



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Tuesday 25 October 2022**

**Session 6**



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Pàrlamaid na h-Alba

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## Tuesday 25 October 2022

### CONTENTS

	Col.
<b>TIME FOR REFLECTION</b> .....	1
<b>BUSINESS MOTION</b> .....	3
<i>Motion moved—[George Adam]—and agreed to.</i>	
<b>TOPICAL QUESTION TIME</b> .....	5
Arts Funding .....	5
Legal Aid Fees .....	9
<b>ENERGY PRICES BILL</b> .....	13
<i>Motion moved—[Patrick Harvie]—and agreed to.</i>	
The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie) .....	13
Liam Kerr (North East Scotland) (Con) .....	15
Colin Smyth (South Scotland) (Lab) .....	17
Liam McArthur (Orkney Islands) (LD) .....	19
Patrick Harvie .....	20
<b>MORAY MATERNITY SERVICES</b> .....	23
<i>Statement—[Humza Yousaf].</i>	
The Cabinet Secretary for Health and Social Care (Humza Yousaf) .....	23
<b>HUNTING WITH DOGS (SCOTLAND) BILL: STAGE 1</b> .....	36
<i>Motion moved—[Màiri McAllan].</i>	
The Minister for Environment and Land Reform (Màiri McAllan) .....	36
Finlay Carson (Galloway and West Dumfries) (Con) .....	40
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con) .....	44
Colin Smyth (South Scotland) (Lab) .....	47
Beatrice Wishart (Shetland Islands) (LD) .....	51
Karen Adam (Banffshire and Buchan Coast) (SNP) .....	53
Russell Findlay (West Scotland) (Con) .....	55
Jim Fairlie (Perthshire South and Kinross-shire) (SNP) .....	57
Mercedes Villalba (North East Scotland) (Lab) .....	59
Ariane Burgess (Highlands and Islands) (Green) .....	61
Alasdair Allan (Na h-Eileanan an Iar) (SNP) .....	64
Donald Cameron (Highlands and Islands) (Con) .....	66
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP) .....	69
Colin Smyth .....	72
Liz Smith (Mid Scotland and Fife) (Con) .....	76
Màiri McAllan .....	78
<b>DECISION TIME</b> .....	84
<b>THE BIG PROJECT (20TH ANNIVERSARY)</b> .....	87
<i>Motion debated—[Gordon MacDonald].</i>	
Gordon MacDonald (Edinburgh Pentlands) (SNP) .....	87
Jeremy Balfour (Lothian) (Con) .....	90
Rona Mackay (Strathkelvin and Bearsden) (SNP) .....	91
Michael Marra (North East Scotland) (Lab) .....	92
The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn) .....	94

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# Scottish Parliament

*Tuesday 25 October 2022*

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

## Time for Reflection

**The Presiding Officer (Alison Johnstone):** Good afternoon. The first item of business is time for reflection. Our time for reflection leader is the Rev David J Nixon, associate pastor at the Carrubbers Christian Centre.

**The Rev David J Nixon (Carrubbers Christian Centre):** Thank you for this opportunity to share a reflection.

For 140 years, Carrubbers church has stood halfway up the Royal Mile. Today, our mission remains the same: to see lives transformed by the good news of Jesus Christ.

A few weeks ago, our city bore witness to the funeral procession of Queen Elizabeth II. It was a solemn moment. We stood at our church doors watching her coffin being driven past, followed by King Charles III on foot. Over the following days, thousands formed the phenomenon known as “the queue”. People queued for miles—overnight—for a few moments to pay their respects.

In interviews, many testified that they felt magnetically drawn to join the queue. It seems that people felt the need to be lifted out of their ordinary daily grind to become part of a historic national event. One journalist reflected:

“The Queue wasn’t just about grief, but our deep need to be part of something bigger”.

That is because, deep in the human heart and psyche, we have a longing to be part of a bigger story—more than working 9 to 5 and living for the holidays.

The Queen was a Christian. She regularly testified in her Christmas messages that she believed that her life was part of God’s bigger story, because she served a higher king: Jesus, the son of God and king of kings.

People often ask me why, if this world is God’s story, it is more a horror story than a happy story. The Bible says that it is because God’s creatures have stolen the divine author’s pen as we seek to author our own stories and destinies instead. In the process, we have left a mess across the pages of history.

Nevertheless, God looked down on our confusion and chaos, misery and meaninglessness, injustice and inhumanity, and, because he loves us, could not remain at

comfortable distance from it. So, Jesus wrote himself into this world’s story—he became one of us, suffered among us, died on the cross for us and our sins, and rose again from the dead to show that evil need not have the last word in any of our lives. That is why the Bible promises:

“For God so loved the world that He gave us His Son, so that whoever trusts in Him should not perish but have eternal life”.

It is my prayer that, this winter, as we face many challenges and anxieties, many will find fresh hope and help in the true story of Jesus.

## Business Motion

14:03

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-06449, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out changes to this week's business and a suspension of standing orders.

*Motion moved,*

That the Parliament agrees—

(a) to the following revisions to the programme of business for—

(i) Tuesday 25 October 2022—

after

*followed by* Topical Questions

insert

*followed by* Scottish Government Debate:  
Legislative Consent to the Energy Prices  
Bill

delete

*followed by* Ministerial Statement: Suicide  
Prevention Strategy and Action Plan

and insert

*followed by* Ministerial Statement: Moray Maternity  
Services

delete

5.00 pm Decision Time

and insert

5.20 pm Decision Time

(ii) Wednesday 26 October 2022—

delete

*followed by* Ministerial Statement: Moray Maternity  
Services

and insert

*followed by* Ministerial Statement: Suicide  
Prevention Strategy and Action Plan

(iii) Thursday 27 October 2022—

delete

*followed by* Ministerial Statement: Scotland's  
Humanitarian Response to the Ukraine  
Crisis

and insert

*followed by* Ministerial Statement: Scottish COVID-  
19 Inquiry Chair

after

*followed by* Stage 1 Debate: Gender Recognition  
Reform (Scotland) Bill

insert

*followed by* Financial Resolution: Gender

Recognition Reform (Scotland) Bill

(b) that for the purposes of consideration of the legislative consent memorandum on the Energy Prices Bill (UK Legislation), Rule 9B.3.5 is suspended —[George Adam.]

*Motion agreed to.*

## Topical Question Time

14:04

### Arts Funding

1. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government what steps it is taking to address the reported “perfect storm” that the arts and culture sector is facing, in light of reports that organisations such as the Falkirk Town Hall, the Filmhouse in Edinburgh, the Belmont in Aberdeen and the Edinburgh International Film Festival recently entered into administration and the Modern Two art gallery in Edinburgh was forced to close for winter. (S6T-00915)

I would like to clarify that the word “closure” should have applied to the Falkirk Town Hall—it has not gone into administration.

**The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray):** I thank Sarah Boyack for raising the issue. I understand that this is an incredibly difficult and worrying time for the sector, particularly for staff of the venues that she mentions. We are engaging with Creative Scotland, as well as with Aberdeen and Edinburgh councils, to provide support where possible for those organisations facing immediate challenges.

With regard to the Centre for the Moving Image, which includes the Filmhouse, the Belmont and the EIFF, it would not be appropriate for the Scottish Government to comment on on-going legal proceedings. However, I assure the member that the Cabinet Secretary for the Constitution, External Affairs and Culture and I have been engaged with key partners over the past few weeks, and Creative Scotland continues to explore alternative options for cultural programming. I will provide the member with an update as soon as I am able to do so.

We continue to work with the culture sector to identify barriers to immediate and long-term recovery, and we will continue to do everything within our powers and resources to help those who are most affected by current economic challenges.

**Sarah Boyack:** I thank the minister for that response, particularly in relation to the cinemas and the film festival. The sector is important not only in terms of our culture; it is a huge part of our economy and identity. So, I would very much appreciate an update when there is—I hope—good news to be shared with us.

Over the recess, I hosted a round-table meeting on the impact of the cost of living crisis on the arts

and culture sector. Almost 30 organisations attended, and they all painted a very grim picture. Their consensus was that they need support and that the rhetoric does not match the support that they need now. Do you agree that, as many cultural services are provided through local councils, the cut to local spending on museums and galleries by a fifth and the reduction of spend on culture and related services by 23 per cent is detrimental for arts and culture organisations across our communities?

**Neil Gray:** I agree with Sarah Boyack on the point that she raises about the cultural significance of the organisations that we are talking about, in relation to not only the cultural and wellbeing significance that they have, but the significance that they hold in the local economies in which they sit. I absolutely agree with that point.

I commend Sarah Boyack for the work that she has done in having round-table sessions with stakeholders across the sector. We have been doing that, and we are looking to continue to advance that work with key stakeholders. I also agree with her about the grim picture that she describes. Our culture stakeholders face a very challenging situation, which highlights the folly of withdrawing the Covid recovery funding, as the United Kingdom Government did, before a meaningful recovery has actually taken place.

I remark on the topicality of that because it was the then chancellor and current Prime Minister who took that decision and because many of those venues face pressures because of the energy cost crisis. That is not the only reason why some of the venues face pressures, but it is part of the reason. That highlights not only the challenges that are faced when decisions—some of them incredibly reckless—are taken that make the situation much worse, but also what happens when you do not get to grips with a cost of living and energy cost crisis.

**Sarah Boyack:** Yes, there are huge challenges, which is why I asked the question. The message from the culture sector is that it needs that support now, as the costs of electricity and gas are rocketing, and its staff need support, too. We know, from evidence that the Constitution, Europe, External Affairs and Culture Committee has taken on the budget, that staff have left the sector. We cannot afford that to keep happening.

What will the Scottish Government do now? Does the minister agree that winter is the critical time to make the best use of our cultural spaces, whether they are national organisations or local authority spaces, to give multiple benefits for local communities? For example, the City of Edinburgh Council is looking at warm spaces with our libraries. Will the Scottish Government sit down with the sector, through the Convention of Scottish

Local Authorities, and consider the ideas that are being suggested by the sector for small procurement hubs like the Birmingham anchor network to make life easier for the sector by taking away some of the bureaucracy that makes life tough for it?

**Neil Gray:** I thank Sarah Boyack for the constructive way in which she approaches the matter and the constructive suggestions that she has followed up on. I have received correspondence from Adam McVey, who makes similar suggestions for such a round-table session, and I intend to reply to him in positive terms about bringing together a round table to consider the challenges that the sector faces.

I am sure that Sarah Boyack will agree that it is a sad indictment, in energy-rich Scotland, which is part of the UK, that we are in the situation of having public buildings being used for warmth sharing during winter. People are facing a terrible situation, and it is a terrible indictment on the Tory Government and its predecessors for austerity, its lack of action and its recklessness that has wrecked the economy.

We are, of course, looking to do everything that we can for our cultural venues. Sarah Boyack referred to the particular pressures on staff, and we appreciate those. Pay deal negotiations are on-going, and I hope that they can be resolved, to ensure that we properly reward and remunerate our hard-working staff in those organisations. However, she will also appreciate that we operate within a fixed budget. We do not have the necessary borrowing powers to make a significant difference when such a difficult situation arises, and we do not have the ability to vary tax rates in-year. Our ability to respond to the situation is therefore incredibly challenging, especially when we, without any grudge or grievance, need to resolve inflation and higher than predicted public sector pay deals, which are putting an additional burden of £700 million on to the Scottish Government's budget this year, before they are realised.

We will continue to do all that we can with the resources and powers that we have to respond to the situation as well as possible. I look forward to working with Sarah Boyack and others to ensure that we do that in a meaningful way.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** It is of great concern that Scotland's highly regarded cultural venues are struggling to stay afloat during the Tory cost of living crisis, which is doing irreparable damage to our economy and our reputation as a global centre for the arts. We have heard about the temporary closure of the Modern Two art gallery, but it is also true that the wider gallery and museum sector faces significant financial challenges. What action has the

Government taken in response to the immediate concerns of the museum and gallery sector?

**Neil Gray:** Gordon MacDonald is absolutely right. I remind members that it was the then chancellor, who is now the Prime Minister, who took the decision to cut Covid recovery funding before a meaningful recovery was taking place. We are now seeing in the feedback that we are getting—this is not the full picture, but it is certainly part of it—that energy costs and the UK Government's lack of willingness to take meaningful action quickly enough are part of the reason why we are facing the challenges that we are facing across the culture sector in Scotland.

Obviously, the Scottish Government is in regular contact with Museums Galleries Scotland and others across the sector to understand the challenges that they face. We have agreed with Museums Galleries Scotland that it will be able to repurpose the grants that it receives from the Scottish Government into a new resilience fund in order to support museums to build their resilience through activity that will reduce costs, increase income and support communities. The new fund was announced on 12 October. I hope that it goes some way towards supporting the sector with the challenges that it faces.

**Sue Webber (Lothian) (Con):** National Galleries of Scotland has said that the crisis is bigger than the pandemic and that the roots of the issue go much further back—as far back as 2008. Budgets have been reduced and have never fully recovered. Museums and galleries in Scotland have done everything possible to address the current challenges. They have reduced their operating costs by 67 per cent while increasing activity to help to achieve net zero, but budgets continue to shrink. What steps is the Scottish Government taking to accelerate and support our culture sector's recovery? What additional financial resources is it currently considering? After all, the sector is critical to the city's economy and the country's reputation.

**Neil Gray:** With all due respect to the member, it is brave of her to talk about recovery when I have said on a number of occasions that the situation is partly down to the UK Government—of which she is, I presume, still a supporter—cutting back on Covid recovery funding before a meaningful recovery had taken place.

Of course, we are working with stakeholders across the sector to do everything possible through our support and through the flexibilities that we are able to offer, such as the repurposing of funding to create the new resilience fund. We are doing everything that we can to respond as appropriately as possible. Nevertheless, Sue Webber and her colleagues need to take responsibility for the fact that we are facing a cost

of living crisis, an energy cost crisis and diminishing budgets in Scotland. I will take no lessons from her or her colleagues on how to run the culture sector in Scotland.

### Legal Aid Fees

**Liam Kerr (North East Scotland) (Con):** I remind members that I am a practising solicitor.

To ask the Scottish Government what its response is to reports that, due to legal aid fees agreed in 1999 only increasing by 10 per cent, there is a lack of legal provision across Scotland. (S6T-00914)

**The Minister for Community Safety (Ash Regan):** I do not recognise the figure that Liam Kerr just used. I wrote to the Criminal Justice Committee in June 2022 setting out in detail the history of fee reforms since devolution. If Liam Kerr has not had a chance to read that letter, I encourage him to do so.

Since 2019, all legal aid fees have been increased by 13.6 per cent and we have offered to the profession a further enhanced package of reforms and increases that are worth £11 million a year, which the Law Society of Scotland has accepted. I hope that boycott action will cease as a result of that further funding.

Officials engage closely with the Scottish Legal Aid Board to keep under review the availability of publicly funded legal services. The Scottish Government also provides funding to law centres as well as to local advice providers. Legal services are also provided through the Civil Legal Assistance Office and the Public Defence Solicitors Office. All those services can operate across a wide geographical area.

**Liam Kerr:** I thank the minister for the answer, but it is a completely tone-deaf response that betrays a fundamental misunderstanding of the profession. Many people have warned for years that legal aid funding is at a level that means that new talent is reluctant to enter the discipline, that partners retire and that solicitors suffer burnout and mental health challenges, as they try to balance one of the most difficult disciplines with appalling compensation. The decline has been going on for years and the Government has done nothing meaningful to arrest it.

I assume that the minister is confirming that she will not increase legal aid to an appropriate level, so what is the Government doing now to increase the number of firms that offer criminal and civil legal aid? Will she provide us with the research that suggests that it will work?

**Ash Regan:** The issues that Liam Kerr raises are important. I am sympathetic to some of them, but we need to engage in the debate in a way that

takes account of evidence and engages with the detail and the data.

Scotland is one of the leading jurisdictions in Europe in terms of the scope of legal aid. The Scottish National Party Government has invested in legal aid. In Scotland, more than 70 per cent of citizens are eligible for some form of legal aid. I remind members that that is not the case in England under the Conservatives, where its scope has been drastically cut.

I agree with Liam Kerr that access to justice is a fundamental issue. That is why the Government has listened to the profession. I engage regularly with representatives of the profession and have introduced the latest package of fee reforms, which, as I laid out in my earlier answer, is worth £11 million. It is a credible and substantial offer, which the Law Society of Scotland has accepted. It is, of course, in addition to the 13.6 per cent uplift that is already in place. Therefore, it is not accurate to characterise the Government as not listening or responding to the legal profession's concerns.

**Liam Kerr:** The Government is clearly not responding.

I was interested to hear that the minister is sympathetic only to some of the issues and not, clearly, to all of them. The impact falls on victims of crime, too, because they are involved in cases that are already being delayed by huge court backlogs. That, combined with the fact that 40,000 of the poorest people in Aberdeen do not have direct access to a single legal aid firm, should cause the Government to hang its head in shame at what is happening in some of the most vulnerable areas in our justice system in places such as Scotland's silver city.

Yesterday, the Scottish Courts and Tribunals Service responded to the proposed justice budget freeze by suggesting that the current backlog will grow by 2025 and that summary cases in particular might suffer. Does the minister recognise those appalling consequences of her Government's actions? We did not hear an answer to my first question, so I ask what she is doing right now to ensure adequate access to legal aid firms, in Aberdeen in particular.

**Ash Regan:** I am always working on actions to improve the situation in relation to legal aid provision.

I make it clear to members that the Scottish Government cannot compel private firms or solicitors to provide legal aid services. We provide civil solicitors through the Civil Legal Assistance Office. They have always—I say this in response to the member's point about geography—covered a wide geographical area and have largely been based in city centres near to the courts.

Currently, we face a challenging public finances environment that is due not least to choices that the UK Government has made and which are, as we know, resulting in a reduced budget in Scotland. *[Interruption.]*

As I have laid out, it is imperative that we have access to justice, and I have made a commitment in that regard. This Government has made a recent offer of £11 million of funding, which is a substantial amount in the current context in which we find ourselves. *[Interruption.]*

**The Presiding Officer:** Mr Kerr!

**Ash Regan:** We also fund law centres, the Public Defence Solicitors Office and, as I mentioned, the Civil Legal Assistance Office. It might be the case that our current model will not be sustainable over the long term. We are looking at substantively reimagining legal aid; work is ongoing on that. I hope that the member will support that work as it progresses.

**Katy Clark (West Scotland) (Lab):** Legal aid budgets were cut by almost half a billion pounds between 2007 and 2019. The Scottish Parliament information centre estimates that the Scottish Government's framework will mean that, over the next four years, another £12 million of real-terms cuts will be made to legal aid budgets.

The Law Society of Scotland says that the sector is already in crisis. What analysis has the Scottish Government carried out on the impact of cuts to the civil legal aid budget on the most deprived communities? Does the minister accept that access to justice is increasingly available only to the rich?

**Ash Regan:** No—I do not accept that at all.

I have set out some of the actions that this Government has taken, including the 3 per cent overall rise in fees in 2019, which was followed by the 5 per cent overall rise in fees in 2021, another overall rise in fees in 2022 and—as I set out in my previous answer—an additional fee package of £11 million this year on top of the investment that has already been made. That demonstrates that the Government is listening and that it is investing money in both civil and criminal legal aid.

