not been able to tell me how long the waiting list for the First-tier Tribunal is. I was told today that Glasgow's waiting list is between six and nine months. Frankly, that is not good enough, and the Government should accede to Mr Briggs's request.

Patrick Harvie: As Miles Briggs set out, amendment 93 would place a requirement on ministers to ensure that adequate resources are available for the First-tier Tribunal should the provisions in part 1 result in a significant increase in the number of cases being heard.

I do not believe that the amendment is necessary. Where a change is made to a case type in the housing and property chamber of the First-tier Tribunal, the Scottish Government fully funds the cost by in-year transfer based on a spending forecast that is agreed between the Scottish Government and the Scottish Courts and

Tribunals Service. Once the case load has reached a settled state, a baseline transfer of costs is agreed. That is a standard approach that is taken across all First-tier Tribunal chambers. Private rented sector case costs have not yet been baselined. We expect to meet the SCTS shortly to agree a transfer of costs for the remainder of this financial year—including those that result from the legislation via the spring budget revision. That process is adequate to meet the needs of the tribunal, and I do not believe that amendment 93 is necessary, so I urge Mr Briggs to withdraw it.

Miles Briggs: I heard what the minister said, but the Government is now proposing a review at 31 March, and I am not sure whether he said that the potential additional work that the tribunals system will face if that is extended beyond 31 March would be financially supported. Would that be done at a six-month review or for the next financial year if the Government gives resources from April?

Patrick Harvie: I have attempted to give a description of how the Scottish Government and the SCTS reach agreement about the funding of those processes every year; that process will be unchanged.

Miles Briggs: I understand that, but my concern is that—given the additional work that the tribunals system could face and the fact that it already has an eight to nine-month waiting time and backlog—that will not help the system if it is not in a good place financially. I intent to press the amendment, and I hope that ministers will take on board the need to ensure that the tribunals system works—otherwise it will collapse.

The Deputy Convener (Annabelle Ewing): The question is, that amendment 93 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)

Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

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

Amendment 93 disagreed to.

Section 9 agreed to.

Schedule 3—Rent adjudication: power to modify

The Deputy Convener: *The next group is on open market rent. Amendment 94, in the name of Edward Mountain, is grouped with amendments 95, 97, 98 and 100.*

Edward Mountain: The point of these amendments is to provide that at the conclusion of this emergency legislation the First-tier Tribunal will take into account the market value of rent. The whole point of the Rent (Scotland) Act 1984, the Housing (Scotland) Act 1988 and the Private Housing (Tenancies) (Scotland) Act 2016 was to allow the market to set the rent. A lot of people would say that rents have become inflated in some areas, but I have to say that that is not my experience of 35 years working in the market in the Highlands, where there has certainly been the definition of an open market rent, which is the best value that can be achieved with a willing landlord and tenant.

Both sides must be willing to enter into an agreement. My fear is that, by not including that and saying that it will determine which matters need to be taken into account, the Government will distort the market, which will cause houses to

be taken out of the rental sector, as my colleagues alluded to in earlier conversations.

If people cannot get a rent that covers the cost of a property on a long-term let—I have to say that, in my case, that is what I try to achieve because there is value to long-term lets—they will have to look at other vehicles, such as short-term lets and Airbnb. Frankly, that will not help people to live in communities. The minister has views on that, some of which I support. Therefore, I ask that the Government considers including the words “open market rent” when this emergency has passed. At the moment, it has specifically excluded those words.

I move amendment 94.

Patrick Harvie: I am grateful to the member for being clear about the intentions behind his amendment. I must say that he raises some issues that relate to arguments about the longer-term future of the rental sector. My experience as a regional MSP for Glasgow is that a great many people would disagree with him that the market is not leading to inflated rents. Indeed, I have many constituents who are paying more for a rental property than they would for even a repayment mortgage on the same property, despite the fact that their rights and security of tenure as a tenant are less than those of a homeowner.

Therefore, there is very clearly a long-term argument about whether the open market rent approach secures what the Scottish Government wants to secure, which is for the human right to adequate housing to be met for everyone. However, as I said, some of that is a longer-term discussion that will be taken forward through the work that we are doing under the new deal for tenants and permanent legislation in the future.

As for the emergency legislation, it is clear that, if and when circumstances change and we reach the view that the emergency measures are no longer proportionate and justified by circumstances and necessity, we will have to move away from them. It is essential that we have a bridge away from that process rather than a direct return to open market rents.

All the amendments in this group would, in essence, remove the ability to modify the rent adjudication process so as to prevent a cliff edge. If we took that approach, there is a genuine possibility that the ending of the emergency measures would lead to a frankly unsustainable position for a great many people around the country—not just in areas such as Glasgow and Edinburgh but in areas such as those that the member represents.

