



# The Scottish Parliament Pàrlamaid na h-Alba

## MINUTES OF PROCEEDINGS

Parliamentary Year 1, No. 80, Session 6

Meeting of the Parliament

Wednesday 9 February 2022

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

The meeting opened at 2.00 pm.

- 1. Portfolio Questions:** Questions on Health and Social Care, and then Social Justice, Housing and Local Government were answered by Cabinet Secretaries and Ministers.
- 2. Ministerial Statement:** The Minister for Transport (Jenny Gilruth) made a statement and answered questions on ScotRail – A New Beginning.
- 3. Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill – Stage 3:** The Presiding Officer determined, under Rule 9.8.5BA, that, in her view, no provision of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill related to a protected subject-matter.
- 4. Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill:** The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney) moved S6M-03080—That the Parliament agrees that the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill be passed.

Jackie Baillie moved amendment S6M-03080.1—

As an amendment to motion S6M-03080 in the name of John Swinney (Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill), insert at end “, and, in so doing, calls on the Scottish Government to review the amount paid in the self-isolation grant to ensure that it at least matches the National Living Wage.”

After debate, the amendment was agreed to (DT).

The motion was then agreed to ((DT) by division: For 122, Against 0, Abstentions 0).

Accordingly, the Parliament resolved—

That the Parliament agrees that the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill be passed, and, in so doing, calls on the Scottish Government to review the amount paid in the self-isolation grant to ensure that it at least matches the National Living Wage.

**5. Reimbursement of Members' Expenses Scheme - Local Offices:** Maggie Chapman, on behalf of the Scottish Parliamentary Corporate Body, moved S6M-03100—That the Parliament, in exercise of the powers conferred by sections 81(2) and (5)(b) and 83(5) of the Scotland Act 1998, determines that the Reimbursement of Members' Expenses Scheme, which was agreed to by resolution of the Parliament on 2 March 2021, be amended to:

(a) in paragraph 4.3.5, delete “the” where it appears at the beginning of the fourth line and delete “members concerned” in that same line and insert instead “those members who establish a local parliamentary office”;

(b) delete “When” at the beginning of paragraph 4.3.6 and insert instead “Subject to paragraphs 4.3.9 and 4.3.10, when”;

(c) insert after paragraph 4.3.8:

“4.3.9 Where one or more regional members, returned from a registered political party’s regional list, do not establish and run a local office the limit of entitlement to office cost provision of those members remaining who do establish and run a local office, in the circumstances set out in paragraphs 4.3.4 to 4.3.7, will be recalculated as though the member or members who do not establish an office had not been returned on that registered political party’s regional list.

| Number of Regional Members original returned on regional list | Number of Members not establishing a local office | Number of Regional Members recalculations subsequently based on |
|---|---|---|
| 2   | 1   | 1   |
| 3   | 1   | 2   |
| 4   | 1   | 3   |
| 3   | 2   | 1   |
| 4   | 2   | 2   |
| 4   | 3   | 1   |

4.3.10 Should a member, who has previously not established a local office, decide at any subsequent point to establish a local office then all of those members returned from a registered political party’s regional list who establish a local office will require to share a local office as set out in paragraphs 4.3.4 to 4.3.7 and those members’ entitlement to office cost provision will be recalculated in accordance with paragraph 4.3.9 from the point of establishing that shared office.”;

(d) renumber paragraphs currently numbered as 4.3.9 to 4.3.13 to paragraphs 4.3.11 to 4.3.15 and amend any references to those paragraphs to take account of the number change accordingly; and

(e) insert after paragraph 4.4.1:

“4.4.2 The above calculation will be based on the number of members originally returned on the regional list for the political party, taking no account of any change made to calculations for those members who do establish and run a local office as set out in paragraphs 4.3.9 and 4.3.10.”

The motion was agreed to (DT).

**6. Standing Order Rule Changes – Committee Name and Remit and Miscellaneous Changes:** Martin Whitfield, on behalf of the Standards, Procedures and Public Appointments Committee, moved S6M-03030—That the Parliament notes the Standards, Procedures and Public Appointments Committee’s 3rd Report 2022 (Session 6), Standing Order Rule Changes - Committee name and remit and miscellaneous changes (SP Paper 96), and agrees that the changes to Standing Orders set out in Annex A of the report be made with effect from 11 February 2022.

The motion was agreed to (DT).

**7. Business Programme:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03144—That the Parliament agrees—

(a) the following programme of business—

Tuesday 22 February 2022

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* First Minister’s Statement: COVID-19 Update

*followed by* Delegated Powers and Law Reform Committee Debate: Inquiry into the Use of the Made Affirmative Procedure During the Coronavirus Pandemic

*followed by* Scottish Government Debate: Nationality and Borders Bill (UK Legislation)

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members’ Business

Wednesday 23 February 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Justice and Veterans; 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)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 24 February 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* Net Zero, Energy and Transport Committee Debate: COP26 - Outcomes and Implications for Scotland's Climate Change Policies

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 1 March 2022

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

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

*followed by* Scottish Government Business

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 2 March 2022

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Covid Recovery and Parliamentary Business; Net Zero, Energy and Transport

*followed by* Scottish Government Business

*followed by* Scottish Government Debate: Local Government Finance (Scotland) Order 2022

*followed by* Constitution, Europe, External Affairs and Culture Committee Debate: Internal Market Inquiry

*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 3 March 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: Rural Affairs and Islands

*followed by* Scottish Government Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 21 February 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.

The motion was agreed to.

**8. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03145—That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2022 (SSI 2022/13) be approved.

The motion was agreed to (DT).

**9. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03146—That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 2) Regulations 2022 (SSI 2022/25) be approved.

The motion was agreed to (DT).