I am always looking at what more I can do. I will give members examples of some of the things that have been done recently. We have provided £9 million of Covid resilience funding, we have put £1 million into traineeships—which the profession raised with me—we have made new payments for holiday courts and we have increased payments for appropriate early resolution. I am constantly working to see what more I can do.

In response to the member's question about how we will go forward, we have the legal aid payment review panel. The member asked about

our analysis. We need the approach to be evidence based: we want to get to a position in which everyone is working together to provide that evidence base. We will endeavour to set increases on that basis in the future.

**Sue Webber (Lothian) (Con):** The minister must be concerned about the impact that her Government's shocking funding is having on equalities in the profession. Will she highlight for members the percentage split between male and female practitioners generally, and the split in legal aid criminal work specifically? Will she set out in detail what steps her Government is taking right now to address that difference?

**Ash Regan:** I do not have that data in front of me at the moment, but I would be happy to follow that up in writing to Sue Webber.

The member might be aware that I have undertaken a programme of work in equalities in order to encourage more diversity in the profession. I would be happy to follow up with the member on my work in that area, too.

## Energy Prices Bill

### **The Presiding Officer (Alison Johnstone):**

The next item of business is a debate on motion S6M-06443, in the name of Patrick Harvie, on the Energy Prices Bill, which is United Kingdom legislation.

14:24

### **The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie):**

I thank members for their consideration of the legislative consent memorandum in relation to the UK Government's emergency Energy Prices Bill. As ever, when discussing reserved energy legislation, we must remind ourselves once again of the many vital actions that the Scottish Parliament could choose to take directly if the powers to do so were not reserved. That frustration is heightened today by the challenging timescales within which we have had to work in order to allow Parliament the time needed to consider the implications for Scotland.

Given the focus of the LCM on supporting people through the most acute energy prices pressures in living memory, I absolutely understand the speed with which the bill is progressing through the UK Parliament. Indeed, just before the recess, I oversaw our emergency legislation on support for tenants during the cost crisis, so I recognise—and I hope that members across the chamber will recognise—the very constrained circumstances in which we are considering the motion today.

Before turning to the specific issues requiring consideration, I want to emphasise just how much the urgent need for the intervention in prices, which the bill provides for, is driven by our vulnerability to gas prices. This crisis continues to highlight our reliance—indeed, our overreliance—on gas as a means of heating so many of our homes and buildings, which leaves our energy prices at the mercy of a hugely volatile market. Therefore, as we do everything that we can to support people through the crisis in the immediate term, it remains essential that we accelerate our transition away from fossil fuels for heat.

Meanwhile, no sooner had the UK Government introduced the emergency bill, which it seeks to pass at breakneck speed, than it cut short its flagship policy on energy support. The curtailing of the energy price guarantee by the Chancellor of the Exchequer last week has plunged households back into uncertainty about their bills and finances. Many households are already faced with making stark choices between providing food or warmth for themselves and their families. That is why we have called repeatedly for additional targeted

support for vulnerable consumers. The chancellor's reversal of what had been a two-year energy price guarantee makes the need for such support all the more urgent. We estimate that 860,000 households in Scotland now live in fuel poverty, with 600,000 households living in extreme fuel poverty. Therefore, although we have committed to doubling our fuel insecurity fund to £20 million as part of our emergency budget review that we are progressing, much more needs to be done with the powers and resources that exist at UK level.

I will move on to the issues in the bill that the Parliament needs to consider today. We have identified five clauses that require the Parliament's consent. Those provisions cover the reduction of domestic energy bills, the reduction of non-domestic energy bills, support for meeting energy costs and the regulation of energy markets. The first four of the five clauses—clauses 13, 14, 15 and 19—relate to support for consumers in meeting energy costs.

As set out in the draft memorandum, the powers exercised under clause 13 could be used in a way that relates to devolved competence. The example that is used in the draft LCM is the use of the power to provide financial assistance to meet or reduce expenses for heating in cold weather. Based on the urgent need for people across Scotland to receive financial assistance to mitigate the impact of the crisis, the Scottish Government recommends that the Parliament consents to clause 13 and the related clause 14.

Clauses 15 and 19 will enable the delivery of support, such as the equivalent to the £400 delivered through the energy bills support scheme, to those who were previously not eligible. Examples of consumers who are eligible for that equivalent support are park home owners and students living in rented accommodation. Last week, the Cabinet Secretary for Net Zero, Energy and Transport wrote to the secretary of state to seek urgent assurance that everyone in Scotland who is entitled to it will now receive the £400 rebate.

Earlier this year, the Scottish Parliament raised concerns about second home owners benefiting from the energy bills support scheme discount. Our limited powers meant that we could not prevent second home owners from benefiting twice from the £400 energy rebate in the way that we would have wanted to. The cabinet secretary did, of course, formally request an amendment to the Energy Prices Bill to prevent such an outcome, but such an amendment has not been accepted.

Although that remains deeply disappointing, we have been given an explicit understanding that the forthcoming equivalent support will be awarded via

an application process and will apply only to primary addresses.

Clause 22 gives power to the secretary of state to give directions to energy licence holders in response to the energy crisis, and is not limited to activities in reserved areas. Therefore, the Cabinet Secretary for Net Zero, Energy and Transport wrote to the Secretary of State for Business, Energy and Industrial Strategy to request that the bill be amended to require the Scottish ministers' consent before any direction is given that affects a devolved area.

In coming to a conclusion, I express the hope that the latest forced regeneration at the top of the UK Government might also compel a reappraisal of some of the glaring gaps in its energy policies. A prime example of a step in the right direction would be an immediate commitment to require and fund a major programme of energy efficiency measures and improvements. That would not only make homes more comfortable and affordable to heat but improve our environment and security of supply, by reducing our dependence on fossil fuels and reducing the power that is exercised at the whim of countries such as Russia and its current leader.

Although I again reflect that the UK Energy Prices Bill is far less than it might be were the powers behind its creation available to the Scottish Parliament, it remains better than nothing. Consenting to the motion will allow the people of Scotland who are currently struggling to pay their energy bills and heat their homes to receive desperately needed financial assistance as quickly as possible. I therefore must recommend that the Parliament consents to the UK Energy Prices Bill as it stands.

I move,

That the Parliament agrees that the relevant provisions of the Energy Prices Bill, introduced in the House of Commons on 12 October 2022, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

14:31

**Liam Kerr (North East Scotland) (Con):** I am grateful for the opportunity to speak in this debate on whether Parliament should agree to the legislative consent motion on the Energy Prices Bill. I should say that I join with the minister in supporting the suspension of rule 9B.3.5 in the standing orders in relation to the LCM on the bill. As I have made clear in previous debates, I am rarely comfortable with suspending standing orders to move bills or LCMs through without full process and, particularly, without consideration by the relevant committee.

On that note, it bears mentioning that the Net Zero, Energy and Transport Committee, within the remit of which the LCM falls, has, in my view—I declare an interest as a member of that committee—shown itself to be an effective and non-partisan scrutiny body that adds significant value to LCM considerations. However, in this case, as the minister did earlier, I note that the Energy Prices Bill is going through as emergency legislation and that it will complete its final amending stage today, which is also the day that Net Zero, Energy and Transport Committee meets, and that royal assent is expected tomorrow, which is 26 October.

Further, in relation to the processes, I understand that, following consultation, the convener of the Net Zero, Energy and Transport Committee is content with the suspension of standing orders and that a lead committee report is not required in this case. Therefore, in the circumstances, the Scottish Conservatives are content to support the expedited process.

I turn to the substantive LCM. The Scottish Conservatives welcome the Energy Prices Bill. By providing the legislative framework to deliver the UK Government's energy price guarantee and energy bill relief scheme, the bill will provide much-needed support to households and businesses right across the UK. No one has been unaffected by the eye-watering rise in wholesale prices of gas and oil in the past couple of years. That has resulted from a range of global factors, including countries recovering from the Covid-19 pandemic and of course the reduction in Russian supplies to Europe following the appalling invasion of Ukraine. That is why I agree with Patrick Harvie that energy security is so important in this country, which is yet another reason why we should support our North Sea oil and gas industry.

It is our understanding that the bill will cap the cost per unit of electricity and gas for domestic customers for a period of six months, until 1 April 2023. The purpose is that the average household, which is a defined term, will have annual energy bills of £2,500 rather than £3,549, which was, otherwise, projected. Furthermore, the bill appears to write in an equivalent price guarantee for businesses, charities and public sector organisations for the duration of that six months. It is only six months, but, unlike Mr Harvie, I feel that that is the right length of time. It will get us through the winter and then we can have a review, which will ensure that the mechanism can be stress-tested against what was projected, what was intended and what we have seen in practice by that point, during the winter months. Then we can decide what is the best and most productive mechanism going forward.

I think that the Energy Prices Bill is the right way forward, but, as ever, where an action of the UK Government would make changes in Scotland it is absolutely right that the Scottish Parliament considers whether to agree to it. I have listened to the minister propose that this Parliament should give its consent to the Scottish provisions of the Energy Prices Bill and on that I agree with him.

Interestingly, the minister suggested in his peroration that this Parliament does not have the powers to do all that it wants to, but I remind him of my speech right before recess, which he conveniently appears to have forgotten, in which I pointed out that this Parliament has all the powers that he needs and, indeed, thanks to the largest-ever budget settlement in devolution history, it also has the funds to do what it needs to.

The UK Government is doing the right thing to help consumers, businesses, charities and the like during this difficult time and it is important that the Scottish Parliament both acknowledges and welcomes that. The Energy Prices Bill and the attendant LCM will provide a lifeline to households and businesses this winter. Therefore, the bill should not be delayed and should be added to the statute book as soon as practically possible. Accordingly, I have no hesitation in confirming that the Scottish Conservatives intend to support the motion consenting to the UK Parliament legislating on devolved matters in the bill.

14:36

**Colin Smyth (South Scotland) (Lab):** Labour has called for support for families and businesses through an energy price freeze since August, setting out detailed costed plans, so we support the passage of the bill through the UK Parliament, even if it was described as a “landmark” two-year price guarantee but has now been shredded to a six-month freeze.

The devolved provisions that require Scottish Parliament consent are likely to be limited in practice and we welcome the efforts of the Scottish Government to seek assurances that the direction-giving powers will not be used to cut across devolved competences such as planning. We also recognise the time-limited nature of most of the powers in the bill.

Given the urgency of the matter and the dire cost of living crisis that we face, we share the Scottish Government’s view that seeking to carve out certain aspects of the support for separate provision from the Scottish Government is not appropriate or practical and therefore we support giving consent through the LCM.

These are urgent, desperate times for far too many families, who are having to choose between heating and eating, and far too many businesses

and organisations that are left wondering whether they will soon have to switch off the lights for the final time. Although we support the help with energy costs that the bill enables, we still have concerns over substantial parts of the legislation and Labour members in the UK Parliament have been seeking to amend the bill.

There is a contrast between the UK Government’s proposals and what was proposed by Labour in August. Labour proposed a real freeze; the UK Government has allowed a rise, albeit one that is capped. There also remain concerns over off-grid households and, of course, we have a profound disagreement over how the support will be funded. It is no secret that Labour wants to see the package of support funded not by more Government borrowing—which ordinary families will ultimately have to pay back—and a limited windfall tax, but primarily through a substantial windfall tax on the excess profits of the big oil and gas firms and by closing loopholes in the support that is provided for fossil fuel companies.

The Energy (Oil and Gas) Profits Levy Act 2022 included a significant loophole for oil and gas companies that invest more in oil and gas exploration and production. According to the Treasury, the allowance will mean that businesses will receive a 91p tax saving for every £1 invested, nearly doubling the tax relief that is available to oil and gas companies and tilting the pitch in favour of fossil-fuel investment over renewable investment. Labour would like to see that loophole closed, which would bring more than £5 billion to the table, and we have been seeking to pursue that through amendments in the UK Parliament, while recognising the limited scope of the bill itself.

There is, of course, far more that the Scottish Government can do to support families, businesses and organisations at this time, including cancelling school-meals debt, increasing funding for money advice services and topping up the welfare fund. That will be the focus of Labour’s business in the chamber tomorrow.

The focus of the bill and the LCM highlights why we need to recognise the lessons of the energy crisis. Those lessons do not suggest that we need to drive forward with fracking, which was the plan of last week’s Prime Minister—I am not sure what the view is of this week’s Prime Minister. The lessons are that there is a need for a sprint for clean energy—solar, wind and nuclear—for energy efficiency and for a publicly owned energy fund, which the next Labour Government will deliver where others have failed to do so. There is also a need to de-link electricity and gas prices within a clear timetable so that we do not find ourselves facing the requirement for another piece of legislation in this area in the near future.

In the meantime, this bill is necessary, urgent and overdue; therefore, Labour is content to support the LCM.

14:40

**Liam McArthur (Orkney Islands) (LD):** I echo the bulk of what Colin Smyth has just said in his criticism of the Energy Prices Bill and the package that has been put forward—its extent, duration and the way in which the funds are to be provided. An extension to the windfall tax on oil and gas companies' profits was the obvious way of extending the package, instead of saddling taxpayers for years to come with additional debt.

Colin Smyth and the minister were both right to point to the fact that the UK Government's approach appears to provide greater latitude for the development of oil and gas, which risks curbing the development of renewables. Everybody accepts that, in the current circumstances, acting with urgency is absolutely what the public expect, but at the same time—as always with emergency legislation—we must be alive to the potential unintended consequences of what has been proposed. It is in relation to one of those unintended consequences that I will focus my brief remarks.

On the cap on profits that are made by renewables developments under renewables obligation certificates and the feed-in tariffs—FIT—scheme, Community Energy Scotland highlighted to the cabinet secretary and party spokespeople earlier this week that there is potential for local communities to be inadvertently and unnecessarily hurt through the way in which the Energy Prices Bill is currently framed. Community Energy Scotland, along with its sister organisations in England and Wales, has sought an exemption for community-owned wind farms, solar farms and hydro schemes that reinvest their surplus back into communities. It seems to be a legitimately made appeal and, whatever the rationale for capping the profits of older renewable developments, the cap does not seem to serve any useful public purpose.

There is an example in my constituency that perfectly illustrates the argument. Last week, I met the chair of Hoy Energy Ltd, which runs a 900kW wind turbine generator on behalf of its parent organisation, the Island of Hoy Development Trust, which is a registered charity. HEL remits all its net profits to the development trust, which uses the income to support a community bus service, a community centre and a welfare officer, and to provide grant support for a range of other community projects. On an occasional basis, it supports education, training, school trips and so on. It is considering providing support through a separate charity for a domestic electricity

generation and storage scheme, to help to reduce fuel poverty in a part of the country that endures the highest level of fuel poverty and extreme fuel poverty anywhere in Scotland or the UK.

Whatever the merits of the approach that is being taken, it seems highly unlikely that the intention is to cut across the profits of community-based developments such as on Hoy. They do not provide dividends for shareholders or profits for profits' sake; they simply reinvest profits back into community projects for the benefit of the community or invest in repowering initiatives that prolong the life of renewables projects, providing sustained income for the community.

I hope that, even at this late stage, the minister will take the issue up with his UK counterparts on behalf of Community Energy Scotland to see whether, even at the 11th hour, some progress can be made on securing the exemption.

On the same basis that other members have already stated, the Scottish Liberal Democrats will support the LCM.

14:44

**Patrick Harvie:** To begin by picking up on that last point, I say to Liam McArthur that I will take his comments on board and discuss them with officials. If possible, I will update him in writing on the Government's position.

I thank members for their contributions to this relatively short discussion of what we have all acknowledged is an urgent matter that must be considered quickly. It is widely acknowledged across the chamber that the process is not ideal, but it is clearly necessary; I welcome the fact that that has been recognised. Although it has been a short debate, it has been a helpful one, especially when we consider the very little time that we have available to consider the bill and its implications for devolved areas.

If we agree to the LCM, we will at least ensure that the money that is available can be provided to those who need it as soon as possible. The Scottish Government will continue to do what is within our powers to support people here in Scotland, but let us be clear that we need UK Government action, too—to ensure not only that all consumers can afford to heat their homes this winter, but that the UK Government tackles fuel poverty well beyond that timeframe and businesses can stay afloat.

**Liam Kerr:** On his point about the Scottish Government doing what it can, the minister can correct me if I am wrong, but the Scottish Government underspent its budget by £650 million last year. Scottish Conservatives have proposed a cost of living support fund. Why is the minister not

proposing to use that £650 million underspend to put a support fund in place?

**Patrick Harvie:** We do not need a remedial lesson in how Scottish Government finances work. Mr Kerr can take that up with his finance colleagues if he needs a lesson.

I reiterate our call on the UK Government to provide additional support to vulnerable consumers ahead of, during and beyond this winter, and I seek urgent clarity about the protection that consumers will have in the face of forthcoming price rises beyond April. Those consumers include many people living in rural communities across Scotland, who face higher living costs than others in more central areas.

Let us remind ourselves again that the devastating impacts of skyrocketing energy prices on consumers are caused by overdependency on natural gas. That is dependency that we must break, although Mr Kerr would suggest that we should keep locking ourselves into dependency on fossil fuels. Although our actions today can help to ensure that consumers are given vital support, we must also keep in mind the need to accelerate our transition to net zero heating and a decarbonised energy system.

It is now necessary, given the reversal of the commitment to a two-year price cap, to consider what the options might be after the first six months. I remind Mr Kerr that when the Scottish Conservatives were not busy promoting the UK Government's disastrous tax plans, they were happy to welcome that two-year commitment when it was first made. It does not cut it to say now that six months is the right timescale or that this Parliament has all the powers that it needs.

This Parliament can do nothing yet to regulate energy prices or to break the link between gas and electricity prices that Labour colleagues rightly point out. The UK Government has been giving that commitment for a long time but it is hanging there, amid uncertainty about which minister will even be responsible for progressing it or when it might be progressed. We can do nothing in this Parliament yet to give people in Scotland the financial benefit of the cheap, clean, abundant, renewable electricity that is being generated in this country. This Parliament should be able to take much greater action to give people in Scotland the benefit of that renewable electricity and to tackle fuel poverty.

For the time being, until we have those greater powers, I ask members to agree to the LCM to ensure that people get the emergency support that they need and deserve.

**The Presiding Officer:** That concludes the debate.

We move straight to the question on the motion. The question is, that motion S6M-06443, in the name of Patrick Harvie, on the Energy Prices Bill, which is UK legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Energy Prices Bill, introduced in the House of Commons on 12 October 2022, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

## Moray Maternity Services

**The Deputy Presiding Officer (Liam McArthur):** Colleagues, the next item of business is a statement by Humza Yousaf on Moray maternity services. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:50

**The Cabinet Secretary for Health and Social Care (Humza Yousaf):** I committed to come back to the chamber to provide an update on Moray maternity services, and I am pleased to be able to do that today. I intend to set out the progress that has been made to date, my initial response and, crucially, what the next key milestones will be. Before I do that, however, it is important for me to reiterate this Government's absolute commitment to the delivery of a consultant-led maternity service in Dr Gray's hospital. While model 4 will deliver improvements for families in Moray, it is model 6 that very firmly remains the destination.

Members will be aware that I started this process in December last year when I was considering the report of the independent review of Moray maternity services. I proceeded to meet and engage with senior teams in boards, clinicians, local community campaign groups and elected members from right across the political spectrum. It was important to do that and it helped me to come to my final decision, which I announced in the chamber in March. That was to progress with model 6, which is a full consultant-led maternity unit at Dr Gray's, with model 4, which is a networked maternity model linked primarily with Raigmore hospital, as part of the development towards that final destination.