It is not enough to say that a tenancy that is agreed at whatever rent is agreed freely between the landlord and the tenant, because a great many

people in our society are unable to afford owner occupation because of inflated house prices. The Scottish Government is determined to press ahead with the increase in the provision of social housing because many people have found that to be unavailable. Therefore, for far too many people, the private rented sector is their only choice. They have no freedom to make a different choice. They have only the option to accept what the private rented housing market offers them. For many, that is good quality housing at an affordable price, but, for far too many others, it is unaffordable housing that is of a poorer energy performance standard than the rest of the housing stock.

The emergency measures that we are taking are about these current circumstances, but it is essential that we retain the power to modify the rent adjudication process—again, on a temporary basis—as a bridge out of the emergency measures. Therefore, I strongly urge Parliament to reject the amendments in the group.

The Deputy Convener: I call Edward Mountain to wind up and to press or withdraw amendment 94.

Edward Mountain: I fear that we are using a sledgehammer to crack a nut, and we are making huge decisions based on generalised comments in relation to some parts of Scotland.

That is why we need to consider what the open market rent would be. My amendments do not suggest that it has to go to an open market. I am just saying that that value should be considered.

As the minister well knows, the danger is that, if we do not give some stability to the private rental market, there will be a lack of investment in it. There is a large builder located close to Elgin that has already put development on hold because of the bill.

I press amendment 94.

20:00

The Deputy Convener: The question is, that amendment 94 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)

Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 28, Against 86, Abstentions 0.

Amendment 94 disagreed to.

Amendment 95 not moved.

The Deputy Convener: The next group is on additional scrutiny of draft regulations. Amendment 96, in the name of Miles Briggs, is grouped with amendment 99.

Miles Briggs: Before we reach Mr Cole-Hamilton's crowning glory, I wanted to introduce an opportunity for the Parliament to consider the unintended consequences of the bill. Jamie Greene's amendment 81 was an incredibly important attempt to provide real-world data on the impact that the bill will have. The sector is talking about the unintended consequences of the bill.

We want the Scottish Government to provide the information requested as soon as possible, as well. Therefore, my amendments look towards a draft of the proposed regulations being provided before the end of the year. That would enable us to consider the impact of the bill and the data that ministers will use to take decisions on extending the bill, on increasing the cap further than 31 March and on when the emergency powers will end. We believe that a draft of the plans that

ministers will develop around those decisions should be published before the end of the year, and we ask for that to take place so that Parliament can properly scrutinise future plans and the data that ministers will use in taking decisions to then increase people's rent in the coming parts of this bill.

I hope that members will look to how that will provide Parliament with far more scrutiny of the regulations.

I move amendment 96.

Patrick Harvie: The effect of amendments 96 and 99 is to require a draft of the proposed regulations three months before the expiry of the bill. Regulations made under schedule 3 are subject to the affirmative procedure. That means that they will be subject to 54 days of parliamentary scrutiny before they are made.

Given that the provisions of schedule 3 will apply in anticipation of the expiry of the emergency measures, it is envisaged that any regulations that are made under schedule 3 would be introduced 54 days before the expiry of those measures. Therefore, the amendment is unnecessary. In addition, it might not be possible to fulfil the requirements of the amendment, because we do not know when the emergency measures will expire. I am sure that, if circumstances change and the Government is no longer able to demonstrate the on-going necessity and proportionality of the measures, Conservative members will be keener than anyone for us to expire them as soon as that becomes possible. It would not be appropriate to place this additional requirement for advance publication of a draft, given that it might not be possible to do that in time for expiry in those circumstances. Therefore, I do not believe that the proposal would be workable, and I urge the member not to press the amendment.

I stress that we are keen to ensure that the decisions and policy development around the regulations are transparent, and I commit to publishing a draft for consultation and working with Parliament and stakeholders on their development and to ensuring that that opportunity is as significant as possible. However, I cannot support the specific measures in the amendment.

Miles Briggs: I have heard what the minister has said, but I would say that, based on our work, the Local Government, Housing and Planning Committee is concerned about the total lack of data around the measures and the need for us to develop that.

Having listened to the minister, I am happy to withdraw my amendment 96 and to not move amendment 99. However, I hope that the minister has understood the view across Parliament, which

is that we need to see that the future decision on this issue is taken on the basis of real-world data. That is important with regard to any unintended consequences, and it is important that Parliament does not take decisions without that data being provided across the parties.

Amendment 96, by agreement, withdrawn.

Amendments 97 to 100 not moved.

Schedule 3 agreed to.

Section 10 agreed to.

