

The Law Society has worked closely with Registers of Scotland to facilitate a way in which transactions could proceed, by satisfying a particular framework that involves extending the period of the advance notice to provide sufficient time to register the deed. That period will run from submission of the advance notice until 10 working days after the application record fully opens. The bill currently extends the period to 10 days.

The Law Society believes that clarity is required as to the period; through the insertion of the word “working”, the bill would also cover and take into account bank holidays and weekends when Registers of Scotland is unable to accept paper applications. The keeper of the registers of Scotland has confirmed that she will consult the Law Society of Scotland as to whether she intends to reopen the application record. However, the emergency legislation might be required to provide that safeguard.

I move amendment 52.

Andy Wightman: Members might be aware of many instances over the past few weeks of land managers continuing to set the hills alight. They do that for a variety of reasons, under legal restrictions that are imposed by section 23 of the Hill Farming Act 1946, which imposes a season, from 1 October to 15 April, or an extended season to 30 April.

I commend the call exactly one week ago by Scottish Land & Estates that land managers desist from muirburning due to the demands that it could place on emergency services, and because of other issues in relation to the restrictions around working.

However, as evidence from across the country demonstrates, it is clear that the call is not being heeded. That is so important because the latest fire risk assessment, which was published this morning on behalf of the Scottish Wildfire Forum—says that the overall fire danger assessment for southern and eastern Scotland is officially “very high” for this week coming, and that in eastern Scotland on Saturday 4 April it is “extreme”. Amendment 53 would bring the muirburning season to an immediate halt, and would not allow any such activity during the emergency period.

Murdo Fraser (Mid Scotland and Fife) (Con): I will speak briefly to the two disparate amendments in the group. In relation to Pauline McNeill’s amendment 52, which originated from the Law Society of Scotland, I declare my interest as a member of that society.

I welcome amendment 52; it seeks to extend the time that is available to solicitors to submit applications for registration of title to the keeper from 10 days to 10 working days. It is a modest

and sensible change and I hope that the entire Parliament will support it.

I will not be quite as generous about Andy Wightman’s amendment 53, although I have no interest to declare in that respect; sadly, I am not the owner of a grouse moor—at least, not yet—although I appreciate that that distinguishes me from some of my Conservative colleagues.

An important qualification for any legislation is that it meets the test of necessity. That is particularly the case when it comes to emergency legislation that is being passed by Parliament without the opportunity for proper consultation and scrutiny. Amendment 53 does not meet the test of necessity because, despite what Mr Wightman said, there is no evidence that muirburning is currently taking place in Scotland.

Scottish Land & Estates has told its members very clearly that muirburning should not take place. In any event, the muirburning season comes to an end on 15 April, which is two weeks from today; that is likely to be before the bill is even enacted. The measure is therefore unnecessary—that is the kindest thing that I can say about it.

Andy Wightman is, once again, on his favourite hobby-horse—attacking landed estates and the people who own them. There are many other activities in the countryside that one could, equally, argue would present a challenge to the emergency services.

Andy Wightman: I merely observe to Mr Fraser that Scottish Land & Estates has called on its members to desist. My amendment would give that the force of law.

Murdo Fraser: Mr Wightman and I disagree. We should not be legislating unless there is compelling need to bring in a new law. His amendment is not necessary, because there is no social ill that it is trying to cure. There is no evidence of muirburning taking place at the moment; even if there was, the chances are that by the time the bill is enacted, the muirburning season will be over. Mr Wightman is again on his favourite subject—attacking people who earn a living from the countryside and from grouse moors. It is a vindictive move, and Parliament should oppose it.

Michael Russell: Convener, I find myself in the position of being contrary on both amendments. If you will bear with me, I will do my best to explain why.

There is absolutely no reason why we should not support Pauline McNeill’s amendment 52, except, apparently, for the way in which Registers of Scotland operates its computer systems. The Government has worked hard today to see

whether we could accept the amendment. The problem is that the computer systems are based on days, rather than on working days, and to change the computer systems would require substantial work.

I have a solution. As Pauline McNeill suggests, there will probably be a need for emergency legislation to reopen the registers. That is being discussed. If we can resolve that, we will, of course, use the proposal in amendment 52, because we are entirely sympathetic to there being as much time as possible. Unfortunately, the issue cannot be resolved here today. I wish that it could, because there is no reason for my objecting to the proposal other than that strong reason.

Pauline McNeill: I appreciate what the cabinet secretary is trying to do. I think that we are probably at one in terms of the desired outcome. As I am sure he knows, and based on case law, days can be crucial for people when they register properties. I want to put that on the record. I do not know when he is thinking further legislation might be introduced, but it is important to make the point that some people could be caught out.