I also announced, in line with the recommendations of the independent review, that I would bring some level of independent assurance to the process, and I was delighted to announce in July that Professor Linda de Caestecker would lead that work. Since then, Professor de Caestecker has identified further clinical support and expertise to work with her to provide that external assurance. The team that is working with Linda includes representatives from relevant specialties such as paediatrics, anaesthetics, obstetrics and midwifery.

The external panel will be a sounding board and a critical friend to both NHS Grampian and NHS Highland and, crucially, it will provide assurance and reassurance to the community and to me in Government. That has already begun through meetings and email exchanges, providing me with a further level of scrutiny and advice on progress and plans.

Members are aware of the NHS Grampian and NHS Highland draft joint plan, which was submitted to me on 1 July. I welcomed the plan, but at that time I expected further information before giving my response to it. The model 4 plan is an important step in the journey towards model 6 and I was pleased to see the ambitious timescales in it. What I can say here today is that I am very clear that further work is required before I give approval to model 4 plans, and there are elements to be worked through locally and nationally to deliver for families in Moray.

At local level, clinical teams in Highland and Grampian need to develop the safe pathways of care to bring reassurance both to the women involved in Moray and to clinicians. At national and local levels, there is work to be done to address the on-going challenges of recruitment. I have asked both NHS Highland and NHS Grampian to share their recruitment plans to meet the 2023 deadline in the model 4 plan.

There are key elements in the model 4 plan to which I wish to draw the Parliament's attention. First, the intention for NHS Grampian to introduce increased obstetric antenatal care to Dr Gray's is welcome. It could result in at least 1,000 antenatal appointments a year being delivered in Dr Gray's, thus reducing the amount of travel for pregnant women.

The other element that I want to highlight today is planned caesarean sections. As we know, that is not included in the model 4 plan due to its dependency on other services and skilled staff being available. I expect planned caesarean births in Dr Gray's to be covered as part of the model 6 plan, which I expect at the end of this year, and I expect ambitious progress to be made to deliver that. I will ask Linda de Caestecker and her external assurance panel to look at that issue in further detail.

Essentially, we should view the interactions between models 4 and 6 as a continuum. We will not wake up one day and suddenly switch from model 4 to model 6. I expect model 6 to be phased in over time. I am clear that elective sections should be given priority within that phasing process.

Concerns have been raised with me by local campaign groups and by clinicians about the projected numbers in the NHS Highland draft business case for women giving birth in Raigmore. I have asked the external assurance panel that I have just spoken about to take that forward and to investigate with boards, and clinicians, at pace. The ambition is to achieve choice for women living in Moray to birth in Raigmore if they wish to go there, where clinically appropriate.

I understand that there are concerns, including that progress is not being made quickly enough and that clinicians do not feel that the proposed changes are safe. I hear those concerns and I take them very seriously. I commend the steps that NHS Highland is taking to engage with the clinical teams to identify and address those concerns. That takes time, and I have always been clear that change will not happen overnight. We must work with clinicians in Grampian and Highland and, where there are legitimate concerns, those must be addressed.

I understand that the priority for women in Moray is that they have access, as soon as possible, to the widest range of maternity services that can safely and realistically be delivered as close to home as possible. The independent review of maternity services in Moray proposed, and I agree, that the first step in achieving that is to implement a networked maternity model, linked mainly to Raigmore.

I have already announced funding of £5 million to support improvements in Raigmore. To be clear, when I visited Raigmore earlier this year, I saw for myself that investment was much needed. The investment in Raigmore was not contingent on taking women from Moray. However, improved maternity services at Raigmore will benefit all women who give birth there. The redevelopment in Raigmore is key to improving the environment both for women giving birth and for the clinicians who work there.

I know that there are doubts around model 4. I have heard them from clinicians and from community members and campaign groups. However, the real prize from implementing model 4 will be in opening up scope for more pre and post-birth appointments at Dr Gray's, and enabling more women to have their labour and birth in a hospital closer to where they live. That will be delivered by having the clarity of a safe model 4 as an interim solution, with robust pathways of care, providing care closer to home and an increased choice of place of birth. Until consultant-led services are returned to Dr Gray's, women who need obstetrician-led care will have the choice of Raigmore or Aberdeen for the birth of their baby, and it is critical that we continue to have a parallel focus on the implementation of model 6 as the final destination. National health service care should be not about board boundaries but about working across boundaries to deliver the best care for all women who choose to birth in a given area. That is key to a networked model.

Back in March, I was clear that I expected plans for model 4 and model 6 to run concurrently. NHS Grampian has begun the process of planning what it requires for model 4, and to lay the foundations for model 6. As I have already made clear, I view

model 6 as a continuum from model 4—an improvement journey that has a focus on safety and is led by clinicians. Oversight of that work is provided through the chief officers group, which is jointly chaired by NHS Grampian and NHS Highland. I expect the model 6 plan by the end of December. I expect to see evidence of collaborative working and joint plans from boards—for example, around the pathways of care. As part of the next phase of the work, monthly meetings will take place between the boards, Professor Linda de Caestecker and my officials.

I will talk a little about engagement. I reinforce in particular the importance of on-going engagement. I am pleased to note that connections are already being made with the external assurance lead, and that that includes community groups such as Keep MUM and the Moray and Banff maternity voices partnership. Their views have been instrumental in getting us to this point, and their challenge will help us to shape the way ahead. I have spoken to the Keep MUM campaigners just this week, and have given them a cast-iron guarantee that I remain absolutely committed to model 6: a return to a consultant-led midwifery unit at Dr Gray's.

Finally, I would like to outline what I see happening over the next six months or so. In November, I expect to have advice from the external assurance panel on the NHS Highland business case and on the numbers of women giving birth in Raigmore, which I know is causing some concern.

In December, I expect to meet NHS Highland and NHS Grampian to discuss my expectations for the model 6 plan and its interaction with model 4. I expect to receive the model 6 plan by the end of December. Of course, I will keep Parliament updated in that regard.

For all our differences, I am certain that everyone in this chamber wants to see women in Moray being able to give birth as close to home as possible. We will endeavour to make that a reality and always ensure that the priority is the safety of women and their unborn children.

From January to February, I expect to have a response from the external assurance panel on all the plans received. That will be fed back to NHS Highland and NHS Grampian.

I hope that my statement gives some reassurance to members, clinicians and the community groups who have raised concerns. Work to return consultant-led maternity services to Dr Gray's is progressing. Yes, Covid-19 has undoubtedly impacted on delivery timescales, and the context continues to be the most challenging time that our NHS has faced since its creation. However, the chairs, chief executives and

executive teams at NHS Grampian and NHS Highland continue to assure me of their commitment to deliver both model 4 and, crucially, model 6—the final destination.

I reiterate my and this Government's absolute commitment not just to model 6 but to ensuring that we return to consultant-led midwifery care at Dr Gray's, to ensure that as many women as possible in Moray can give birth as close to home as possible.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues that were raised in his statement. We have slightly overrun, but I intend to protect around 20 minutes for questions, after which we will need to move on to the next item of business, as time is tight across the afternoon. It would be helpful if members who wish to ask a question could press their request-to-speak button now or as soon as possible.

**Douglas Ross (Highlands and Islands) (Con):** I know that it is customary in the Scottish Parliament to thank the Scottish Government for making a statement, but I just cannot. I cannot, on behalf of Moray mums and families, thank the cabinet secretary for that statement, because I share their anger, disappointment and frustration that we are no further forward, months after he came to this chamber and said that he would make the matter a priority. We are no further forward on restoring consultant-led maternity services at Dr Gray's than we were more than four years ago, when we were told to put up with a temporary downgrade for just a year.

In his previous statement to this chamber, in December last year, the health secretary claimed that he understood the urgency and importance of the issue, but the statement that he just read out does not understand the importance of the issue. There is nothing of comfort for Moray mums and families in that statement, because the agonising worry and concern about being transferred in labour, be that to Inverness or Aberdeen, is still there and shows no signs of ending.

Quite frankly, model 4 is a red herring. I am pleading with the health secretary to listen to local representatives, Keep MUM and other campaigners, to scrap model 4 and to move directly to model 6. He should not listen only to local people and local politicians. He should listen to the clinicians who wrote to him today. *[Interruption.]*

I am sorry, Presiding Officer. The health secretary overran. For how long can we speak about this issue? We have been waiting for months for this statement, and I know that people are watching today to hear crucial points put forward—

**The Deputy Presiding Officer:** Mr Ross, I have given you some latitude. I am giving you some latitude, but—

**Douglas Ross:** So how long?

**The Deputy Presiding Officer:** You had 90 seconds. You are at around two minutes; I will give you two and a half minutes.

**Douglas Ross:** Thank you.

What does the health secretary say to the 22 clinicians from NHS Highland who wrote to him today to say that model 4 remains “fundamentally flawed”? They say:

“Model 4 must therefore be rejected and the consultant-led service at Dr Gray's Hospital re-established as a matter of urgency.”

Will the health secretary do that? Will he say today that model 6 has to go forward?

On elective caesarean sections, last December, the health secretary said in this chamber that there should be a

“rapid reintroduction of elective caesarean sections ... at Dr Gray's”.—*[Official Report, 7 December 2021; c 36.]*

Now, we are hearing that that is going to be part of model 6.

In addition, on model 4, the health secretary says that we should celebrate the fact that there will be more pre and post-birth appointments at Dr Gray's. I have never had one concern raised with me by local women or families about pre or post-birth appointments at Dr Gray's. They want to give birth at Dr Gray's, and there was nothing in the statement that will help them to do that.

**The Deputy Presiding Officer:** Cabinet secretary.

**Douglas Ross:** On a point of order, Presiding Officer. Would you accept an emergency motion to ensure that a longer discussion can be had on this issue?

**The Deputy Presiding Officer:** You have suggested such a motion in the past. I accepted it in the past; I do not see the need to do so on this occasion. I gave you additional time, and you have used that additional time and more. I have already explained that we are tight for time across the afternoon, and I have called the cabinet secretary.

**Humza Yousaf:** Given the limited time that we have this afternoon, if Douglas Ross wants to discuss these issues in more detail, I am happy to commit to a meeting with him.

I take on board the concerns that clinicians have expressed to me. As Douglas Ross probably knows, I met those same clinicians when I travelled to Raigmore. That is why I have not stood up in this chamber and said that I am, in

principle, giving agreement to model 4 plans. It is why—*[Interruption.]* Douglas Ross is speaking from a sedentary position. I will come to his suggestion about scrapping model 4.

Professor Linda de Caestecker has a panel consisting of a range of specialists in the field, including a paediatrician, an obstetrician and a midwife. I have asked Professor de Caestecker to engage with the clinicians, particularly around the concern that there seems to be a gulf between the numbers that the clinicians are suggesting will be giving birth at Raigmore and the numbers in NHS Highland's draft business plan.

On Douglas Ross's suggestion about scrapping model 4, if I do that, we will not have the additional prenatal and antenatal care at Dr Gray's in the timescales that are being suggested by NHS Grampian and NHS Highland. In addition, many Moray mothers would be unable to give birth closer—*[Interruption.]* I ask Douglas Ross to listen instead of shouting from a sedentary position; I promise that I will meet him if he wishes.

As we get model 6 up and running, model 4 will, in the intervening period, allow more Moray mothers to give birth closer to home, at Raigmore. I hope that Douglas Ross appreciates the reality that getting model 6 up and running—which I am committed to; I give a cast-iron guarantee that we want to get there—will take time. *[Interruption.]*

Douglas Ross is shouting "When?" from a sedentary position. If he had listened to my statement, he would have heard me say that the joint plan for model 6 is due to me at the end of December. I plan to give an update to Parliament then. *[Interruption.]*

Douglas Ross continues to shout from a sedentary position. If he wishes to raise those issues with me directly, given the constraints on time in the chamber, I am happy to meet him separately.

**Rhoda Grant (Highlands and Islands) (Lab):** I thank the cabinet secretary for providing prior sight of the statement.

My constituents in Moray are extremely concerned that model 4 is unsafe and is, at best, a distraction from delivering model 6. At worst, it could become the permanent solution. Those concerns are backed up by the clinicians at Raigmore hospital, who tell us that the service at Raigmore is currently unsafe and cannot take an additional 190 patients, far less the 650 to 900 that they predict. The gulf in those numbers is because the Government's estimate is based on United Kingdom-wide figures and not remote and rural figures, which demand a more risk-averse approach, given the distances that patients have to travel in an emergency.

The cabinet secretary is saying that he hears those concerns, but he has given no indication in his statement of how they will be resolved. He will have a plan at the end of December, but can I ask for the detail of how and, more importantly, when model 6—not just the plan—will be delivered?

**Humza Yousaf:** I cannot tell Rhoda Grant when model 6 will be delivered, because I must wait for the detail of the plan that will come to me in December. I will be happy to update Parliament then on how long model 6 will take. Like everybody, if I could have had model 6 in place yesterday, I would have done that, because I have an absolute commitment to return consultant-led maternity care to Dr Gray's—no ifs, no buts, no maybes, no possibilities. That is the final destination, and what we are doing is working back from that final destination.

What I would say, which I should have said in response to Douglas Ross's question, is that Covid will impact on delivery timescales. I cannot get away from that. In fact, since the independent review was published in December last year, we have had the omicron wave, the BA.2 wave and the BA.4 and BA.5 wave. There will be impacts, but I promise that there is—certainly on my part—no shortage of pace or urgency to get model 6 delivered.

As far as Rhoda Grant's question is concerned, I am happy to reiterate what I said in my statement. I acknowledge the concerns of clinicians—I do not dismiss them, by any stretch of the imagination. That is why I have asked Professor Linda de Caestecker, who is leading the external assurance piece of work, to report back to me next month with her initial advice and, I hope, reassurance on those concerns. I will respond to the clinicians in very short order, and once I receive Professor de Caestecker's external advice, I will be happy to update members who have spoken in the chamber today.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** How will the Scottish Government continue to keep the invaluable voices and lived experience of the women and families of Moray central to its decision making as we move forward?

**Humza Yousaf:** I can be brief and say that that will absolutely be part of our engagement as we go forward. That is not just from my point of view. Yesterday, I met members of the Keep MUM campaign group and other groups from Moray and Banff, including the maternity voices partnership. I have also met a number of local elected members and will continue to do so.

I reiterate that it is not just about my engagement, although I certainly pledge to continue with that; I have asked that the external assurance lead continues those conversations. My

expectation is that the health board will also continue to engage with local campaign groups, which will be absolutely central to the process, however long it might take.

**Edward Mountain (Highlands and Islands) (Con):** I have twice met members of the maternity team at Raigmore. I listened to them—I really listened, cabinet secretary—and they are worried about the safety of mothers and babies. The £5 million that has been promised to Raigmore will rectify some of the 15 years of underinvestment, but it will not buy even one extra bed space. The cost of providing extra beds and additional staff for Moray mums might be double that or even more. Will the Scottish Government guarantee to provide whatever funds are required and get staff in place before—and I mean before—approving a move to option 4?

**Humza Yousaf:** I also listen to and hear the concerns of clinicians. [*Interruption.*] I notice that the Conservatives are often shouting from a sedentary position. If they want to have further meetings, I will be more than happy to do so, but we should treat the issue with the seriousness and respect that it deserves. [*Interruption.*] If Edward Mountain had read the NHS Highland draft business plan, he would have seen the important and crucial line that says:

“It is understood that further investment will be required for an alongside maternity unit or Inverness based Community Midwifery Unit which will require additional capital investment”—

**Edward Mountain:** I have read the plan. It is rude to suggest that I have not.

**Humza Yousaf:** Presiding Officer, I can only make progress on the statement if the Conservatives do not barrack from a sedentary position. If Edward Mountain will let me read from the draft business plan, I will add that it says:

“which will require additional capital investment along with revenue which will need to be encompassed with our current capital allocations.”

Of course we will continue to work with NHS Highland on the required revenue and capital. If Mr Mountain goes back and reads the draft business plan, he will see that that that has been acknowledged already.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** How does NHS Grampian aim to cultivate a positive and supportive workplace culture at Dr Gray’s and its other sites?

**Humza Yousaf:** That is crucial. We will not make progress to our final destination of model 6 unless we take staff, the clinicians and the local community with us. NHS Grampian is prioritising engagement with its staff and has undertaken detailed work to understand colleagues’ current experience. It is active in promoting best practice

and developing a positive workplace culture, and has a collaborative group that includes colleagues from Dr Gray’s hospital. I have been told—and have been given assurances—that there is extensive staff engagement at Dr Gray’s right now to co-produce the new strategic intent for the hospital, which will include development of the maternity services that we have been discussing.

**Carol Mochan (South Scotland) (Lab):** Women in Moray are being let down by a lack of services close to home. However, they are also being let down by the Scottish Government’s sheer inability to value our NHS workforce properly and to fill vacancies across the country, particularly in rural communities. It is clear that Scotland needs a women’s health champion to lead and push on such issues. In June, the First Minister told the chamber that the appointment would be made in the summer. In early September, the Minister for Public Health, Women’s Health and Sport told me that the appointment process was almost complete. Will the cabinet secretary tell us when Scotland will finally have a women’s health champion and show women in Moray and across Scotland through action rather than words that the Government is listening and taking their concerns seriously?

**Humza Yousaf:** I respect Carol Mochan very much, but I disagree vigorously with her on that point. We value the NHS workforce—we do not just talk the talk on that, but put our money where our mouth is. That can be seen by the final pay offer that we put on the table for our NHS staff, which is worth almost £0.5 billion, thus ensuring that NHS Scotland staff remain better paid than NHS staff anywhere else in the UK. I hope that that offer is accepted, although I respect the fact that the trade unions will go through their democratic processes in that regard.

Ms Mochan is right to say that the appointment of a women’s health champion was due to be announced in the summer. However, it is important that we get the right person for the role and, due to a variety of factors, there has been a delay, as Carol Mochan has outlined. However, we are looking to make an announcement on the women’s health champion imminently.

**Fergus Ewing (Inverness and Nairn) (SNP):** The concerns of the consultants and staff at the maternity unit at Raigmore are essentially that the business case that was prepared by NHS Highland management fails to address obvious issues. For example, it underestimates the number of patients who will come from Moray and makes no provision for decamp in the proposed refurbishment of the existing maternity unit. It is surprising that issues of fact seem not to have been resolved. That is unfortunate to say the least.

Will Linda de Caestecker meet the consultants and staff and give them enough time so that she can listen extremely carefully to their side of the case? I fear that, without that, it will not be possible to guarantee safety, which is something that the cabinet secretary has said is the sine qua non of going ahead with model 4.

**Humza Yousaf:** In short yes, she will. That is why I have asked Linda de Caestecker to look at the concerns that were raised in that open letter from clinicians. I have not come to the Parliament to say that I have given final approval to the model 4 plans. I could not do that in good conscience, because of the concerns that have been raised. When such clinical concerns are raised, it is important that we ask other clinicians, as part of the external assurance process, to investigate the claims and to provide additional advice.

When I get that advice and have had time to read through it, analyse it and give it detailed consideration, I will ensure that I update Parliament.