Before section 11

The Deputy Convener: The last group concerns Crown consent. Amendment 101, in the name of Alex Cole-Hamilton, is the only amendment in the group.

Alex Cole-Hamilton: Members will be pleased to hear that I have been slashing my remarks, taking out paragraphs left, right and centre. *[Applause.]* What you have to do to get a clap in this place—I don't know.

The bill represents a first for this Parliament but also a first for our new King. It will be the first whole piece of legislation to transit through the Scottish Parliament to which his signature will be affixed.

Last year, *The Guardian*, in collaboration with the Scottish Liberal Democrats, uncovered that the monarch's lawyers had vetted at least 67 pieces of legislation that affected Crown property and powers. Before the summer, a Scottish Government memorandum indicated that it was "almost certain" that draft laws were quietly changed to address the Crown's concerns and to secure its approval. We do not know what changes were made or what bills were amended.

Looking to the future, this is the first bill that requires Crown consent under King Charles III. This is the first time that the new procedures that have been introduced by the Presiding Officer and the Scottish ministers will have been applied to a bill. As a result of those changes, it will be confirmed that Crown consent has been sought and agreed. That is expected at stage 3, when, I presume, ministers will simply confirm as much in a single sentence. However, I believe that Parliament also deserves to know what specific changes, if any, have been or will be made to the legislation at the request of the Crown's lawyers.

My amendment 101 would require the Scottish ministers to prepare a report that would cover three things: a summary of discussions, the details of changes that were requested and the Government's response to those requests.

The period of three months allows the Parliament to reflect on the contents of that report, prior to any potential extension of powers in March 2023. Members will also notice that my amendment 101 reflects the language that is contained in rule 9.11 of the standing orders. I think that people deserve to know whether changes to the law are being discussed or agreed.

I wish the new King well. He carries with him the good will of the country and of our party, and, with that, the good will and expectations of his stated hope for modernisation and transparency. This amendment will help him to do exactly that.

I move amendment 101.

The Minister for Parliamentary Business (George Adam): It has been a long afternoon and a longer evening, so I will try to be brief at the same time as making sure that Mr Cole-Hamilton's concerns are addressed. I fear that I might fail in both aims, but I will try.

As all members are aware, the Scotland Act 1998—the UK act that provides for the current devolution settlement—has required the Scottish Parliament and Government, since 1999, to seek Crown consent if the same bill would need such consent were it passed in the UK Parliament. As required by the 1998 act, the Scottish Parliament's standing orders set out the rules for determining that for each bill. Crown consent is required where a Scottish bill impacts the private property or interests of the sovereign. Where that requirement is identified, the Scottish Government is required to obtain that consent. That is not a choice that the Scottish Government is taking. Because the bill contains provisions that affect private residential tenancies—which could affect residential tenancies on His Majesty's private estates and those on land that forms part of the Scottish Crown estate—Crown consent is required.

In order for the necessary consent to be provided, a copy of the bill has been shared with the palace. As is required by standing orders, the King's consent to the bill is expected to be signified to Parliament ahead of the bill being debated at stage 3. That process has not changed, and it has been followed by each Scottish Government since 1999, including previous Labour-Liberal Democrat Governments. However, to make matters more transparent, Parliament was made aware on Monday that the Scottish Government will, from now on, make clear in bills' accompanying documents how provisions in the bill apply to the Crown and why Crown consent is required.

We are the first Scottish Government to make that additional information available to Parliament on a bill's introduction. That will ensure that members have full information on the introduction

of a bill, to enable them to scrutinise and debate that throughout the passage of the bill. It has always been open to members and committees to raise questions as to whether or why Crown consent is required during any bill's passage through parliament. That has not changed.

Members will also be aware that it remains Scottish Government policy that legislation should apply to the Crown in the same way as it does to anyone else. I confirm that this bill applies to the Crown in the same way as it applies to anyone else.

Amendment 101 seeks to require the Government, after the bill has been passed, to report on various discussions that have been held. Before they are published, bills might change for all sorts of reasons, on the basis of different discussions with stakeholders. It is difficult to see the purpose that is served by requiring the Government, after the bill has been passed, to provide a report on those matters in relation to the King.

The question for the Parliament on this bill and future bills is whether it is content with the way in which the bill applies to the Crown. In this case, it is about whether the Parliament is content that the bill applies to the Crown in the same way as it does to anyone else. For those reasons, I cannot support amendment 101 and I urge the member not to press it to a vote.

Alex Cole-Hamilton: I was not making a partisan point, although, having listened to the minister's remarks, I think he thought that I was. Amendment 101 is about scrutiny and transparency, not about who is in charge at any period in history. Transparency and scrutiny are pillars of our democracy. Indeed, they have been championed by our new King, and Parliament has the opportunity tonight to agree on a principle.

