



The Scottish Parliament Pàrlamaid na h-Alba

MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 76, Session 6

Meeting of the Parliament

Tuesday 1 February 2022

Note: (DT) signifies a decision taken at Decision Time.

The meeting opened at 2.00 pm.

1. Time for Reflection: Rev Ronald Matandakufa, Minister, Kirk of the Holy Rood, Grangemouth, led Time for Reflection.

2. Revision to Business Programme: The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03027—That the Parliament agrees to the following revisions to the programme of business for

Tuesday 1 February 2022—

after

followed by First Minister's Statement: COVID-19 Update

insert

followed by Ministerial Statement: Update on 2022 National Qualifications

after

followed by Scottish Government Debate: UK Elections Bill

insert

followed by Legislative Consent Motion: Public Services Pensions and Judicial Offices Bill

The motion was agreed to (DT).

3. Topical Questions: Questions were answered by a Minister.

4. First Minister's Statement: The First Minister (Nicola Sturgeon) made a statement and answered questions on Covid-19 Update.

5. Ministerial Statement: The Cabinet Secretary (Shirley-Anne Somerville) made a statement and answered questions on Update on 2022 National Qualifications.

6. UK Elections Bill: The Minister for Parliamentary Business (George Adam) moved S6M-03009—That the Parliament agrees not to consent to the UK Elections Bill, as it is for the Scottish Parliament to legislate on electoral law in relation to Scottish Parliament and local government elections; notes that the Scottish Government intends to consult on a number of electoral reforms later in 2022 with a view to bringing forward legislation; expresses its concern that proposals in the UK Elections Bill in relation to reserved elections risk disenfranchising voters, and threatening the independence of the Electoral Commission; notes that the proposal to require voter identification could infringe the human rights of people without a form of identification; supports the agreement of the Scottish Parliament Standards, Procedures and Public Appointments Committee to the Scottish Government's position that legislative consent is required in relation to digital imprints in devolved elections, and opposes the moves by the UK Government to effectively replace existing Scottish legislation on digital imprints by applying an unacceptably broad interpretation of the internet services reservation.

Stephen Kerr moved amendment S6M-03009.2—

As an amendment to motion S6M-03009 in the name of George Adam (UK Elections Bill), leave out from “not to” to end and insert “that the relevant provisions of the UK Elections Bill, introduced in the House of Commons on 5 July 2021, relating to various election improvements and modernisations, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.”

After debate, the amendment was disagreed to ((DT) by division: For 29, Against 90, Abstentions 0).

Neil Bibby moved amendment S6M-03009.1—

As an amendment to motion S6M-03009 in the name of George Adam (UK Elections Bill), insert at end “; believes that the Bill will undermine the ability of civil society organisations, charities and trade unions to engage and campaign in Scotland's and the UK's democracy, and regards the Bill as a costly and

dangerous attempt by the UK Conservative administration to manipulate democracy in its favour.”

After debate, the amendment was agreed to ((DT) by division: For 90, Against 30, Abstentions 0).

The motion, as amended, was agreed to ((DT) by division: For 91, Against 29, Abstentions 0).

Accordingly, the Parliament resolved— That the Parliament agrees not to consent to the UK Elections Bill, as it is for the Scottish Parliament to legislate on electoral law in relation to Scottish Parliament and local government elections; notes that the Scottish Government intends to consult on a number of electoral reforms later in 2022 with a view to bringing forward legislation; expresses its concern that proposals in the UK Elections Bill in relation to reserved elections risk disenfranchising voters, and threatening the independence of the Electoral Commission; notes that the proposal to require voter identification could infringe the human rights of people without a form of identification; supports the agreement of the Scottish Parliament Standards, Procedures and Public Appointments Committee to the Scottish Government’s position that legislative consent is required in relation to digital imprints in devolved elections; opposes the moves by the UK Government to effectively replace existing Scottish legislation on digital imprints by applying an unacceptably broad interpretation of the internet services reservation; believes that the Bill will undermine the ability of civil society organisations, charities and trade unions to engage and campaign in Scotland’s and the UK’s democracy, and regards the Bill as a costly and dangerous attempt by the UK Conservative administration to manipulate democracy in its favour.

7. Public Service Pensions and Judicial Offices Bill - UK Legislation: The Cabinet Secretary for Justice and Veterans (Keith Brown) moved S6M-02975—That the Parliament agrees that the relevant provisions of the Public Service Pensions and Judicial Offices Bill, introduced in the House of Lords on 19 July 2021 relating to enabling devolved judicial offices to be added to a judicial pension scheme at the request of the Scottish Ministers, the increase in the mandatory retirement age for devolved judicial office holders in Scotland to 75 and the addition of provisions on the determination and payment of allowances, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The motion was agreed to (DT).

8. Committee Announcement: Claire Baker, on behalf of the Economy and Fair Work Committee, made an announcement on Town Centres and Retail.