**Ariane Burgess (Highlands and Islands) (Green):** It is clear that considerable effort has been put into finding a workable solution to improve maternity care for women in Moray. However, I am aware that, until model 6 is up and running, women in Moray will still have valid concerns about their care at such a crucial time in their lives. What support will be in place to help women to make informed, independent choices about their birth plans, even though options may be limited until model 6 is fully operational?

**Humza Yousaf:** I have tended to agree with most members of the Scottish Parliament that the situation that Moray women face is far from ideal. No one in the Government, or I suspect from any party in the Scottish Parliament, would suggest that the situation is ideal or even the safest one that we would want to see for ourselves—if we are able to give birth—or for our own families.

I want to give an absolute assurance that any model that we implement—I am absolutely committed to model 6 as the final destination—will have to be safe. The issue about caesarean sections was already referred to. We have not included C-sections in model 4, because we are told by clinicians that it would be unsafe to do so given that even a so-called “low-risk” elective section can turn into a high-risk one very quickly. Therefore, we need to have the appropriate facilities in the event that someone haemorrhages and needs a blood transfusion and so on.

I want to give Ariane Burgess an absolute assurance that, for any woman who accesses information, support or care at Dr Gray’s hospital, the feedback that I get on the informed choices that they are enabled to make is very positive.

However, Ariane Burgess should be in no doubt whatsoever that there is no one in the Government, including me, who thinks that the current situation for women in Moray is ideal—far from it.

**The Deputy Presiding Officer:** We have just more than two minutes left and three colleagues who want to ask questions, so I ask for briefer questions and answers.

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** How will NHS Grampian adopt robust clinical governance arrangements in the maternity service that fulfil the requirements of the clinical and care governance framework?

**Humza Yousaf:** NHS Grampian has a clinical governance committee in place. Its role is to oversee quality and clinical governance for the board to ensure that quality standards are being set, being met and are continually improved in appropriate areas of clinical activity, and that effective arrangements for supporting, monitoring and reporting on quality and clinical governance are in place across NHS Grampian.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** Families in Moray have at least received an independent review into maternity services. Patients in Caithness have been calling for such a review in their area since 2016 in response to the similarly unacceptable circumstances that have prevailed there. Can the cabinet secretary outline whether an independent review into maternity services in Caithness will be commissioned by the Government, and if not, why not?

**Humza Yousaf:** I am sure that Mr Halcro Johnston is well aware that I met the local campaign group CHAT—the Caithness Health Action Team. In fairness, we both found the meeting very constructive, and in fact, I have already started some conversations about how we can make improvements to the services that are provided for women and their families in Caithness.

In response to the member’s direct question, I say that he will know that the best start north review was paused due to the pandemic. That review encompassed a number of health boards in the north, and included NHS Highland and NHS Orkney in the conversation. That work has resumed and will include consideration of the issue of maternity in Caithness.

**Gillian Martin (Aberdeenshire East) (SNP):** The north-east has struggled with staff vacancies for a considerable time, so my question is about targeted support for increased recruitment and retention of medical staff in Moray and across Grampian to ensure a robust service, particularly in midwifery and obstetrics as we move to model

6. I am concerned that we do not have the people in place. As that enhanced provision is being looked at, what are we doing to target support?

**The Deputy Presiding Officer:** As briefly as possible, cabinet secretary.

**Humza Yousaf:** That issue was also raised with me yesterday by our colleague Richard Lochhead, who is unable to be here because he is at a Scottish Trades Union Congress meeting with the First Minister. The assurance that I gave to him and which I give to Gillian Martin today is that I recognise that national and local actions will be needed to address those local staffing challenges. I have asked NHS Highland and NHS Grampian to share their recruitment plans to meet the 2023 deadline in the model 4 plans.

Extensive work is under way. Given the time constraints, I am happy to write in more detail to Gillian Martin about what is happening in relation to recruitment, but it will be a crucial part of those model 4 plans and, of course, of the model 6 plans in the future.

**The Deputy Presiding Officer:** That concludes this item of business. There will be a brief pause to allow those on the front benches to change before the next item of business.

## Hunting with Dogs (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a stage 1 debate on motion S6M-06428, in the name of Màiri McAllan, on the Hunting with Dogs (Scotland) Bill. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

15:24

**The Minister for Environment and Land Reform (Màiri McAllan):** I am pleased to open the debate on the general principles of the Hunting with Dogs (Scotland) Bill. I thank the Rural Affairs, Islands and Natural Environment Committee for its considered scrutiny of the bill, and all those who gave extensive evidence at stage 1.

It has been 20 years since the Scottish Parliament passed the Protection of Wild Mammals (Scotland) Act 2002. In doing so, we became the first part of the United Kingdom to ban the use of dogs to chase and kill wild mammals for sport. As a country, we decided then that such behaviour was unacceptable and unlawful. Unfortunately, the 2002 act has not proven to be as robust and effective as it was intended to be. Indeed, in my own legal training, I studied it for its deficiencies and legal uncertainty. In bringing forward the Hunting with Dogs (Scotland) Bill, I intend to draw a line in the sand and finish the work that was started 20 years ago.

Concerns about the current legislation led the Scottish Government to ask Lord Bonomy to review and report on whether it was achieving its intended purpose. He came to two main conclusions: that there were deficiencies in the drafting of the legislation, and that there was reason to believe that that was leading to instances of illegal hunting. In that regard, he said:

“there are aspects and features of the legislation which complicate unduly the detection, investigation and prosecution of alleged offences”,

and that

“there may be occasions when hunting, which does not fall within one of the exceptions, does take place and ... the grounds for that suspicion should be addressed.”

It is important that Lord Bonomy noted that, despite the majority of fox control being undertaken without dogs,

“it appears that in general 20% or more of foxes disturbed by hunts are killed ... by hounds.”

The bill takes as its starting point the need to address issues that Lord Bonomy identified. We have corrected deficiencies of the past and worked to prevent future deficiencies from opening

up, and we have done all of that in pursuit of the highest possible animal welfare standards. However, as we seek to tackle illegal hunting, we must be clear about the need for farmers, land managers, conservationists and environmental groups to continue to have access to legitimate and legal control methods to protect livestock and ground-nesting birds, manage deer and tackle invasive species. We must also bear in mind that Police Scotland uses dogs to detect evidence of wildlife crime. Those are all legitimate purposes for which dogs are used in our rural nation.

The bill has been designed to balance the safe, considerate and appropriate use of dogs in permitted circumstances with the need to stop illegal hunting. Where there is suspicion of illegal activity, the bill will make it easier for the police and the Crown Office to detect, investigate and prosecute.

**Fergus Ewing (Inverness and Nairn) (SNP):** I am most grateful for the work that the minister has done in meeting me and representatives of the Scottish Gamekeepers Association. Does she accept that, as far as its work and that of its members and the Scottish Hill Packs Association in using dogs to control foxes is concerned, there have been few—if any—complaints about that aspect? Will she confirm that the licensing regime will be flexible and will allow that good work to continue without unreasonable impediment, cost or complication?

**Màiri McAllan:** I have met Fergus Ewing, the Scottish Gamekeepers Association and interested bodies across the spectrum. There is evidence that the legislation as it stands was not operating appropriately with regard to mounted hunts and foot packs. I think that there were instances in respect of which Forestry and Land Scotland, for example, had concerns, and the League Against Cruel Sports has evidence that it thinks shows that the rules were contravened.

I will come on to the licence, which I think we will hear a lot about today. My opinion is that the licence is an exception to an exception. It is to be available in exceptional circumstances, but it has to be available due to some of what Bonomy identified.

**Graeme Dey (Angus South) (SNP):** The licensing regime to allow for the use of more than two dogs in specific circumstances, which the minister has touched on, is absolutely essential in areas such as the one that I represent if we are to protect endangered ground-nesting birds as well as livestock. I am sure that she would agree with that. However, it is equally imperative that the scheme is workable in practice. To that end, I seek an undertaking from the minister that there will be direct input from land managers in its creation. I am thinking specifically about gamekeepers. I note

the very constructive way in which the Scottish Gamekeepers Association has engaged on that particular point.

**The Deputy Presiding Officer:** I can give the minister some of that time back.

**Màiri McAllan:** Thank you, Presiding Officer.

I am happy to give that undertaking, because it has been important to me from the start—and it continues to be important—that those who are affected by the legislation that we seek to pass are engaged in its development. Stakeholders have been thoroughly engaged until this point, and they will continue to be engaged as the guidance that will accompany the legislation is developed. I think that, at committee, NatureScot said that it would continue to work with stakeholders once the guidance is in place to ensure that it does what it says on the tin.

The provisions in the bill are the result of many years of work: Lord Bonomy's review, the widespread engagement that I mentioned with land management and animal welfare stakeholders, and two public consultations. Although the bill broadly replicates the provisions of the 2002 act, it makes certain important modifications that I will try to outline quickly.

First, the bill addresses the concerns with the language of the act by unambiguously setting out the purposes for which dogs can be used. It also introduces a two-dog limit for the lawful activity of searching for, stalking and flushing wild animals.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Does the minister acknowledge that Lord Bonomy said that using two dogs

“could seriously compromise effective pest control”?

**Màiri McAllan:** Yes, I acknowledge that. I also acknowledge his comments—I am not quoting because I do not have them in front of me—that the addition of the licensing scheme made the two-dog limit workable. He said that the scheme and the limit work together and that it was also a good idea to keep the licensing scheme restricted. I hope that Rachael Hamilton and other members will recognise that, together, the two-dog limit plus the licensing scheme represent the finest possible balance between those competing interests.

**Finlay Carson (Galloway and West Dumfries) (Con):** The licensing scheme is critical to whether the bill will fulfil what it sets out to achieve, so why, in your response to the committee, did you suggest that you would not lay out the information on it until after the bill is passed?

**The Deputy Presiding Officer:** Speak through the chair, please, Mr Carson.

**Màiri McAllan:** A member of Finlay Carson's tenure would surely understand that the Government cannot produce guidance that accompanies the bill until it knows the final form of the bill. We are committed to continuing to engage with stakeholders throughout the development of the legislation. The bill sets out the framework for the licensing scheme. The guidance will accompany it. Stakeholders will be involved but I cannot know the form of the bill until it is passed at stage 3.

I will make reference to some points from the committee's report. I am pleased that the committee agreed with the general principles of the bill. Its report raised a number of important points, which I have addressed in my written response and will not rehearse here.

However, I will touch on the licensing scheme. I am clear that it is an exception to an exception. It must be construed narrowly and available only where other options are not. However, I am equally clear that, when farmers, land managers and environmental groups find themselves in such circumstances, the scheme must be available, workable and sensible. Therefore, I, my officials and NatureScot will continue to engage with stakeholders throughout the passage of the bill and during the implementation phase to develop and refine the scheme.

I will also briefly mention rough shooting, which was raised with me during the latter stages of stage 1. Although I tried to give a definitive view on the treatment of rough shoots when asked, it soon became clear to me that people have different views on what constitutes a rough shoot. That is inherent in the name: it is a loose and informal term.

My officials and I have been working, particularly since I appeared at the committee, to better understand the various permutations of a rough shoot and how they would be treated under the bill. For today's purposes, I can say that it is clear that there are circumstances in which what is regarded as a rough shoot could operate within the bill—for example, where one person uses their own two dogs to flush their own quarry, not working in proximity to, or with, others in pursuit of the same quarry and not allowing other dogs to join them. However, there are activities that have been put to me as rough shooting that would not be permissible under the bill—for example, a gamekeeper using five dogs to flush wild mammals to be shot by paying customers.

Rough shooting is a broad term and it is impossible to treat it singularly. Therefore, I will listen to views that are shared on it in the debate and will keep working with members in advance of stage 2.

I was pleased to hear Lord Bonomy comment during his evidence to the committee that he considers the bill to be

“a very well-crafted piece of legislation”

that

“solves the problems”

of

“the loose and variable use of language ... and ... should be a great incentive for better enforcement of the law”.—  
[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 41.]

I look forward to hearing members' speeches and will listen closely to them.

I move,

That the Parliament agrees to the general principles of the Hunting with Dogs (Scotland) Bill.

15:34

**Finlay Carson (Galloway and West Dumfries) (Con):** As the convener of the Rural Affairs, Islands and Natural Environment Committee, I am pleased to speak to the committee's stage 1 report on the Hunting with Dogs (Scotland) Bill today.

I thank everyone who was involved in the inquiry, particularly the clerks, the Scottish Parliament information centre and all the organisations and individuals who provided evidence, which allowed us to draw on a wealth of quality evidence and expertise.

The Government has stated that the bill is intended to address deficiencies in the Protection of Wild Mammals (Scotland) Act 2002 that might have contributed to the continuation of illegal hunting practices in Scotland. The bill attempts to address ambiguities in the language that is used; it also introduces a two-dog limit for hunting above ground and a one-dog limit for hunting below ground. It provides for a licensing scheme to facilitate exceptions to some of those limits and it prohibits the activity known as trail hunting.

The committee noted those intentions and recognised that the bill is an attempt to strike a balance between pursuing the highest possible standards in animal welfare and allowing for legitimate control of wild mammals in our rural communities. Although the committee supported the general principles of the bill, we reflected a number of concerns that were raised by various stakeholders in our report.

On behalf of the committee, I welcome the Government's response, which sets out its view on those concerns. In addition, I appreciate that that response was provided in good time, which allowed all members to reflect on our report and

the Government's response ahead of today's debate.

Sections 1 and 2 create the offences of hunting using a dog if none of the exceptions that are set out in later sections apply.

The revised language and definitions that are used in the bill lead on from Lord Bonomy's review of the 2002 act, which was undertaken in 2016. In evidence to the committee, Lord Bonomy stated that he regarded the bill as a

"very well-crafted piece of legislation"

and that

"It makes everything much clearer and simpler, which, in itself, should be a great incentive for better enforcement of the law".—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 41.]

Lord Bonomy supported the removal of the word "deliberately" from the definition of hunting. The committee also noted the concerns of some stakeholders, who called for the bill to include clearer definitions of terms such as "hunting", "searching" and "coursing". It is vital that the bill does not repeat the problem of ambiguous language that was identified in relation to the 2002 act, so we asked for further information on the definition of hunting, to reassure us that those terms do not need to be further defined.

In her response, the minister reiterated her position that hunting should encompass the

"natural meaning of the word",

and she argued that expanding the term would offer

"scope for people to argue that some specific conduct which would naturally be understood as hunting falls outwith the definition."

I will move on to the issue of the definition of a wild mammal, which has been expanded to include rabbits but not rats, mice or animals

"living under temporary or ... human control".

The committee noted that the inclusion of rabbits in the definition is intended to address concerns that hunting rabbits is used as cover for hare coursing, as well as to prevent rabbits from being chased and killed by dogs. There was disagreement among stakeholders on the animal welfare benefits of including rabbits in the definition, with some arguing that a ban on using dogs to hunt rabbits is not the most effective way to tackle hare coursing.

In our report, we asked the Government to provide further information on how dogs are used to control rabbits and to clarify what alternative methods of preventing hare coursing have been considered.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Can the member take an intervention?

**Finlay Carson:** I certainly can.

**Christine Grahame:** The member referred to the committee's report, which is excellent, by the way. I noted that Police Scotland welcomed the inclusion of rabbits in the bill, because hunting rabbits can be used as subterfuge in relation to hare coursing. In addition, the procurator fiscal's office said that that would be a useful inclusion in the bill. Do you agree?

**Finlay Carson:** The committee was undecided on that. I will not give a personal opinion, as I am speaking in my capacity as the convener.

**Christine Grahame:** [*Inaudible.*]—do you agree that these were the quotes?

**Finlay Carson:** Sorry—I did not hear your question.

**Christine Grahame:** Do you agree that these were the quotes from your report?

**Finlay Carson:** These are quotes, yes.

In her response, the minister stated that the bill would address the animal welfare anomaly whereby it is an offence to use dogs to chase and kill hares and most wild mammals but it is not an offence to chase and kill rabbits.

The bill provides exceptions to the offence of hunting a wild mammal using a dog. In sections 3 and 5, those exceptions are for

"preventing serious damage to livestock, woodland or crops, ... preventing the spread of disease"

and

"protecting human health."

Section 6 covers exceptions for falconry, game shooting and deer stalking. Section 7 covers exceptions for environmental benefit, such as preserving a particular species or biodiversity more broadly. The exceptions apply only for certain purposes and so long as specified conditions are met. One condition is the use of a bird of prey, instead of guns, to kill a wild mammal. In its evidence, the Scottish Animal Welfare Commission questioned why that exception is included and recommended its removal from the bill. The minister confirmed that the use of a bird of prey as one of the two permitted methods of killing a wild mammal is to include instances in which a falconer is employed to use dogs to flush to a waiting bird of prey.

Section 3 contains the first exception and introduces a two-dog limit for the purposes of controlling wild mammals above ground to prevent

"serious damage to livestock, woodland or crops."

The committee recognises the impact and consequences of serious damage caused by wild mammals. The committee also noted the different views of stakeholders on the impact of the two-dog limit on animal welfare. Some considered that that would still allow for the flushing of mammals from cover while reducing the likelihood of a dog handler losing control over a pack. However, others were concerned that the two-dog limit would prevent the effective flushing of animals and prolong distress for both wild mammal and dog. Some committee members shared those concerns, and our report asks the Government to address them in a workable way through the proposed licensing scheme.

Section 4 sets out the proposal for a licensing scheme—an exception to the exception—to permit the use of more than two dogs for a maximum of 14 days. The licensing scheme is set to be administered by NatureScot. Although the licensing scheme could be the means of addressing stakeholders' concerns about the impact of the two-dog limit, the committee heard different expectations among stakeholders about how the licensing scheme should work in practice. There were different expectations partly as a result of a lack of clarity about the licensing scheme.

The committee welcomes the commitments by the Government and NatureScot to engage with stakeholders on the design of the licensing scheme and to provide further information on the scheme's development. The minister set out her intention to continue to engage with stakeholders after today's decision on whether to agree to the bill's general principles. However, given the significant importance of the licensing scheme, as the convener of the committee, I would warmly welcome a commitment to give a verbal update to the committee prior to the consideration of stage 2 amendments. Any movement in the Government's position on that issue or on any of the other contentious issues might require the committee to take additional evidence before the conclusion of the bill process.

A particular concern among some stakeholders was the requirement for a licence to be valid for up to 14 days, and we sought the Government's view on that. I thank the minister for her response on the issue and for confirming her continuing engagement with stakeholders and her openness to considering alternative approaches, should appropriate arguments be made as to why 14 days would not be a sufficient period.

Section 5 provides an exception for the use of one dog below ground to flush fox or mink. The Government's view is that the use of one dog below ground strikes a balance between predation control and animal welfare, but animal welfare stakeholders had concerns that the use of even

one dog below ground raises animal welfare issues. We also heard concerns about how the exception could work in practice, as the conditions require verbal or audible commands by the dog handler but the National Working Terrier Federation's position is that flushing is most effective when dog handlers work in silence. Given that evidence, the committee was not clear on how the exception would maintain the highest animal welfare standards or work in practice. The minister's response reiterates the Government's position and provides some helpful clarification on how the exception would work. I welcome her commitment to listen carefully to what is said today about the exception and to give full consideration to our views and feed back before stage 2 proceedings.

Section 6 provides an exception for the use of up to two dogs for falconry, game shooting and deer stalking. Some stakeholders raised concerns about how the exception for game and rough shooting would work in practice.