In simple terms, I believe that people have a right to know when changes are made to the laws of our land or when agreements are struck, particularly when those have happened because of discussions between ministers and the Crown. I believe that that should apply whether changes are made before the bill arrives in Parliament, while it is passing through our committees and chamber or when adjustments are made in the years to come through secondary legislation.

With this amendment and this bill—which marks a first in a number of respects—the Scottish Government could agree to produce this simple report, and with it a signal that it supports the principle that the Parliament and the public deserve to know how laws are made and who is influencing them.

I press amendment 101.

20:15

The Deputy Convener: The question is, that amendment 101 be agreed to. Are we agreed?

Members: No.

The Deputy Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Convener: The result of the division is: For 22, Against 93, Abstentions 0.

Amendment 101 disagreed to.

Sections 11 to 13 agreed to.

Long title agreed to.

The Deputy Convener: That ends stage 2 consideration. I notify members that the deadline for lodging stage 3 amendments is 9 am

tomorrow, Thursday 6 October. Given that the stage 2 consideration of the bill has now concluded, this meeting of the Committee of the Whole Parliament is concluded.

Meeting closed at 20:17.

20:17

On resuming—

Meeting of the Parliament

The Deputy Presiding Officer (Annabelle Ewing): We resume business.

Business Motions

20:18

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of business motion S6M-06199, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

The Minister for Parliamentary Business (George Adam): Before I move the business motion, I ask whether you would be willing to accept a motion without notice to move tonight's members' business to another day.

The Deputy Presiding Officer: Yes, I would be prepared to accept such a motion.

Motion moved,

That, under Rule 8.2.6, Members' Business be postponed to a future meeting of the Parliament.—[George Adam]

Motion agreed to.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 25 October 2022

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Suicide Prevention Strategy and Action Plan

followed by Stage 1 Debate: Hunting with Dogs (Scotland) Bill

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 26 October 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:
Constitution, External Affairs and Culture;
Justice and Veterans

followed by Scottish Labour Party Business
followed by Ministerial Statement: Moray Maternity Services
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.40 pm Decision Time
followed by Members' Business
 Thursday 27 October 2022
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Education and Skills
followed by Ministerial Statement: Scotland's Humanitarian Response to the Ukraine Crisis
followed by Stage 1 Debate: Gender Recognition Reform (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
 Tuesday 1 November 2022
 2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Social Justice and Social Security Committee Debate: Robbing Peter to Pay Paul – Low Income and the Debt Trap
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 2 November 2022
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Covid Recovery and Parliamentary Business; Finance and Economy
followed by Scottish Conservative and Unionist Party Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.00 pm Decision Time

followed by Members' Business
 Thursday 3 November 2022
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions: Net Zero, Energy and Transport
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 24 October 2022, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S6M-06200, in the name of George Adam, on behalf of the Parliamentary Bureau, on stage 1 timetabling.

Motion moved,

That the Parliament agrees that consideration of the National Care Service (Scotland) Bill at stage 1 be completed by 17 March 2023.—[George Adam]

Motion agreed to.

Parliamentary Bureau Motions

20:19

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of three Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-06201 and S6M-06202, on approval of Scottish statutory instruments, and S6M-06203, on the office of the clerk.

Motions moved,

That the Parliament agrees that the Consumer Scotland (Transfer of Functions) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Scottish Social Housing Charter: April 2022 (SG/2022/32) be approved.

That the Parliament agrees that between 1 February 2023 and 31 January 2024, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 7 April, 10 April, 1 May, 26 May, 29 May, 15 September, 1 December, 22 December (pm), 25 December and 26 December 2023, and 1 and 2 January 2024.—[George Adam]

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

Decision Time

20:19

The Deputy Presiding Officer (Annabelle Ewing): There is one question to be put as a result of today's business. I propose to ask a single question on three Parliamentary Bureau motions. As no member has objected, the question is, that motions S6M-06201 and S6M-06202, on approval of Scottish statutory instruments, and S6M-06203, on the office of the clerk, be agreed to.

Motions agreed to,

That the Parliament agrees that the Consumer Scotland (Transfer of Functions) Regulations 2022 [draft] be approved.

That the Parliament agrees that the Scottish Social Housing Charter: April 2022 (SG/2022/32) be approved.

That the Parliament agrees that between 1 February 2023 and 31 January 2024, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 7 April, 10 April, 1 May, 26 May, 29 May, 15 September, 1 December, 22 December (pm), 25 December and 26 December 2023, and 1 and 2 January 2024.

The Deputy Presiding Officer: That concludes decision time.

Meeting closed at 20:20.

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

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