**10. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03147—That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 3) Regulations 2022 (SSI 2022/29) be approved.

The motion was agreed to (DT).

**11. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03148—That the Parliament agrees that the Disability Assistance for Working Age People (Scotland) Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

**12. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03149—That the Parliament agrees that the Registers of Scotland (Digital Registration, etc.) Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

**13. Approval of SSI:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03150—That the Parliament agrees that the Social Security Information-sharing (Scotland) Amendment Regulations 2022 [draft] be approved.

The motion was agreed to (DT).

**14. Committee Meeting Times:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03151—That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Finance and Public Administration Committee can meet, if necessary, at the same time as a meeting of the Parliament between 12.45 pm and 2.30 pm on Thursday 24 February 2022.

The motion was agreed to (DT).

**15. Designation of Lead Committee:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03152—That the Parliament agrees that the Social Justice and Social Security Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Nationality and Borders Bill (UK Legislation).

The motion was agreed to (DT).

**16. Designation of Lead Committee:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03153—That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the Fireworks and Pyrotechnic Articles (Scotland) Bill at stage 1.

The motion was agreed to (DT).

**17. Suspension and Variation of Standing Orders:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau,

moved S6M-03154—That the Parliament agrees that, with effect from 11 February 2022, for the purposes of committee meetings up to 1 April 2022—

- (a) in Rule 6.3A.1 after “member” the words “or members” be inserted;
- (b) Rule 6.3A.2 be suspended;
- (c) in Rule 6.3A.4 the first sentence be suspended;
- (d) after Rule 6.3A.5(d) be inserted “(e) a political party withdraws in writing to the Bureau that nomination of the member or members nominated for the purposes of committee meetings up to 1 April 2022.”; and
- (e) in Rule 12.1.15 the words “(other than a committee substitute)” be omitted in both instances where they occur.

The motion was agreed to (DT).

**18. Temporary Amendment to Standing Orders:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved S6M-03155—That the Parliament agrees that, with effect from 11 February 2022, Temporary Standing Orders Rule 3 be amended—

- (a) in paragraph 1 to delete “11 February 2022” and insert “1 April 2022, except to the extent determined by the Presiding Officer, having regard to relevant legislation and public health guidance. Such determinations shall be notified in the Business Bulletin”; and
- (b) to delete paragraph 2.

The motion was agreed to (DT).

**19. Motion without Notice:** The Minister for Parliamentary Business (George Adam), on behalf of the Parliamentary Bureau, moved without notice that, under Rule 11.2.4, Decision Time be brought forward to 4.57 pm.

The motion was agreed to.

**20. Decision Time:** The Parliament took decisions on items 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 as noted above.

**21. Commemorating the 70th Anniversary of the Accession to the Throne of Her Majesty Queen Elizabeth II:** The Parliament debated S6M-02909 in the name of Stephen Kerr—That the Parliament commemorates the 70th anniversary of the accession to the throne of Her Majesty Queen Elizabeth II; recognises that this anniversary also marks 70 years since the death of Her Majesty’s father, King George VI; understands that Her Majesty has been Head of State of the United Kingdom of Great Britain and Northern Ireland, Crown Dependencies and British Overseas Territories, and Head of the Commonwealth, for the last 70 years, and expresses its indebtedness for her selfless and dutiful service to the country and its people.

**22. Motion without Notice:** Stephen Kerr 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 5.59 pm.

**David McGill**  
Clerk of the Parliament  
9 February 2022



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

**Committee Reports**

The following reports were published on 9 February 2022—

Delegated Powers and Law Reform Committee, 11th Report, 2022 (Session 6): Subordinate Legislation considered by the Delegated Powers and Law Reform Committee on 8 February 2022 (SP Paper 109)

Economy and Fair Work Committee, 4th Report, 2022 (Session 6): Report on the supplementary Legislative Consent Memorandum for the Professional Qualifications Bill (SP Paper 111)

Health, Social Care and Sport Committee, 2nd Report, 2022 (Session 6): Supplementary Legislative Consent Memorandums on the Health and Care Bill (SP Paper 112)

**Subordinate Legislation**

**Made Affirmative Instruments**

The following instrument was laid before Parliament on 9 February 2022 and is subject to the made affirmative procedure—

Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2022 (SSI 2022/46)  
laid under section 41(3) of the Landfill Tax (Scotland) Act 2014

**Affirmative Instruments**

The following instruments were laid before Parliament on 9 February 2022 and are subject to the affirmative procedure—

Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 [draft]  
laid under paragraph 6(1) of schedule 19 of the Coronavirus Act 2020

Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Amendment Regulations 2022 [draft]  
laid under paragraph 6(1) of schedule 19 of the Coronavirus Act 2020

**Negative Instruments**

The following instrument was laid before Parliament on 9 February 2022 and is subject to the negative procedure—

Personal Injuries (NHS Charges) (Amounts) (Scotland) Amendment Regulations 2022 (SSI 2022/45)

laid under section 195(8) of the Health and Social Care (Community Health and Standards) Act 2003

### **Laid Only Instruments**

The following instrument was laid before Parliament on 9 February 2022 and is not subject to any parliamentary procedure—

Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (Commencement No. 5) Regulations 2022 (SSI 2022/43 C.4)  
laid under section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

### **Other Documents**

The following document was laid before the Parliament on 9 February 2022 and is not subject to parliamentary procedure—

**Coronavirus (Scotland) (No.2) Act 2020: Tenth report on the Scottish Ministers' responses to requests for information under the Freedom of Information (Scotland) Act 2002 SG/2022/18** laid under paragraph 12 of schedule 4 to the Coronavirus (Scotland) (No.2) Act 2020 and section 7A of the Freedom of Information (Scotland) Act 2002

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