**The Deputy Presiding Officer:** You need to conclude now, Mr Carson.

**Finlay Carson:** The minister provided some detail, but there are concerns that there are more questions to be answered. Her response does little to provide clarity on rough shoots and creates more questions.

We look forward to more engagement as we go through the bill process, and the committee will continue to highlight stakeholders' concerns. I look forward to hearing members' contributions to the debate. If the bill progresses at decision time, I expect that the committee will explore some of the issues that are raised in more detail at stage 2.

**The Deputy Presiding Officer:** Unfortunately, we do not have much time in hand, so I will need to keep members to their speaking time allocations.

I remind members that, if they make an intervention, they need to repress their request-to-speak button if they are looking to speak later in the debate.

15:44

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Thank you, Presiding Officer—I am glad that you reminded me of that.

Since the election of the sixth Scottish Parliament, there have been more than 200 debates in the chamber, and I can think of only two in that time that have focused exclusively on rural affairs. I welcome this exceedingly rare opportunity to discuss in this setting a matter that relates to our rural communities. However, the fact that we discuss such matters so infrequently is

indicative of a Government that does not understand that 98 per cent of the country is classified as rural. Only 1 per cent of our debates are on the issue, when it relates to 98 per cent of Scotland.

I am afraid that that lack of understanding is plainly evident in the bill. After Lord Bonomy published his review of existing legislation on hunting with dogs, ministers were right to look at ways of addressing the weaknesses that were highlighted, but they have done so in a manner that ignores the findings of Lord Bonomy's review and the bulk of the evidence that was provided by stakeholders. I want to address some of the key areas that stakeholders have described as impractical, unworkable and damaging.

For those who have taken an interest in the bill, animal welfare will be a key part of that interest. There are welfare concerns for the predator, for the animals under predation that are being protected and, in this context, for dogs. Earlier this month, we were all alarmed to hear of the perilous position in which capercaillie find themselves. The story is the same for other ground-nesting birds such as the curlew. We must recognise that the failure to manage predators has real-life consequences, not just for kept animals but for our fledgling wildlife. Does the minister really want to be the minister who lost the capercaillie or curlew? The reality is that that is what is at stake in the bill. If we pass the bill in its current form, we will risk removing the vital tool of predator control from our toolbox for protecting and enhancing Scotland's biodiversity.

The Scottish Countryside Alliance noted that, if dogs are to continue to be used effectively in rough shooting or other pest control contexts, more than two dogs will be needed and that will therefore have to be licensed under the bill. The former director of the League Against Cruel Sports stated that

"gun packs have realised that pairs of dogs are utterly useless in flushing to guns",

and Lord Bonomy himself noted that

"imposing such a restriction could seriously compromise effective pest control in the country",

especially on rough or covered terrain.

Given the implications of imposing a two-dog limit, it is absolutely imperative that the licensing system is fair and workable. I acknowledge that the minister has said that in her response. As Bonomy notes, the bill's viability rests on that, yet there is overwhelming evidence from organisations such as the British Association for Shooting and Conservation, the SCA, the NFUS and many more that the proposals as drafted are neither fair nor practical nor remotely workable.

There is a typical lack of detail but, where detail is provided, it makes for worrying reading. For example, the 14-day licence is ill-thought-through and unevidenced. As the SCA has pointed out, most land managers who use packs to flush would do so two to three times a year at regular intervals, in conjunction with other methods. To limit each licence to a 14-day period is unworkable unless applicants can be granted multiple licences, which is of course bureaucratic and unnecessary. Farmers need the flexibility to use their licence allowance in a way that is most appropriate to them, and the current plan would completely ignore that need.

There are many more unanswered questions about the licensing scheme. As the minister has already said to the Rural Affairs, Islands and Natural Environment Committee, we simply cannot wait until a farmer's livestock has been killed by a fox before they have enough evidence to apply for a licence. That begs the question what evidence an applicant needs to provide to obtain a licence. We do not know. What is the distinction between flushing foxes to protect livestock and doing so to protect the environment? We have no answer. How does the scheme deal with landscape-scale wildlife management? More evidence is required. There is a lot of work to be done on the few areas of the licensing scheme that I have discussed, but that barely scratches the surface, and my time is ticking on.

I turn to the inclusion of rabbits in the definition of "wild mammal". I understand that the Government intends to tackle the serious problem of hare coursing, but that must not come at the expense of effective wildlife management. There is a remedy, which would allow rabbits to be excluded from the definition while ensuring that they could not be used as a defence for hare coursing. I would be grateful if the minister would meet me to discuss that and perhaps consider future amendments.

We know how damaging rabbit grazing can be to the natural environment, as well as to grazing grounds that farmers need for their livestock. They can cause damage to crops, businesses and infrastructure, costing farmers and others money to repair and replace what is damaged, as well as putting a massive strain on their mental health.

I will give way to the minister.

**Màiri McAllan:** I would be happy to meet with the member, as I am with any member who wants to discuss the issues. I ask her to reflect on whether she believes that the sentience of a rabbit means that its welfare ought to be protected and that it ought to be protected from being chased and killed by dogs in the same way that I think we would all agree that a hare should.

**Rachael Hamilton:** I ask the minister whether she believes that the sentence of a rat would be in the same category.

BASC has also pointed out that the inclusion of rabbits in the two-dog limit provision has unintended consequences for rough shooting. I am sure that the minister would like to touch on that in her closing remarks, given the widespread concern that that activity would become restricted rather than an exception.

This afternoon, we joined a protest outside Parliament by people, including the Crofters Federation, against the proposed new agriculture bill and the lack of detail within the bill on crofting. Next week, an even larger rally, organised by NFU Scotland, will be held on the same issue.

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is winding up.

**Rachael Hamilton:** I do not have much time—I am really sorry. Perhaps the member could speak to me another time.

The Hunting with Dogs (Scotland) Bill is growing to a large pile of red tape that will stop people from doing their job—the very people who provide food for the country while working towards a sustainable future for agriculture and for Scotland's countryside, producing crops, managing our natural environment and protecting wildlife. Those people are doing all that, but they are needlessly being penalised with more bureaucracy than ever.

I see that you are making signs for me to conclude, Presiding Officer. The full folder I have with me is the extent of letters I have received, even in the past week, from rural organisations that are concerned about the matter. I am concerned for people's mental health and about their livelihoods and I hope that the Scottish National Party shares those concerns.

15:52

**Colin Smyth (South Scotland) (Lab):** I echo the thanks to the Rural Affairs, Islands and Natural Environment Committee members and clerks for all the work that they have put into gathering evidence to inform its stage 1 report, and to all those who made submissions.

Like the committee, Labour is happy to support the general principles of the bill at stage 1. The bill is the culmination of many years of reviews, consultations, debate and, unfortunately, delays. It is time to put the matter to bed. It is time to end the cruelty of hunting with dogs once and for all.

It is 20 years since the Protection of Wild Mammals (Scotland) Act 2002 was passed by Parliament. Since then, a minority of people have sought to ignore both the letter and the spirit of that law, exploiting loopholes and believing that, despite the will of Parliament and overwhelming public opposition to hunting with dogs, it should be business as usual. For them, the bill as it stands will mean a continuation of that business as usual, because it does not fully close the loopholes that exist; it merely licences them.

You cannot license cruelty. You cannot believe on the one hand that we need to limit the number of dogs to two because that reduces the risk of dogs instinctively chasing and killing, but on the other hand continue to allow the use of packs of dogs simply because someone has a licence. You do not close loopholes by creating new ones.

**Jim Fairlie:** Do you accept the fact that land managers, farmers and people who live and work on the land have a right to continue to protect their livestock and crops?

**The Deputy Presiding Officer:** Again, I ask members to speak through the chair.

**Colin Smyth:** Those people certainly do have the right to protect their livestock and crops, and numerous examples were given to committee of how that can be achieved using the limit of two dogs.

Labour will lodge an amendment to the bill to remove licensing, to make sure that two dogs actually means two dogs. I say to SNP members that, if they vote against that and vote with Tory MSPs to keep licensing, they are voting to keep hunting with packs of dogs.

**Fergus Ewing:** Will the member give way on that point?

**Colin Smyth:** I will if I can get the time back, Presiding Officer.

**The Deputy Presiding Officer:** A little bit, Mr Smyth.

**Fergus Ewing:** Does Mr Smyth not accept that in some terrain—in forestry, on uneven and difficult land and on hill land—it is simply impossible to carry out the task with only two dogs?

**Colin Smyth:** There are numerous ways in which people can manage wildlife in their area, and using dogs is only one of them. The very fact that the Government has so far failed to define what would be achieved by a licence and what the criteria would be suggests that licensing will be difficult. I think Fergus Ewing gives the game away that some people will seek to ride roughshod over the ban by using the licensing scheme for pretty undefined criteria.

**Rachael Hamilton:** Will Colin Smyth take an intervention on that point?

**Colin Smyth:** I am in the hands of the Presiding Officer. I will take the intervention if I can have the time back.

**The Deputy Presiding Officer:** I call Rachael Hamilton—briefly, please.

**Rachael Hamilton:** Thank you for that, Presiding Officer. Will Colin Smyth tell us what the alternatives are? Would, for example, an upland farmer in his constituency—I am sure that he has engaged with many of them—be able to put a great big fence around their vast lands?

**Colin Smyth:** The reality is that the bill does not ban the use of dogs; it limits their use to just two. In evidence to the committee, the minister admitted that the use of packs of dogs has meant that, in contravention of the 2002 act,

“mammals continue to be chased and killed by ... dogs”.—  
[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 29 June 2022; c 1.]

Handing out—[*Interruption.*] I appreciate that Conservative members have little interest in animal welfare issues, but I note that handing out licences for packs of dogs will not make it any less cruel.

**Liz Smith (Mid Scotland and Fife) (Con):** Will Colin Smyth give way on that point?

**The Deputy Presiding Officer:** You do not have any additional time, Mr Smyth.

**Colin Smyth:** I am very clear on the Conservative position on the ban. It is particularly interesting that the UK Government position is to have legislation in England and Wales that covers using two dogs only, yet there is a different position from the Tories in Scotland. Handing out a licence will not make the use of packs of dogs any less cruel, and people who have exploited the current hunting legislation will seek to exploit this flawed bill.

Many organisations, including the Government’s animal welfare commission, along with animal welfare organisations such as the Scottish Society for the Prevention of Cruelty to Animals, OneKind, the League Against Cruel Sports, Scottish Badgers and the Wild Animal Welfare Committee, already argue that the bill is a compromise by allowing any dogs in the hunting of mammals. Not one of those organisations supports a licensing scheme to allow a continuation of hunting with more than two dogs.

Labour believes that that is not the only area in which the bill falls short. On the offence of hunting itself, the removal of the word “deliberately” is welcome. However, the definition of hunting focuses on searching and coursing and does not

include other terms such as “stalking”, “pursuing” or “flushing”. We agree with the written submission of OneKind, which suggests that

“the definition should be ‘to search for, stalk, flush, chase, pursue or course’”.

In its stage 1 report, the committee rightly said that it is “vital” that

“this Bill does not repeat the ambiguities in definitions which were identified in the 2002 Act.”

When the minister gave evidence to the committee, she acknowledged that it “could be helpful” to expand on the list of specified terms, which Labour will seek to achieve at stage 2.

On the bill’s definition of a wild animal, Police Scotland and others supported the inclusion of rabbits, which is a material change from the previous act, not just as a means of preventing hare coursing but on animal welfare grounds. Rabbits are sentient creatures, after all. So, too, are rats and mice, but I note the view of the Scottish animal welfare commission that some of the methods of controlling rodents are arguably even less humane than killing with dogs, and the sooner we outlaw methods such as glue traps the better. In the meantime, Labour accepts the exclusion of rats and mice from the definition.

However, we are unconvinced by the proposal to continue to allow the use of dogs below ground to control wild animals. The provisions in the bill to limit the number of dogs to one, with the unrealistic idea that that dog will be controlled, appears to be a messy compromise. If it is cruel to use more than one dog, it is cruel to use any dogs.

It is little wonder that, in its report, the committee says:

“It is not clear ... that the use of dogs at all below ground is compatible with the Bill’s pursuit of the highest possible animal welfare”.

That is because it is not compatible. Therefore, if the Government does not lodge an amendment to remove the use of dogs below ground, Labour will do so.

I want to end on a positive note. I welcome section 11 of the bill, which introduces new offences for participating in trail hunting. That sport was created in England and Wales as a cover for hunting wild mammals after the passage of the Hunting Act 2004. OneKind pointed out in its submission to the committee that pre-emptively banning trail hunting in Scotland will prevent a repeat of that situation, and the SSPCA said:

“Banning trail hunting altogether will eliminate any confusion by enforcement agencies of the activity taking place.”

There is much more in the bill that I am sure will be raised in the debate, and I hope to come back to some of the issues in my closing comments.

Ending hunting with packs of dogs is unfinished business. It is regrettable that the bill is necessary, but it is. However, we need to get it right. Labour will work with the Government and others to help to achieve that. We must ensure that we do not respond to existing loopholes by creating new ones and that we do not just nudge the bar towards less hunting with packs of dogs but end hunting with packs of dogs once and for all.

**The Deputy Presiding Officer:** There is a little time in hand for time to be given back in the case of interventions, but that is limited.

15:59

**Beatrice Wishart (Shetland Islands) (LD):** As deputy convener of the RAINE Committee, I thank the clerks, the bill team and SPICe for their work and I thank my committee colleagues and our convener Finlay Carson. I also thank all the witnesses who gave evidence to the committee and the organisations that provided briefings.

The stated aim of the bill, which replaces the 2002 act, is to give clarity to what was intended by that act's ending of the hunting of wild mammals with dogs except in limited circumstances. The bill seeks to manage pest control, which is an important part of living on the land, rather than to eradicate it. I want to see a workable scheme that is based on evidence.

The Law Society of Scotland's briefing expressed its concerns regarding section 3(3)(e) and the condition that the wild mammal is shot dead, or killed by a bird of prey

"as soon as reasonably possible".

The Law Society highlights that such terminology does not provide

"substantive difference from the equivalent provision under the 2002 act, which requires the mammal to be shot dead or killed by a bird of prey 'once it is safe to do so'".

The proposed licensing scheme chimes with evidence that the committee heard that, in some instances, more than two dogs are required to flush a wild mammal from cover to enable quick flushing and dispatch. The Liberal Democrats support the principle of a licensing scheme. The Scottish Government will need to address concerns about the scheme, which we share. The minister has said that applying for a licence should be the "exception". We need clarity from the minister about what will be considered an exception.

A workable licensing scheme must be evidenced and flexible. The period of 14 consecutive days

seems unnecessarily restrictive. I would like the minister to consider greater flexibility, led by the evidence, so that the 14 days could be spread across a longer period. The criteria used for the licensing scheme must also be looked at, because there is a lack of clarity about the details of the scheme. The criteria must be developed through engagement with stakeholders and based on the evidence about what works.

The minister indicated that she is willing to engage further with stakeholders on that matter. I encourage her to do so to ensure that the licensing scheme will be both workable and practicable. It must support crofters, farmers and those who live and work on the land in their roles as land managers and food producers so that they can protect livestock and crops and combat biodiversity loss through necessary pest control.

NatureScot will be responsible for administering the licensing scheme and the committee received assurances that it is fully resourced to cope with that additional responsibility. In scrutinising that point, it would be helpful if the Scottish Government could indicate how many licences it expects will be issued each year, once the system is operational.

Some stakeholders have raised concerns about the implications for rough shooting and gun dog trials. I am pleased that the minister has clarified that those activities remain legal under the bill, provided that each person in attendance controls no more than two dogs and that the dogs do not form a pack.

I note that the Scottish Government agrees with concerns that the bill does not provide for the use of two dogs to search for and retrieve a wild mammal that has been injured and I look forward to seeing an amendment from the Scottish Government in due course to address that point.

I turn to trail hunting. The proposed pre-emptive ban is sensible, given the view that trail hunting here could be used as a cover for hunting wild mammals, because of the ban on hunting with more than two dogs in England and Wales. Concerns were raised, however, that the two-dog limit on the exception for training dogs to follow an animal-based scent could negatively impact the training of police and emergency rescue dogs. The committee heard that up to six dogs are trained at once by Police Scotland. However, the Scottish Government states that it is not standard practice to release more than two dogs at any one time. I would appreciate an assurance from the Government that all emergency and rescue training will be covered by the exception.

Work remains to be done on the details to ensure that the bill achieves its aims, but the

Scottish Liberal Democrats will today support the general principles of the bill.

**The Deputy Presiding Officer:** We move to the open debate.

16:04

**Karen Adam (Banffshire and Buchan Coast) (SNP):** As a member of the Rural Affairs, Islands and Natural Environment Committee, I am pleased to participate in the debate and in our deliberations. It is true to say that the committee has endorsed the general principles of the bill and that the evidence from stakeholders has been constructive and supportive. For example, NFU Scotland stressed the need to maintain effective, practical and pragmatic control of wild animals in the farming and crofting contexts and the League Against Cruel Sports Scotland rightly pointed out the flaws in the legislation from 20 years ago.

The challenges that are inevitably posed by definitions have loomed large in our consideration of the bill. There is a dilemma in deploying an inclusive and open-ended approach by way of extending terminology because there is potential for unintended consequences. That is a balancing act, but it has been successfully achieved in the bill.

As part of that balancing act, we are determined to close loopholes that might be exploited by those who wish to continue using dogs to chase and kill wild animals while, on the other hand, we recognise the need for the effective protection of livestock and wildlife from predation where there is no option other than using more than two dogs.

The evidence that the committee received from the police and the Crown Office has been invaluable, not least with regard to hare coursing, which remains a serious concern in Scotland. The inclusion of rabbits within the definition of “wild mammal” in the bill is part of a wider package that addresses that issue.

**Rachael Hamilton:** Does the member recognise the serious damage that rabbits can do to land, biodiversity, crops and all the rest of it, causing livelihood issues for farmers, if they are not controlled properly?

**Karen Adam:** I do. I agree with the member in that regard. They can cause damage. However, as we heard in committee, there are other ways of controlling rabbits, and we need to look at those other options that do not involve them being hunted down with dogs. In Scotland, we need to set the highest standards for animal welfare.

**Finlay Carson:** I ask the member whether, at any point in the evidence that we received, anyone suggested that there are any concerns relating to rabbits and animal welfare.

**The Deputy Presiding Officer:** I can give you some time back for the interventions, Ms Adam.

**Karen Adam:** I do not think that I or anybody needs to hear evidence on whether hunting and killing rabbits without an actual need would be harmful in any way. If the member wants to narrow down his question a bit and say specifically what he means, I will be happy to give way again.

**Finlay Carson:** The bill is all about animal welfare. That is the principle of the bill. Did we hear any evidence that suggested that there are any animal welfare issues relating to rabbits?

**Karen Adam:** I think that we heard plenty of evidence from a lot of stakeholders, but the main premise of the bill is to tighten up legislation and ensure that we have the highest animal welfare standards in Scotland. I do not believe—and others agree with me—that chasing down a wild rabbit with dogs fits with those high standards in Scotland.

The bill is part of a wider package that addresses the issues. The stakeholder and public consultation on the definition of “wild mammal” highlighted that those who are suspected of undertaking hare coursing, which is an illegal activity under the 2002 act, frequently use the cover that they are legally using dogs to hunt rabbits. As always, the committee has scrutinised the bill and deliberated, but it is key to enforcement that we build a greater level of public awareness of poaching and coursing as serious wildlife crimes. We must continue to build working relationships and communications and to share information between all agencies and organisations.