Michael Russell: I entirely accept that. Our intention will be to give the maximum time possible. It is for Registers of Scotland to decide, but I do not want to put in statute something that would create an additional problem for the organisation.

In all honesty, I say that I am by no means an expert on the subject. I had not heard of it until about an hour ago, but knowing it now, I feel that it is my duty to share it in Parliament. I hope that Pauline McNeill will seek to withdraw amendment 52.

On Mr Wightman's amendment 53, I shall be contrary with regard to Conservative members. I read the amendment with a sense of *déjà vu*. I brought back the happy days when I was an environment minister and had heard of neither Brexit nor coronavirus. I would go back to those days, if only I could. I was familiar with muirburn regulations then. It is a sensitive issue. If any muirburn is taking place at this stage, it should stop: given the forecast, it must stop. In support of Mr Wightman, I say that I see absolutely no harm in putting that into statute. Therefore, I suggest that we do so.

It is not as simple as saying that the provision should cover only until 15 April, because there are circumstances in which muirburn could continue beyond 15 April—for, I think, another fortnight, although I am dredging from my memory regulations that I have not thought about for a very long time. In the circumstances, I am happy to support amendment 53. Others might not be.

The Convener: I call Pauline McNeill to wind up and to say whether she intends to press or to seek to withdraw amendment 52.

Pauline McNeill: I was just looking across the chamber towards Murdo Fraser, who I think is probably minded—as am I—to fix the issue correctly. I understand that some people could be adversely affected by amendment 52's proposals—because a property is not wholly theirs until their title is registered by the keeper—although it is to be hoped that no one would be so affected.

Based on that, and on the promise that the cabinet secretary has made, I look forward to further discussion on the issue. I am sure that the Law Society of Scotland will have picked up on the matter and will be in touch when it sees the outcome of the debate. For those reasons, I will be happy not to press amendment 52.

Amendment 52, by agreement, withdrawn.

Amendment 53 moved—[Andy Wightman].

The Convener: The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: I summon members to the chamber for a one-minute division on amendment 53. *[Interruption.]* Yes—I summon them to the chamber.

The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Adam, George (Paisley) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)

Griffin, Mark (Central Scotland) (Lab)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

The Convener: The result of the division is: For 59, Against 17, Abstentions 0.

Amendment 53 agreed to.

Schedule 7, as amended, agreed to.

Before section 9

The Convener: We turn to the last group of amendments, which is on equalities and human rights. Amendment 54, in the name of Ruth Maguire, is grouped with amendment 59.

Ruth Maguire (Cunninghame South) (SNP): We know that people who are already facing

inequality are most likely to be negatively affected by Covid-19, with an increased risk of facing financial and physical insecurity.

For example, women are affected in terms of their health not only as front-line workers and carers but also because of the policies that have been introduced to manage the impact of the virus. Periods of isolation and social distancing can exacerbate women's experiences of domestic abuse, effectively trapping them in unsafe situations with limited access to vital support and means of escape. As at 31 March, seven women had been murdered in their own homes this year—this is therefore a serious matter.

I praise the Scottish Government's decision to fund Scottish Women's Aid and Rape Crisis Scotland to ensure that the key services that they provide are maintained. I thank both organisations for the important work that they do to keep women safe, which has always been challenging but has probably been particularly difficult recently. I want them to know that they are valued, respected and supported.

Amendment 54 creates a duty on ministers to

"have regard to opportunities to advance equality"

and reflects mainstreaming obligations under the Equality Act 2010. It does not introduce any additional reporting obligations during this period of crisis, but it does ensure that Scotland's efforts to eradicate gender inequality lose as little ground as possible during it.

I move amendment 54.

The Convener: I call Monica Lennon to speak to amendment 59 and the other amendment in this group.

Monica Lennon: The purpose of amendment 59 is to ensure proper monitoring of the use of emergency powers on mental health.

Amendments made to the Mental Health (Care and Treatment) (Scotland) Act 2003 by the UK Parliament Coronavirus Act 2020 could have significant impacts on vulnerable adults. The Scottish Human Rights Commission has suggested that local authorities and health boards should be required to report on where and how they have used powers on mental health and that, if it were appropriately resourced, the Mental Welfare Commission for Scotland would be an appropriate body to receive such reports.

Although Scottish Labour accepts that the Scottish Parliament's emergency bill is necessary, its significant implications for the safeguarding of the human rights of those who are mentally ill are of concern. That is why increased powers for mental health professionals and the potential increase in periods of detention must be