9. Decision Time: The Parliament took decisions on item 6 and 7 as noted above.

10. World Cancer Day 2022: The Parliament debated S6M-02749 in the name of Jackie Baillie—That the Parliament recognises that 4 February 2022 is World Cancer Day, a day that unites people, communities and entire countries to raise awareness

and take action on cancer; recognises that the theme of World Cancer Day 2022 is “Close the Care Gap”, which is about understanding and recognising inequities in cancer care around the globe; understands that one in two people will get cancer in their lifetime, but that great progress in research has seen survival rates double in the last 40 years; congratulates Cancer Research UK on the 20th anniversary of its formation, following the merger of the Imperial Cancer Research Fund and the Cancer Research Campaign; expresses admiration for the way that it considers this institution has dramatically changed outcomes for people with cancer, through what it sees as the pioneering of more effective and kinder treatments, improving diagnostic methods, providing world-class information and campaigning for change, some of which takes place in Scotland; wishes Cancer Research UK well with its future work, and notes that MSPs can show their support for World Cancer Day through the wearing of a Cancer Research UK Unity Band.

11. Motion Without Notice: Jackie Baillie moved without notice that, under Rule 8.14.3, the debate be extended by up to 30 minutes.

The motion was agreed to.

The meeting closed at 6.35 pm.

David McGill
Clerk of the Parliament
1 February 2022

Appendix
(Note: this Appendix does not form part of the Minutes)

Committee Reports

The following report was published on 27 January 2022—

Social Justice and Social Security Committee, 2nd Report, 2022 (Session 6):
Subordinate legislation considered by the Social Justice and Social Security
Committee on 27 January 2022 (SP Paper 93)

The following report was published on 28 January 2022—

Education Children and Young People Committee, 2nd Report, 2022 (Session
6): Subordinate legislation - The Redress for Survivors (Historical Child Abuse
in Care) (Reconsideration and Review of Determinations) (Scotland)
Regulations 2022 (SP Paper 92)

The following reports were published on 1 February 2022—

Standards, Procedures and Public Appointments Committee, 3rd Report,
2022 (Session 6): Standing Order Rule Changes – Committee name and
remit and miscellaneous changes (SP Paper 96)

Delegated Powers and Law Reform Committee, 6th Report, 2022 (Session 6):
Subordinate Legislation considered by the Delegated Powers and Law
Reform Committee on 1 February 2022 (SP Paper 97)

Legislative Consent Memorandum

The following memorandum was lodged on 1 February 2022—

Shona Robison, Cabinet Secretary for Social Justice, Housing and Local
Government: Legislative Consent Memorandum on the Nationality and
Borders Bill (UK Parliament legislation) (LCM-S6-14)

Subordinate Legislation

Affirmative Instruments

The following instruments were laid before Parliament on 28 January 2022 and are
subject to the affirmative procedure—

Community Care (Personal Care and Nursing Care) (Scotland) Amendment
Regulations 2022 [draft]
laid under section 23(3)(a) of the Community Care and Health (Scotland) Act
2002

Social Security Up-rating (Scotland) Order 2022 [draft]
laid under sections 150(2) and 150A(2) of the Social Security Administration
Act 1992

Legal Aid and Advice and Assistance (Financial Limit) (Scotland) Amendment
Regulations 2022 [draft]
laid under section 37(2) of the Legal Aid (Scotland) Act 1986

Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022
[draft]
laid under section 96(2) of the Social Security (Scotland) Act 2018

Negative Instruments

The following instruments were laid before Parliament on 28 January 2022 and are
subject to the negative procedure—

M8/M73/M74 Motorways (30mph, 40mph and 50mph Speed Limit) Regulations 2022
(SSI 2022/26)
laid under section 134(3) and (8) of the Road Traffic Regulation Act 1984

Carer's Allowance Up-rating (Miscellaneous Amendment) (Scotland) Regulations
2022 (SSI 2022/28)
laid under section 176(3)(b) of the Social Security Contributions and Benefits
Act 1992

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland)
Regulations 2022 (SSI 2022/30)
laid under section 37(1) of the Legal Aid (Scotland) Act 1986

The following instrument was laid before Parliament on 31 January 2022 and is
subject to the negative procedure—

Disability Assistance for Working Age People (Consequential and Miscellaneous
Amendment and Transitional Provision) (Scotland) Regulations 2022 (SSI 2022/31)
laid under section 96(4) of the Social Security (Scotland) Act 2018

The following instruments were laid before Parliament on 1 February 2022 and are
subject to the negative procedure—

Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees)
(Coronavirus) Amendment Regulations 2022 (SSI 2022/34)
laid under section 125 of the Police Act 1997 and section 100 of the
Protection of Vulnerable Groups (Scotland) Act 2007

Sea Fish (Prohibition on Fishing) (Firth of Clyde) (No. 2) Order 2022 (SSI 2022/35)
laid under section 20(5) of the Sea Fish (Conservation) Act 1967

Other Documents

The following document was laid before the Parliament on 28 January 2022 and is not subject to parliamentary procedure—

Response to Scottish Commission on Social Security’s Scrutiny Report on the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 SG/2022/16 laid under section 97(9)(a) of the Social Security (Scotland) Act 2018

The following documents were laid before the Parliament on 1 February 2022 and are not subject to parliamentary procedure—

The 2020/21 audit of the Scottish Environment Protection Agency SG/2022/5 laid under Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

Scottish Environment Protection Agency Annual Report and Accounts 2020-2021 SG/2022/4 laid under Section 46 of the Environment Act 1995 and Section 22(5) of the Public Finance and Accountability (Scotland) Act 2000

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