As a committee, we have also recognised that a degree of flexibility is required to meet individual contexts and circumstances. I doubt that I am alone in recalling the submission to us from Lord Bonomy that the two-dog limit could affect predator control,

“particularly on rough and hilly ground and in extensive areas of dense cover such as conifer woodlands.”

One size does not fit all, and the addition of a licensing scheme to enable the use of more than two dogs in certain circumstances is a viable approach, as the bill acknowledges.

Following this debate, there will rightly be a series of stakeholder engagement meetings, which will follow the shared wildlife management principles, to provide an open platform for stakeholders to discuss the subject and provide expertise on the development of such licensing schemes.

There has been a profound amount of work on the bill at committee level, but the time that I have to speak to it is, of course, limited.

Having packs of dogs kill and chase animals such as foxes has no place in modern Scotland. The practice has been illegal for 20 years, but a number of loopholes need to be addressed to end it once and for all, and the bill facilitates that.

16:10

**Russell Findlay (West Scotland) (Con):** At the outset, I should declare an interest—or perhaps a non-interest: despite being an urban creature who is most comfortable when surrounded by concrete and fumes, I sometimes pass through the clean air of the countryside, and have even been known to visit it, on occasion. What I am trying to say is that my knowledge of the subject is nothing like that of many other members. However, it is possible that not being a countryside dweller might even be helpful, as I do not have a dog in this particular fight—so to speak.

I begin by thanking Finlay Carson, my party's convener of the Rural Affairs, Islands and Natural Environment Committee, along with the other members. Finlay and my equally highly respected colleague, Rachael Hamilton, have great passion for Scotland's rural communities, and real depth of knowledge.

Having been volunteered to speak in the debate, I realised that I needed to learn quickly. I have read numerous media reports and debate briefings that were submitted to members. I spent some of the recess digesting the committee's stage 1 report on the Hunting with Dogs (Scotland) Bill—which is, of course, what we are dealing with this afternoon.

It is evident that much work has been done and many competing views have been expressed. Although there is some support for the bill, all members should listen to the strong and valid concerns that have been raised by numerous organisations. They include the Scottish Countryside Alliance, which describes the bill as

“unnecessary and contrary to the evidence”.

It contests the apparent premise of the bill, which is that the Protection of Wild Mammals (Scotland) Act 2002 has somehow failed. It warns that the new bill, which is intended to replace the 2002 act, might not improve animal welfare as is intended, and that it could have the opposite effect. Its director, Jake Swindells said:

“We cannot have a situation unfold where a bill of this magnitude is waved through with potentially devastating consequences for rural Scotland and our countryside.”

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Without trading quotations, will Russell Findlay also acknowledge that the committee received evidence from none other than Lord Bonomy, the

author of the review in question, who said that the bill

“makes everything much clearer and simpler”

and that it will be

“a great incentive for better enforcement of the law”—  
[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 41.]

**The Deputy Presiding Officer:** I will give you the time back.

**Russell Findlay:** Indeed, Lord Bonomy said that. As I will come on to, I am illustrating the other voices that feel that perhaps they have not been heard properly, as they should have been. It seems that some people who oppose the bill feel they are not being heard, or worse, that the Government is just going through the motions.

That brings to mind my recent experience on the Criminal Justice Committee, of taking evidence from stakeholders on what became the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. Industry representatives with decades of experience, and whose interests are served by safe use of fireworks, complained of being sidelined. They expressed frustration that their input felt more like tokenism or box ticking, and that blinkered ministers had already decided what they wanted to do.

Similar recent criticism has been directed at the Government's Gender Recognition (Reform) Scotland Bill. Women with legitimate and reasonable concerns feel that they are not being heard because their views do not suit Nicola Sturgeon's agenda.

Whether it is about gender reform, fireworks, hunting with dogs, or any other bill, it is the job of members of the Parliament to listen and to consider all views—not just to pay lip service to them.

**Jim Fairlie:** Will Russell Findlay acknowledge the fact that the minister said in her opening statement that she will take evidence from and speak to stakeholders? She accepted an intervention from my colleague and stated that the decisions will be informed by dealing with stakeholders.

**Russell Findlay:** I am sure that those stakeholders will be reassured by the minister's comments. Let us hope that what she said comes to pass.

Another issue with the bill that interests me relates to its enforcement, which will fall to Police Scotland. We ask so much of our police officers, who work gruelling shifts under immense pressure and whose numbers are at their lowest since 2008. Although it is generally supportive of the bill, Police Scotland has raised a number of concerns

that feature in the stage 1 report. It disputes an opinion that was provided to the committee by the Law Society of Scotland in relation to the bill differentiating between ordinary dog walkers and those who are involved in the illegal act of hare coursing.

Police Scotland also raised concerns about the bill's intended outlawing of trail hunting. The SNP Government's aim is to ban trail hunting in Scotland, even though—as I understand it—it rarely, if ever, takes place here. The Government apparently has that aim because of a prosecution in England of trail hunting being used as a cover for illegal hunting. Police Scotland reasonably points out that its having happened elsewhere does not, in itself, justify banning it here. Another concern of the police relates to the possibility that elements of the bill might negatively impact on training of police dogs. I am sure that we will hear more about that in due course.

I return to my main point. I hope that the Government listens to those concerns along with those of others who know what they are talking about.

16:16

**Jim Fairlie (Perthshire South and Kinross-shire) (SNP):** As a member of the RAINE Committee, I am disappointed by the tone that the Tories have brought to the debate. I had thought that the conversations that the committee was having were looking for balance and were constructive; that is what I hoped today's debate would do. Unfortunately, that has not been the case.

I have 30 years of everyday experience—mean “everyday experience” literally, because working on a sheep farm is a seven-days-a-week job. I have lived experience as a sheep farmer and shepherd, and I bring the unique perspective of a person whose professional livelihood could have been affected by the consequences of the bill. My hope is that my views are taken as balanced, proportionate and in keeping with the aims of the bill, which is trying to find the right solutions in order to close loopholes, while trying to allow people whose livelihoods and ways of life would be affected to have comfort that the bill will be workable in terms of how it affects each of them.

Predators such as foxes killing the odd lamb is what we sheep farmers would call “passing trade”: it is bound to happen. If one lamb gets lifted, that is the way it goes. If it happens a second time, we start to pay attention. If a third lamb is lifted or killed for trinkets such as ears or its tail, there is an issue in the lambing field: the field is going to be the larder or toy cupboard for a den over the

coming season, and that is simply not sustainable for sheep farmers.

It is clear that foxes can do real damage to livestock, livelihoods and ground-nesting birds, so it is important that the Parliament affirms that a certain amount of wildlife control, or predator control, is a necessity for land managers, farmers and conservationists. That is at the heart of the bill and is what the bill intends to do.

That must be balanced against the absolute necessity to close the loophole that allows the obscenity that is people hunting foxes and other mammals with packs of dogs, for sport.

**Rachael Hamilton:** Does Jim Fairlie accept that the licensing scheme should be as flexible as possible and should, especially during the lambing season, give landowners and land managers the ability to control predators over a period of longer than 14 days, without their having to constantly apply to a bureaucratic licensing scheme?

**The Deputy Presiding Officer:** I can give you your time back.

**Jim Fairlie:** I will come to the licensing scheme.

Throughout the committee's discussions, I raised concerns about the potential granting of licenses to people who work more than two dogs and those who seek to address predator problems. Foxes will be foxes, and there is no way for a farmer to determine which fox will cause their business harm and over what period they will strike, so granting only a 14-day licence on the basis of a proven local issue is problematic, so I am not convinced that we have struck the right balance on timing. However, I am comforted by and welcome the minister's commitment, which was given in response to my colleague Graeme Dey's intervention, to look at that point with land managers. That will help to inform best practice in granting licences.

I understand the Government's concerns about people using the licence as a loophole, but we are talking about walked-up hounds as opposed to ridden hounds. Use of the licence to exploit or create a loophole is, I believe, as unlikely as it is undesirable for people who use walked hounds for predator control.

I am still keen for the Government to explore the possibility of looking at how many guns are available being as important as the number of dogs that are used for flushing. I have raised that issue in committee on several occasions. If there are sufficient guns on the drive, there will be no room for foxes to escape the guns and then be hunted and killed by dogs.

My final point is that we must not unintentionally criminalise rough shooting and game shooting. At the start of my speech, I suggested that the focus

on better definition is well intended. I completely understand the Government's aims of trying to prevent rabbits from being hunted by dogs and of closing the loophole that exists for those who pursue hare coursing as a sport, but I would caution against the unintended consequence of criminalising people who, quite legitimately, pursue rough shooting and game shooting. I welcome the opportunity to discuss that in depth with the minister at a later date.

**Finlay Carson:** Would the member give me one example where two dogs would be the most appropriate number in terms of ability to flush or in terms of animal welfare?

**Jim Fairlie:** I will give one example. It is a scenario that I have used, as a sheep farmer. It took place in a narrow copse of wood running up about 250m. There were two guns either side, two dogs went through the middle and we shot the fox at the top. I will give you as many examples as you like, Finlay.

**The Deputy Presiding Officer:** Speak through the chair, Mr Fairlie, and do not use first names, please.

**Jim Fairlie:** I apologise.

On the point that Mr Carson has just raised with me, the points that I make today are remarks on the real-world experience of farmers such as me.

I look forward to seeing the bill continue its path through Parliament. I believe that the Government has the tone right and that it will do the right consultation, and that the bill will do exactly what it says on the tin.

16:21

**Mercedes Villalba (North East Scotland) (Lab):** As a member of the Rural Affairs, Islands and Natural Environment Committee, I begin by thanking the committee's convener and deputy convener for their facilitation of a robust series of scrutiny sessions on the Hunting with Dogs (Scotland) Bill, and the committee clerks for their detailed and thorough work throughout. It is fair to say that we knew from the outset that the bill would stimulate lively debate. I believe that the committee's stage 1 report reflects the diversity of views that we heard.

Representing, as I do, a large rural area in the north-east, I recognise that there are differing views about whether the measures in the bill are proportionate in respect of their impact on the rural sector, and whether they go far enough in strengthening wildlife protection. Nevertheless, the principles of the bill at stage 1 are to be welcomed, which is why Scottish Labour will be backing it today. As a party, we have long been committed to strengthening wildlife protection law and truly

ending the practice of fox hunting in Scotland. The bill marks a welcome step forward in that regard and is a testament to the work of animal welfare campaigning organisations such as the League Against Cruel Sports, OneKind and Scottish Badgers, which have helped to secure some of the positive changes included in the bill.

However, there are a number of limitations in the bill that we would hope to see amended at stage 2.

**Jim Fairlie:** Will the member take an intervention?

**Mercedes Villalba:** I will take no interventions.

The Scottish Government has been clear that the bill seeks to address inconsistencies and ambiguities in the language contained in the Protection of Wild Mammals (Scotland) Act 2002. Those inconsistencies and ambiguities often undermined attempts to investigate and prosecute alleged offences. However, as has been highlighted by the Law Society of Scotland, the bill still contains ambiguities. The Law Society identified a lack of clarity around certain definitions and acts described in the bill, and emphasised the importance of clarifying language to improve understanding and enforcement. It makes a number of suggestions, such as clarifying what is meant by "invasive non-native species" by providing a list of common names of such species to be included in the bill. I urge the Scottish Government to address some of the ambiguous language in the bill in order to strengthen understanding, interpretation and enforcement.

The Scottish Government's stated aim for the bill is to achieve the highest possible animal welfare standards, but it is clear that the proposal to allow even one dog below ground undermines that. Animal welfare organisations highlighted to the committee the difficulties in controlling a dog below ground, which increases the likelihood of conflict between a dog and a wild mammal. Such conflicts pose serious welfare risks to both animals. The Scottish Government has acknowledged the view that such practice is incompatible with the highest standards of animal welfare and has not sought to refute it, yet it has chosen to retain the exception in the bill for the use of one dog underground. The Scottish Government refers to that as "balance", but the minister cannot have it both ways. She cannot compromise on avoiding cruelty in the same bill that she claims will achieve the highest standards of animal welfare.

**Jim Fairlie:** Will the member take an intervention?

**Mercedes Villalba:** No interventions.

I also agree with animal welfare organisations that question why the bill permits the use of birds as a method of killing. It is not credible for the Scottish Government to suggest that the killing of an animal by a bird of prey rather than by a dog is better from an animal welfare perspective. In its written evidence the Scottish Animal Welfare Commission told the committee that:

“The impact on the welfare of the hunted animal is likely to be similar whether killed by a dog or a bird of prey.”

Although the bill will strengthen fox-hunting laws, it will also introduce a licensing scheme that will allow hunting to continue in some circumstances. Under the proposed scheme, packs of dogs could still be used. As a result, such packs would be exempt from the proposed two-dog limit. That is evidently a loophole that could be exploited by people looking to get around the rules and continue with hunts.

As I have already stated, I welcome the bill's underpinning principles of strengthening wildlife protection and animal welfare. However, it evidently needs further changes in order to strengthen it, including addressing the ambiguity of some of the language used in it, which could undermine both interpretation and enforcement. As the bill would also fail to end the use of any dogs below ground, there would continue to be welfare risks for both dogs and wild mammals. Further, the bill should not permit use of birds of prey as a method of killing. The proposed licensing scheme also has an inherent loophole that could be exploited by people who seek to continue hunting.

If the Scottish Government is unwilling to make the needed changes to the bill, Scottish Labour will lodge amendments at stage 2. Failure to make such changes would risk wasting the opportunity that the bill provides to deliver real and lasting changes to wildlife protection and animal welfare in Scotland.

16:26

**Ariane Burgess (Highlands and Islands) (Green):** During the recess I had time to reflect on the subject of the debate. Only a year ago, we were facing the 26th United Nations climate change conference of the parties—COP26—yet I speak at a time when we are still deep in a climate and nature emergency. That is the unavoidable backdrop to everything that we do in the Parliament. It is the context that we need to keep fully in our minds as we shape and scrutinise legislation. For the life of me, I cannot fathom why Governments and Parliaments around the world are not approaching the issue with the speed and focus with which we tackled the pandemic. Let us show the way and act like this is a real emergency, because it is.

Turning to the bill, I will start from the perspective of a wild animal—say, a fox. Imagine the terror of being chased, relentlessly and breathlessly, by 36 hounds—something that a fox has not evolved to do; imagine the desperation of finding that its underground escape routes are blocked, and the horror and agony of being torn limb from limb while still alive.

Hunting wild mammals with packs of dogs is illegal in Scotland, but it continues. In the Borders, Lanarkshire and Renfrewshire, 10 hunts go out two to three times a week, from November to March, each and every year. As well as the hounds, there can be dozens of riders on horseback, plus terriers—all working together to prevent the animal's escape. That is not humane and it is not justifiable.

In the Rural Affairs, Islands and Natural Environment Committee and at meetings with stakeholders, a question formed in my mind: are we legislating for a Scotland of the past or a Scotland of today, or are we—as we should be—legislating for a future Scotland? Some 87 per cent of the Scottish public, and 100 per cent of under-35s, support a ban on fox hunting. However, it is not just foxes that need protection.

**Rachael Hamilton:** On a point of order, Presiding Officer.

**Ariane Burgess:** Hares, rabbits—

**The Deputy Presiding Officer:** Ms Burgess, please resume your seat. Rachael Hamilton has a point of order.

**Rachael Hamilton:** Presiding Officer, may I seek your advice, please? Ariane Burgess has just suggested that 10 packs of hounds in the Borders are breaking the law. I seek your advice as to whether making such an allegation in the chamber is competent.

**The Deputy Presiding Officer:** Ms Hamilton, I think that that was an intervention rather than a point of order. Ms Burgess, please continue.

**Ariane Burgess:** Thank you, Presiding Officer.

It is not just foxes that need protection. Hares, rabbits, stoats, mink and badgers are also at risk of an agonising death.

The Scottish Greens are opposed to blood sports—full stop.

**Finlay Carson:** Will the member give way?

**Ariane Burgess:** No—I am not going to take any interventions.

That is why such sports are an excluded area in the Bute house agreement with the Scottish Government. We can therefore push harder for more ambitious legislation that would give wild

animals the protection and respect that they need and deserve. There are areas where we agree, and I am confident that there will be scope to work with the Government and other parties to strengthen the bill as it makes its way through Parliament.

The Greens will support the bill at stage 1, but to retain our support, it is essential that three loopholes in the legislation are closed. It is already an offence to use a dog to chase and kill wild mammals. However, exceptions in the current law act as loopholes, providing cover for illegal hunting to continue. Those loopholes include training dogs to follow an animal's scent or using dogs to flush out foxes for falconry. Make no mistake: if the bill establishes a licensing scheme for using more than two dogs, illegal hunting will persist. Instead, we must close off those loopholes, just as the hunts close off the foxes' escape routes.

The Scottish Greens are not interested in licensing cruelty. At stage 2 I will lodge an amendment to remove the licensing scheme from the bill. A strict two-dog limit would put an end to illegal hunting with packs. Hunts will not want to go out with just two dogs, and if they do, it will be much easier for prosecutors to determine when the law is being broken. The evidence shows that it is not necessary to use more than two dogs to manage wildlife or achieve environmental benefits—as my colleague Jim Fairlie just indicated. I understand and sympathise with farmers in their need to minimise the loss of lambs. A two-dog limit will not prevent farmers from protecting their livestock or crops, but it will encourage the use of more humane and effective stock management measures.

Licensing is not the only loophole in the legislation that needs to be closed. The exception for management of foxes and mink below ground needs to be removed as it provides a smokescreen for terrier work in fox hunts. Even if the aim is to flush the fox or mink in order to kill it in a more humane way, sending terriers below ground often results in something akin to a dogfight underground, with horrific injuries to the animals involved.

The Rural Affairs, Islands and Natural Environment Committee report questions whether the use of dogs below ground at all is compatible with the bill's pursuit of the highest possible animal welfare standards, and it is doubtful that it would align with the international ethical principles for wildlife control.

Finally, the loophole for using dogs in hunting for sport must be closed. There is no need to kill animals for sport. That is altogether different from killing them for food or to protect certain species, livestock or biodiversity. Of those who support the bill, 89 per cent object to the exceptions for

falconry, game shooting and deerstalking. We cannot allow such exceptions to be another loophole for fox hunts, as happens in England, where hunts sometimes carry birds of prey as a token to circumvent the two-dog limit.

We support the intention of the bill—to protect wild mammals from being chased and killed by packs of dogs—so we will vote in favour of its general principles. However, there is no doubt that the bill is flawed and that those three loopholes must be closed. I look forward to working with the minister and members from across Parliament to achieve that and to finally ban foxhunting in Scotland.

**The Deputy Presiding Officer:** As a result of everyone sticking to their time limits and accommodating interventions within those, we have a little more time in hand. My successor in the chair might be able to be a little more generous.

16:33

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I want to declare less of an interest and more of an objectivity: my constituency of the Western Isles has no native fox population. There was a single sighting some 14 years ago, which can convincingly be explained as a fox only if it was either an exceptionally good swimmer or a very sly CalMac passenger. I have tried to approach my role on the committee from that dispassionate starting point.

I thank everyone involved in the stage 1 report, including all the other committee members, the witnesses, those stakeholders who provided written evidence and, not least, the committee clerks. It is important to remember that the aims of the bill grew out of the response to Lord Bony's report on the review of the Protection of Wild Mammals (Scotland) Act 2002, by producing better and less ambiguous legislation on the hunting of wild mammals. Doing so requires considering two objectives: on the one hand, preventing cruelty, and on the other, recognising the legitimate needs for pest control that farmers and other land managers have.

Although it is inevitable that not all will agree with the committee's findings in the stage 1 report, I believe that the committee has taken balanced evidence on the many questions before it and has done so in more measured tones than one or two of the contributions in the debate suggest we have.

This is undeniably a difficult and technical issue. Rather than engage with inevitably polarising articles of faith around the question of hunting with dogs, I believe that the committee's stage 1 report is instead an effort to examine the facts. Not only

does it seek to examine the Scottish Government's proposals, it requests, as others have mentioned, further information from the Government on points of the bill where further information was, in the committee's view, still needed. The Government has already responded to that call, which is very welcome, and the Government's response to the report will, I believe, help to inform the bill as it goes forward.

A number of stakeholders have already commented that the bill represents a significant clarification of the law. Perhaps most notably, as I alluded to in an earlier intervention, the author of the 2016 review, Lord Bonyon, in giving evidence to the committee, said that he regarded the bill as a

"very well-crafted piece of legislation"

and an improvement on the existing law. He said that the bill

"solves the problems that I identified about the loose and variable use of language. It makes everything much clearer and simpler, which, in itself, should be a great incentive for better enforcement of the law, because the police and the Crown Office and Procurator Fiscal Service were struggling with the effective detection and prosecution of offenders."—*[Official Report, Rural Affairs, Islands and Natural Environment Committee, 15 June 2022; c 41.]*

In the same evidence session, Dr Pete Goddard from the Scottish Animal Welfare Commission said:

"There are some small points on which greater clarity and less confusion could be introduced but, in general, it is moving towards questioning practices and looking for solutions that follow international ethical principles for wildlife control".—*[Official Report, Rural Affairs, Islands and Natural Environment Committee, 15 June 2022; c 12.]*

He said that it was "very supportive" of such moves.

However, the report also acknowledges the views of a minority of committee members on various specific issues such as the inclusion of rabbits in the definition of wild mammal and whether the bill could create a liability for dog walkers where a dog chases a wild mammal while being exercised. Incidentally, for my part, I believe that the evidence that we heard answered any questions about that last scenario very convincingly, and that view was shared by the majority of the committee.

Other issues on which we took extensive evidence included the proposed two-dog limit and, as others have discussed, the licensing scheme that would provide for exceptions to that; the introduction of deprivation orders, which would allow the courts to intervene in relation to any dogs or horses used in an offence; allowing exceptions for the training of dogs; the use of dogs underground; and the inclusion, as we have talked about, of rabbits in the terms of the bill, which, as

others have alluded to, is intended to address the fact that those suspected of hare coursing frequently use as a cover the explanation that they are legally using dogs to hunt rabbits.

**Rachael Hamilton:** I was interested in the argument that not allowing rabbits to be used as a defence for hare coursing would lead—nobody has said this—to an increase in the number of prosecutions for hare coursing, but I am not sure whether including rabbits in the scope of the bill is strong enough, because so far there have been very few police prosecutions for hare coursing.

**Alasdair Allan:** I thank the member for raising the issue. My recollection from the evidence that was given to us by the police is that they would welcome measures that would address the issue of individuals using the excuse of hunting rabbits as a cover for illegal hare coursing. That is a sensible measure that the bill seeks to bring in.

To conclude, in our stage 1 report, the committee recommends that the Parliament approves the general principles of the bill. That has perhaps not always been emphasised in the course of the debate, so let me emphasise it now: the committee report recommends that we as a Parliament approve the general principles of the bill, and I hope that Parliament will now do so.

16:39

**Donald Cameron (Highlands and Islands) (Con):** I direct members to my entry in the register of members' interests in relation to owning a landholding in the Highland Council region.

At the outset, I state that Conservative members want to see the highest animal welfare standards and robustness in dealing with those who intentionally flout the law or put the lives of wild animals at risk for no reason. However, it is clear from the significant correspondence that I and, I am sure, other members have received from our constituents that the bill could have unintended consequences and that many people are worried. Emails have come from concerned farmers, crofters and other land managers who believe that the bill in its current form is too restrictive due to its limitations and that the proposed licensing scheme will create problems in respect of pest and predator control. Emails have come from constituents of mine who live in rural communities across the Highlands and Islands. They feel that, although the principles behind the bill are sound, the manner in which the Government has presented the bill will do more harm than good.

I share those concerns. Although Conservative members will support the principles of the bill, we believe that significant changes are needed before it comes back to secure our support.

Almost two thirds of the 1,300 consultation comments on the bill were against it. I will focus on some of those issues.

The central point of concern is the proposed licensing scheme in the bill. Members will be aware of what the bill states in that regard. There are worries about the workability of the scheme. The suggested reforms include the need for licences to be granted to groups of farmers and landowners, the need for licences to be issued for livestock protection on any 14 days in a year rather than in one 14-day block, and the need for licences to be issued where the use of dogs will make a significant contribution to the prevention of serious damage to livestock or the natural environment. The Scottish Conservatives are sympathetic to those requests for changes, and I urge the Government and the minister to consider them carefully. On the matter of the 14-day licence, our belief is that the existing proposals should be reviewed and altered and, in particular, that the time period is too restrictive and is not long enough to cover periods in which pest control is needed, as Lord Bonomy found.

I note from the Rural Affairs, Islands and Natural Environment Committee's stage 1 report that the minister indicated that she would be open to looking at the time period if it is seen not to be workable. Given that some members and external stakeholders have raised that issue, I hope that the Scottish Government will consider amending that.

More broadly, the committee's report notes the lack of clarity about the details of the licensing scheme, and the committee has asked the Scottish Government for more information. It is disappointing that we do not have that information. I think that it has been said that the detail cannot be provided until after stage 3. That is simply unacceptable. I urge the Government to at least give some detail about what form the licensing scheme will take. If the Government is pinning the bill on a licensing system, it has to give some indication of what that licensing scheme will look like.

**Màiri McAllan:** To clarify the point about the detail of the licensing scheme, I refer Donald Cameron to sections 6 and 8, which set out a huge amount of detail on what will be included in the licensing scheme. I cannot complete the accompanying guidance until the bill is in its final form. Surely that is a reasonable position.

**Donald Cameron:** With respect, I do not think that it is a reasonable position. The guidance is needed to explain the scheme. How else will stakeholders be allowed or expected to implement it or to try to qualify under it? That is completely unreasonable.

That is one of the reasons why a licensing scheme was not included in the 2002 act. Lord Bonomy stated:

"it is not clear that establishing a formal system of licensing would do more for the protection of wild mammals than amending the legislation would ... The bureaucracy and expense involved are unlikely to be adequately reflected in resultant benefit."

Well, precisely.

I want to touch briefly on the issue of the two-dog restriction. The Scottish Conservatives believe that it is right that pest control using dogs is a regulated activity, but we note that various stakeholders have raised concerns about the implications of that specific restriction. Scottish Land & Estates has argued that dog limits would make fox and pest control almost impossible and would have a negative impact on ground-nesting birds. The Scottish Gamekeepers Association, to which other members already referred, has argued that that might result in the effectiveness of dog packs being limited and that the loss of revenue and limitations in operating might mean that owners would have to put their dogs down.

I listened with great interest to Jim Fairlie's comments on his experience of using two dogs in a wood. I have no reason to doubt that, but I have also seen hill packs of more than two dogs operating in the west Highlands in Forestry Commission woodland where the only way of doing pest control effectively is to have more than two dogs. For example, on steep ground covering large areas of woodland, it is the only way to do it humanely and effectively.

The Scottish Government has said that it believes

"that a two dog limit is workable, reasonable and appropriate",

but it is clear from what stakeholders have indicated and the comments from other members that that will not always be the case, and I urge the minister to reflect on that.

We want the bill to improve animal welfare while maintaining effective, practical methods of pest control. There are many worries about the current proposals and I am encouraged that the Government has recognised that. We will work constructively with it to improve the bill.

Our farmers, crofters and land managers are the custodians of our countryside. It is right that we pass legislation that helps them to do their job rather than hinders them.

16:46

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I am using my Surface to speak from for the first time, so, if it all falls apart, so will I.

Though I am not a member of the committee, I am pleased to speak in the debate and to thank the committee and all witnesses, whatever their position on the bill, for their evidence, which has led to the considered stage 1 report. I also note the Scottish Government's response. I add that I support the general principles of the bill but will make some general comments.

I quote from the minister's response to the stage 1 report:

"I have tried to strike a balance between closing down loopholes ... and the need for the effective protection of livestock and wildlife from predation".

The minister is doing well in trying to strike that difficult balance when there are undoubtedly ingrained and genuine views on the edges of the debate.

I welcome Jim Fairlie's speech, which I listened to with interest. We have often debated the matter privately.

I will mention a comment from Lord Bonomy, who chaired the review of the Protection of Wild Mammals (Scotland) Act 2002. Incidentally, the act was a member's bill, introduced in the early days of the Parliament by Tricia Marwick and Mike Watson, if I recall correctly. It meant well and I supported it, but it was flawed, as the years have demonstrated.

Lord Bonomy has been quoted already, but it is worth saying again if anybody says this of any legislation. He said:

"It solves the problems ... about the loose and variable use of language"

in the act and

"should be a great incentive for better enforcement of the law".—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 41.]

Those are endorsements well worth repeating on any piece of legislation.

Another useful quotation from the stage 1 report is from animal welfare organisations, which argued that the bill is

"an opportunity to re-think the solutions to the problem of wild mammal predation on agricultural land."

We need to do more of that, and it must be a collective effort. I agree that there are opportunities to make improvements, subject to the detail of the licensing scheme—to which I will come in a moment—and the amendments that lie ahead.

We are now eliminating, at least as far as is legally possible, the use of dogs predating on wild mammals for sport. That sport was sometimes—often, I would say—conducted in the guise of pest control. That is gone. Broadly speaking, we have the use of two dogs above ground and the use of one below. As I understand it, that is with a view to preventing pack behaviour, ensuring control and ensuring that the use of dogs is a last resort for the swift and humane dispatch of the mammal. I emphasise that it should be a last resort after other measures have failed.

Scent trails will be banned, except with an individual dog or, at most, two dogs for training purposes, such as for police dogs. I understand that, in England and Wales, experience has demonstrated that scent trails have developed as a means of continuing to hunt foxes with packs.

The 2002 act was flouted, as we know through criminal prosecutions. However, I also saw it for myself. I say to Donald Cameron that, on a dark, rainy day some years back, in the middle of the Borders hills, I unexpectedly came across folk on quad bikes, with headlights blazing, careering downwards as they followed a pack of hounds. I saw for myself what a pack does to an exhausted animal. The pack tore that animal to shreds; it was strewn across the hillsides. The parts of the animal—whatever it was—were retrieved by the people on the bikes. There was nothing humane in that. No one would be out in the wilds in that weather policing that. I saw that just by chance.

The ban on scent trails and hunting with packs is to be welcomed.

**Rachael Hamilton:** Christine Grahame witnessed an illegal activity. Did she report it to the police? On which day did that take place?

**Christine Grahame:** The member is asking me for a specific day—I said that it was some years back. Actually, it was on my son's birthday, so I should be able to remember. It was on 14 January some years back. The other issue is that I could not identify the people. There was a row of Land Rovers and the people in them were watching what was happening. When they saw me—it was just by accident that I appeared there—they soon scooted up the hill and disappeared, so it was impossible to identify them.

I say to Ms Hamilton that that happened. The incident shocked me. It seemed as though that was being done surreptitiously, in the middle of nowhere, on a day when nobody would be about, except for the people who were following the hunt and anyone who might be there by chance, as I was.

I will turn to the issue of rabbits, which members keep going on about. I repeat that rabbits are included in the bill. The hunting of rabbits, as the

police have said, was a device that was used by—and provided an alibi for—people who were hare coursing. I will not repeat the quotes that I mentioned earlier when intervening on Finlay Carson. However, I will mention that Police Scotland and the procurator fiscal supported the inclusion of rabbits in the bill, as it would assist in hare-coursing prosecutions. This is about having law that is detailed and effective. There are other, more humane methods of rabbit control.

**Finlay Carson:** There is absolutely no doubt that everybody here wants to do all that they can to prevent hare coursing, but including rabbits in the bill is a lazy option, as there is no suggestion that there are any welfare issues surrounding rough shooting of rabbits.

The police and the procurator fiscal's office were surprised when we raised that issue, and they questioned whether the approach being taken was like using a sledgehammer to crack a nut. What other steps does the bill take to address hare coursing?

**The Presiding Officer (Alison Johnstone):** We have time in hand, so I will give Ms Grahame her time back.

**Christine Grahame:** Thank you very much, Presiding Officer.

The other steps in the bill include the two-dog limit and all the other things that apply to all wild mammals. If the member wants to suggest that Police Scotland has got it wrong and if it does not provide further evidence, he should take the matter up with the organisation through his committee.

I will turn to the exception to the exception—the crucial proposed licensing scheme. I note the minister's response that that aspect must wait for the bill to move through its amendment stages. So far, I am willing to compromise on the proposed licensing scheme, but the details of that scheme are crucial. Therefore, I am pleased that NatureScot, the Scottish Government and all stakeholders, which will include farmers and gamekeepers—I meet many of them and I have high regard for them—will be fully engaged in the scheme's development. The detail is extremely important. If some members in the chamber are compromising like I am by even accepting the need for a licensing scheme—I am prepared to go that far—we will need to see the details, to ensure that such a scheme cannot be abused. The minister said that the scheme will have a high bar, and it will need to have if the measure is to proceed. I am reserving my view on that until the details are published.

I say to my colleague Rachael Hamilton—who made me feel a bit angry—that I need no lessons in representing my rural constituents, as I have

done it for the past 23 years, which is more than she has done.

I will be following the next stages of the bill with interest.

**The Presiding Officer:** We move to closing speeches. I call Colin Smyth, who has up to six minutes. We have time in hand for some interventions.

16:53

**Colin Smyth:** I am sure that there will be many—that seems to be the case every time that I get up to speak, Presiding Officer.

Today's debate has shown why the bill is not only needed but is long overdue. I welcome the consensus on supporting the principles of the bill. However, it is clear from the debate that not only is the ending of hunting with packs of dogs unfinished business, but the bill itself is very much unfinished business. We need to deliver a better bill than the one that is before us. It needs to be effective, and it must not seek to close existing loopholes by creating new ones in, for example, a licensing scheme.

It is clear from the debate that those who oppose the two-dog limit do so not because they believe that we should license the use of more than two dogs in certain circumstances. They actually believe that people should be allowed to use more than two dogs in all circumstances. I think that they will seek to use the licensing scheme to bulldoze the two-dog limit through.

In its written evidence to the RAINE Committee, the Scottish Countryside Alliance said:

"if fox control is to be effective in Scotland, a restriction to two dogs would ... make that impossible."

**Finlay Carson:** First, I take offence—as, I am sure, everybody in the Scottish Conservatives does—at the idea that we do not hold animal welfare standards in high regard. Such standards are what we want to achieve through the bill.

Will Colin Smyth admit that we heard evidence that, in many circumstances, limiting the number of dogs to two could actually increase the potential for animal welfare issues through prolonged chases and in relation to the dogs catching the fox? There are circumstances in which using only two dogs would be less acceptable in relation to animal welfare issues.

**Colin Smyth:** I think that Finlay Carson gives the game away. He said very clearly that he opposes the two-dog limit. That reiterates the view of the Scottish Countryside Alliance, which opposes the two-dog limit. It does not say that it wants a licensing scheme; it just does not want a limit of two dogs. I do not agree with that position.

The committee was provided with numerous examples to illustrate that wild mammals can be controlled effectively using two dogs.

Nonetheless, Finlay Carson and the Scottish Countryside Alliance have a clear position. What is not clear—what is, in fact, utterly contradictory—is the Government’s position. On the one hand, it says that it wants to limit the number of dogs to two for animal welfare reasons; on the other hand, it will disregard animal welfare considerations by issuing licences for the use of more than two dogs without defining the criteria for such licences.

On 29 June, the minister said that the two-dog limit

“is based on ... the fact that it will substantially reduce the ability to chase and kill”.—[*Official Report, Rural Affairs, Islands and Natural Environment Committee, 29 June 2022; c 16.*]

I agree, but the minister ignores her own words by continuing to allow the use of packs of dogs. The minister told the committee that the most important element of licensing is that the dogs be under control. However, as the SSPCA said in its evidence,

“Keeping under control a dog that has been trained to go for a scent or to attack an animal is, unless you physically restrain it, damn near impossible.”—[*Official Report, Rural Affairs, Islands and Natural Environment Committee, 15 June 2022; c 16.*]

**Màiri McAllan:** I want to probe the member on why he thinks that it is acceptable to ignore the comments of the senior Scottish judge, Lord Bonomy, who looked into the matter. He said that there is certain terrain on which two dogs would not allow a farmer, a land manager or an environmentalist to carry out a lawful activity of flushing an animal to waiting control.

**Colin Smyth:** The reality is that Lord Bonomy was not asked to look at the animal welfare issues. He was asked to look at the effectiveness of the existing legislation and its implementation. I believe that animal welfare issues should be prominent in the bill, but that is obviously a difference between me and the minister. Lord Bonomy was not asked to look at animal welfare issues at all.

**Rachael Hamilton:** Will the member take an intervention?

**Colin Smyth:** If I have time, Presiding Officer, I will certainly take an intervention.

**The Presiding Officer:** You do, indeed.

**Rachael Hamilton:** I want to clear this up for members. Lord Bonomy said:

“The licensing scheme is, I think, what makes it viable to have the two-dog limit. There must be circumstances in which people can justify that it is appropriate to have more dogs, and licensing will allow for that.”—[*Official Report,*

*Rural Affairs, Islands and Natural Environment Committee, 15 June 2022; c 45.*]

Let us stop arguing about what Lord Bonomy said, because that is what he said.

**Colin Smyth:** Several members are used to quoting Lord Bonomy, but let me tell members what Donald Cameron just said Lord Bonomy said about the licensing scheme. Lord Bonomy said:

“it is not clear that establishing a formal system of licensing would do more for the protection of wild mammals than amending the legislation would. The same difficulties of proof and enforcement would remain.”

That is the quote from Lord Bonomy that Donald Cameron read out.

**Finlay Carson:** That was out of context.

**Colin Smyth:** If Finlay Carson wants to make an intervention, he can do so, or he can keep shouting from a sedentary position—it is entirely up to him.

We can keep going back and forward with quotes from Lord Bonomy, but it is absolutely clear that Lord Bonomy was not asked to look at the animal welfare issues. It is absolutely clear from the evidence that the ability to chase and kill a fox is increased far more by using a pack of dogs than it is by limiting the number of dogs to two.

**Finlay Carson:** I believe that the licensing that Donald Cameron was referring to was not in relation to the two-dog limit. Licensing is crucial when there is a two-dog limit. We are talking about different things here.

**Colin Smyth:** Lord Bonomy was absolutely clear that licensing would bring the same difficulties of proof and enforcement with a pack of dogs. That would not change just because someone had a licence in their pocket.

To go back to the issue of how to restrain a pack of dogs, following her evidence to the committee, the minister said in a letter:

“I think it is self-evident that it is easier to keep control of a smaller number of dogs than a larger pack of dogs.”

She went on:

“Two is also the maximum number of dogs permitted in England and Wales”—

which Conservative members seem to have forgotten about today. The minister says one thing but the bill does another. Who would have thought that the current UK Government would be more progressive on fox hunting than the Scottish Government when it comes to a limitation on the number of dogs?

Ariane Burgess says that the Green Party supports Labour’s position against licensing, but the problem is that the SNP-Green Government is proposing a bill that includes licensing because

the Green Party decided to opt out of field sports and animal welfare in the Bute house agreement. As a result, the SNP has been given a free pass to ignore the views of Ariane Burgess and the Green Party. I have to say that it is disappointing that animal welfare was not given far higher prominence.

I repeat what I said in my opening speech. Labour will lodge an amendment to remove licensing. If others vote to continue the use of more dogs, one thing that has been suggested by the Scottish Government's Scottish animal welfare commission and groups such as OneKind is that the international consensus principles for ethical wildlife control should be used to guide decision making on any licence scheme. One of the big issues that members have raised is about the lack of detail on and criteria for any licensing scheme, and that is why many people are incredibly sceptical about the inclusion of licensing in the bill. Five months ago, I brought a members' business debate to the chamber in which I called for Scotland to lead the way on how we deal with wildlife intervention by incorporating those seven principles in law and embedding them into Scottish Government and societal practice of wildlife management.

**Rachael Hamilton:** Will the member take an intervention?

**The Presiding Officer:** The member must conclude now.

**Rachael Hamilton:** It is just a quick point. Which of those ethical wildlife management principles are currently not being met?

**Colin Smyth:** It is absolutely clear to me that it does not minimise the impact on animal welfare to use a pack of dogs instead of limiting it to two dogs. It is clear that using a pack of dogs would not be compatible with those ethical principles.

The Government and NatureScot say that they are very much aligned to those particular principles in the licensing scheme. The test of that will be whether the Government is prepared to incorporate those principles into the bill.

**The Presiding Officer:** Could you conclude, please, Mr Smyth?

**Colin Smyth:** Certainly.

Numerous reasons have been highlighted as to why the bill is very much unfinished business. Labour will work with the Government to see whether we can maximise the importance of animal welfare in the bill, but we will not support a bill that continues to try to close some loopholes by creating other loopholes that increase the impact on animal welfare.

17:02

**Liz Smith (Mid Scotland and Fife) (Con):** This stage 1 debate is important, because of its implications for improving animal welfare, for the rural sector and for the best management of wildlife across Scotland. Therefore, it is little surprise that a wide variety of stakeholder groups have been expressing their views to MSPs over the past few months and that opinion is sharply divided over the merits of the bill.

I cannot compete with Jim Fairlie's professional expertise, but I have been interested in the bill because I live in Perthshire among communities that will be directly affected by it. I stress at the outset that those communities want the highest standards of animal welfare to be adopted everywhere. They want good land management that safeguards animal welfare, enhances our countryside and preserves the jobs and livelihoods that are connected to it. Despite what Mr Smyth might allege, my colleagues and I whole-heartedly support them in those aspirations.

As I see it, the main challenge of the bill is to deliver better animal welfare and at the same time to protect the interests of the rural economy and all those who live and work in it. That challenge is tough, but we will succeed if we deliver crucial amendments to the bill. In other words, we have to deliver good law. To remind the Parliament of previous debates in the chamber, good law is the basis for effective legislation and, as such, it requires the following: clarity of purpose; to be strong in its evidence base; to be workable; to be accepted by the public; and to be set out in simple language that can be understood.

On that last point, the bill as drafted has run into some trouble, despite the best intentions to resolve the issues with the 2002 act, which was deemed to include too many inconsistencies and ambiguities.

The deliberations of the Rural Affairs, Islands and Natural Environment Committee when discussing the issue with the ministers made it clear that difficulties about language and the intended meaning remain. We have seen from previous legislation passed by Parliament examples of what happens when inconsistencies and ambiguities remain.

**Màiri McAllan:** I query of Liz Smith whether, given what she says, she disagrees with Lord Bonyon's quote, which has been used a number of times in the debate, that the bill is

"a very well-crafted piece of legislation"

that

"solves the problems that"

he

“identified about ... loose and variable ... language”.—  
[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 41.]

That seems to contradict Liz Smith’s contribution.

**Liz Smith:** I entirely accept what Lord Bonomy has said. The committee is asking the minister for specific commitments to improve the bill in terms of its language and to ensure that none of the ambiguities and inconsistencies remain.

With regard to that, I note that the Rural Affairs, Islands and Natural Environment Committee has also made a specific request that the Scottish Government should provide additional information about the licensing scheme. It is true that some has been provided, but, as Christine Grahame rightly pointed out, there is not sufficient evidence within that to ensure that we are moving in the right direction. Again, I come back to previous legislation in Parliament. I know exactly what has happened when the information that underpins a bill has not been as precise as it should have been. It ends up as bad law, which is something that we have to avoid.

No one doubts for a minute that crimes remain within the countryside, because, as Rachael Hamilton put it in committee, there is a small minority of malevolent individuals who operate in our countryside. They are determined to break the law and kill or maim animals, and it is vitally important that those crimes are detected and the perpetrators prosecuted. However, it is just as important that the law is clear. Both Finlay Carson and Jim Fairlie raised questions at committee citing scenarios where, unless the law was clarified, there would be doubt in people’s minds as to how they should stay on the right side of the law. They said that the definition of “intent” was unclear and could not be measured, and I agree with them on that point.

Now we come to the important issue about rabbits being included in the definition of mammals. No one doubts the minister’s intentions to address illegal hare-coursing, which we all want, but by including rabbits in the definition there will clearly be unintended consequences on rough shoots and various trials such as at kennel clubs, because the inclusion of rabbits as mammals might sound very good in theory—in fact, it does sound very good in theory—but the practice tells a different story. Therefore, we ask the Scottish Government to look at the issue again.

The second big issue is about licensing. Any licensing system must be both understood and workable, so that it can be fair and practical for farmers and land managers to protect their livestock, their livelihoods and species such as nesting birds. Rachael Hamilton mentioned the capercaillie. Failure to manage predators appropriately—and, indeed, undermining the

control toolbox—has real-life consequences for our wildlife. It is very clear from what many stakeholders are saying that there are concerns about how effective pest control can be managed, in some circumstances, with just two dogs. Lord Bonomy himself said that in some instances that is impractical. There are also serious concerns about how flexible the proposals are, because at the moment far too many stakeholders are telling us that that is just not the case.

At the end of the day, the bill remains controversial. Nine major organisations support the bill and 10 major organisations oppose it, and that is not mentioning the hundreds of individuals who have expressed their views to us as MSPs—again, heavily divided. There are far too many unanswered questions and there is too little evidence to underpin the bill which—although this is not intended—leaves the rural sector heavily exposed yet again. That is why there are so many unhappy stakeholders.

The balance is surely to permit legitimate predation control by dogs and to improve animal welfare, but as yet the bill does not have the correct balance.

17:09

**Màiri McAllan:** I begin by reflecting again on the comprehensive set of legal requirements that the bill provides, looking first at the offences because we have not done that today.

The offences include those of hunting a wild mammal using a dog; as a landowner, knowingly causing or permitting another to hunt on land that you own; and, as a dog owner, knowingly causing or permitting another to hunt using a dog that you own or are responsible for. Those are three robust offences that carry robust penalties. Where there are exceptions to an offence, they are available only for defined purposes and with statutory conditions.

I take the example of section 3, which provides an exception for the management of wild animals above ground. The exception is available for the purposes of preventing serious damage to livestock, woodland or crops; preventing the spread of disease; and protecting human health, which I hope that members accept are important purposes.

Despite those important purposes, the bill goes on to provide conditions on the exercise of the section 3 exception, which are that only two dogs are used, or more via the licensing scheme where no other option exists; that any dog that is used is under control, which is a really important provision because it puts a strong onus on anyone who purports to use a dog in the countryside, and whether a dog is under control should be readily

identifiable; that the dogs do not join with others to form a pack, which again is visible and it is readily identifiable when that condition is not complied with; that permission of the landowner has been obtained; and that the animal that is being flushed is dispatched as soon as reasonably practicable.

That one example, where there are defined purposes and robust conditions, allows me to strongly refute any suggestion that the bill does not represent a comprehensive ban on illegal hunting.

Having set that out, I will move on to the interaction between the two-dog limit and the licensing scheme, which has dominated much of the debate.

**Russell Findlay:** If I heard correctly, a previous speaker made the serious and somewhat sweeping allegation that 10 groups in Scotland routinely break the law by hunting with dogs. Is the minister aware of any evidence to support that claim?

**Màiri McAllan:** With all due respect to Russell Findlay, I am not here to speak to the speeches that were made by other members. I cannot even recall which member said that. I think that Rachael Hamilton raised a point of order about it at the time but was told that it was not a point of order. I am not concerned with responding to that, but I thank Russell Findlay for his contribution.

As I said, I want to talk about the more important issue of the interaction between the two-dog limit and the licensing scheme. I am confident that the two-dog limit is the right approach, because the majority of wildlife control in Scotland already does not use dogs; because, where dogs are used, two dogs are already used, in general, including in deer stalking and for invasive non-native species; and because a two-dog limit has already been instituted in England and Wales, as members have said.

However, Lord Bonomy was clear that there are certain terrains where control needs to be carried out but where two dogs would not allow individuals to successfully carry out the legal activity of flushing wildlife as part of legitimate control. In this Parliament, as we take action to end illegal activity, we must guard against impinging on lawful and legitimate activity that is undertaken for a range of reasons throughout our rural country. The two-dog limit, together with a narrowly defined but practical and available-where-necessary licensing scheme, achieves that.

**Colin Smyth:** The minister said to the committee that

“a licence has to be construed as the option that is available when there are no other options.”—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 29 June 2022; c 18.]

Does the minister accept that the difficulty that people have with that is that the Government has not really set out what it means in practice? An option that has been proposed is that we incorporate in the bill the ethical principles that I have talked about on several occasions as the guide to what would be used in a licensing scheme—notwithstanding that I do not support a licensing scheme. Rachael Hamilton asked in what way a licence would not meet the ethical principles. However, it would not be the scheme itself but individual applications that would have to be consistent with the principles. That is surely one way to set out the legislation and to deal with people’s concerns that there is a lack of detail.

**Màiri McAllan:** In another debate in the chamber, I said that I am interested in the ethical principles and the way in which they can be applied to the various pieces of wildlife legislation and work that the Government is undertaking. It is no different in the case of the Hunting with Dogs (Scotland) Bill, so I am considering the application of those principles.

To return to the interaction between the two-dog limit and the licensing scheme, some have called for the scheme to have more liberal terms to ensure that it will meet what they see as an essential purpose, while others have called for there to be no licensing scheme at all. Some members have made it clear that they view the licensing scheme as essential to enable effective operation in certain circumstances. My response to that is that the scheme is designed to operate on an extraordinary basis. Therefore, it will be available where it is truly essential, but where the use of two dogs or some other method of control would work, it will not be essential.

I will talk about the content of the scheme. A bit of a myth has arisen this afternoon that no detail is available. I can clarify that. Sections 4 and 8 of the bill point to a series of criteria that must be met as a framework for the licensing scheme. They speak about the particular species of animal having to be confirmed and say that the licence will have to be granted to a particular person and they set out the tests that will have to be met.

**Finlay Carson:** Will the minister accept an intervention?

**Màiri McAllan:** I feel as if I am just about to address the point that Finlay Carson will raise, but I will give him the opportunity.

**Finlay Carson:** My question is about licensing. Will the minister lodge amendments that will address some of the worries and concerns that stakeholders have regarding the 14-day limit? Will that be in the bill, or will we have to wait until the bill is passed before she comes forward with detail?

**Màiri McAllan:** I struggle to see how amendments to primary legislation could be brought after stage 3, so I am not sure what Mr Carson is referring to. However, the 14-day licence period is in the bill, so if that were to be amended it would have to be done via the parliamentary process. I hope that clarifies the point. I have already said that we cannot clarify the accompanying guidance until the final form of the bill is known. That may be what Mr Carson is referring to. I commit to continuing engagement and to raising awareness of the requirements.

**Rachael Hamilton:** Will the minister accept an intervention?

**Màiri McAllan:** I feel as if I am running out of time, Presiding Officer.

**The Presiding Officer:** We have until 20 past, minister.

**Rachael Hamilton:** I ask the minister if the accompanying guidance is the details.

**Màiri McAllan:** I am sorry. I do not understand the question.

**Rachael Hamilton:** Everyone is looking for more clarity and more detail about the licensing scheme. The minister has said that she will publish accompanying guidance. What is the accompanying guidance if it is not the detail and why is it so late?

**Màiri McAllan:** For the benefit of Rachael Hamilton, it is not late. This is the standard approach to developing accompanying guidance. We cannot develop the guidance to accompany a statutory regime until the final form of the statute is known. That makes perfect sense.

I was about to say that Mr Carson, when he responded on behalf of the committee, asked for an oral update to the committee about that. I am more than happy to provide that. I have no concern whatsoever about keeping the committee and stakeholders engaged with the development of the guidance.

Some members would like there to be no licensing scheme at all in the bill. I am open to hearing the views of any member or group who wishes to raise them with me, as I have been throughout. However, I must ask, as I asked Colin Smyth earlier, why those members think it acceptable to ignore the findings and specific comments of Lord Bonomy.

**The Presiding Officer:** Minister, please give me one moment.

**Màiri McAllan:** Of course.

**The Presiding Officer:** Members, I would be grateful if we could hear the minister. Thank you.

**Màiri McAllan:** Why do those members think that they can ignore Lord Bonomy's findings on terrain? How would they explain to hill farmers who have lambs on hilly ground, where lamping and enclosure are not possible, why those lambs would simply be allowed to be predated on? What would they say to environmental groups that need more than two dogs to successfully deal with invasive non-native species, as they do on Orkney and on Uist? We would be saying to them that, even in tightly restricted circumstances, the option of using more dogs would not be available. I do not think that that is reasonable. I ask those members to remember that the bill provides for a licensing scheme only where no other option exists and that that tightly defined circumstance will be overseen by NatureScot.

As we all consider the ban, the two-dog limit and the exceptional licensing scheme, I ask members to reflect, as has been done a number of times this afternoon, on Lord Bonomy's evidence, where he said:

"The licensing scheme is, I think, what makes it viable to have the two-dog limit. There must be circumstances in which people can justify that it is appropriate to have more dogs, and licensing will allow ... that."

Importantly, he went on to say:

"The idea of keeping licences restricted is also a good one."—[*Official Report, Rural Affairs, Islands and Natural Environment Committee*, 15 June 2022; c 45.]

I intend to do that.

If I may—if I have time—I will briefly touch on a couple of other issues that were mentioned. First, I am not sure whether Rachael Hamilton could substantiate her claim that I do not understand rural Scotland, that the man behind me—Jim Fairlie—does not, or that a lot of the men and women behind me do not. However, I will leave her to consider that.

**Finlay Carson:** Will the minister take an intervention?

**The Presiding Officer:** The minister cannot take an intervention as we are concluding the debate.

**Màiri McAllan:** Secondly, and very briefly, I confirm to Beatrice Wishart that my officials spoke with Police Scotland's dog handlers after the committee session and we are content that the bill will not negatively impact on how they train their dogs.

I will consider the points about dogs underground, which were very well made.

The Tories seem very concerned about the inclusion of rabbits within the protection. I believe that it is right to protect rabbits, as we do hares, from being chased and killed by dogs, and I will continue to defend that.

Time is against me. I conclude by saying that the chasing and killing of a wild mammal with a dog for sport or otherwise has no place in modern Scotland. The Hunting with Dogs (Scotland) Bill will finish the work that was started 20 years ago by delivering a comprehensive ban. Through the bill, I want both to close loopholes of the past that have allowed an unlawful activity to persist and to take action to prevent others from opening.

I am doing that in pursuit of the highest possible animal welfare standards while recognising that we are a rural nation and that we must have access to legitimate control methods. The bill has been designed to balance those needs for lawful operation in our countryside with my determination and the Government's determination to end illegal hunting once and for all.

## Decision Time

17:21

**The Presiding Officer (Alison Johnstone):**

There is one question to be put as a result of today's business. The question is, that motion S6M-06428, in the name of Màiri McAllan, on the Hunting with Dogs (Scotland) Bill at stage 1, be agreed to. Are we agreed?

I have been notified of a no vote online. The Parliament is therefore not agreed and we will move to a vote. There will be a short suspension to allow members to access the digital voting system.

17:22

*Meeting suspended.*

17:26

*On resuming—*

**The Presiding Officer:** We come to the division on motion S6M-06428, in the name of Màiri McAllan, on the Hunting with Dogs (Scotland) Bill at stage 1. Members should cast their votes now.

**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)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 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)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 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)  
 Dowe, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)

Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (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)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 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)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (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)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 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)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)

Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Mundell, Oliver (Dumfriesshire) (Con)

**The Presiding Officer:** The result of the division is: For 110, Against 1, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees to the general principles of the Hunting with Dogs (Scotland) Bill.

**The Presiding Officer:** That concludes decision time. There will be a brief pause before members' business.

## The BIG Project (20th Anniversary)

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-06158, in the name of Gordon MacDonald, on the 20th year of the BIG project. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible.

### *Motion debated,*

That the Parliament congratulates The BIG Project on its 20th anniversary; understands that The BIG Project was set up in 2002 in the Broomhouse area of the Edinburgh Pentlands constituency to support children and young people, aged five to 18, to learn, achieve, have fun, and feel good about themselves; appreciates that the project aims to combat low aspirations and lack of facilities and engender a sense of stability and continuity for children and young people, many of whom have experienced social exclusion and discrimination; notes The BIG Project's unique approach and partnership with the local primary school; acknowledges that the project has built valued relationships with local families and is now the major provider of community-based open access, universal services for local children and young people in the area; further understands that by adopting a preventative approach, the project delivers attractive and enriching educational opportunities and experiences to develop and reinforce children's skills, confidence, and self-image in a safe and supportive environment; praises the project for delivering open access youth work, targeted work and individual support, as well as promoting activities and interests, not as an end in themselves, but as part of a wider developmental process; understands that the activities allow the children and young people to develop new interests, acquire new skills, build trusting and valued relationships, improve their health and wellbeing, and receive support and guidance from adults, equipping them with the skills and confidence to become motivated and contributing citizens of tomorrow, and wishes The BIG Project well in its anniversary year.

17:30

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I thank members from across the parties for supporting the motion in order that we can celebrate the work of the BIG Project, which is based in the Broomhouse area of my constituency. In the public gallery tonight, we have management, staff and volunteers from the BIG Project. I welcome them all to Parliament in this 20th anniversary year of an organisation that has made such a difference to so many young people in that area.

I first came across the BIG Project back in 2012, when I attended the ceremony to award the freedom of the city of Edinburgh to Sir Chris Hoy, following his medal wins at the Olympics. The BIG Project choir was part of the event's entertainment, and it went down a storm with the

audience. However, there was an issue. The youngsters had been promised a seat on the balcony to watch the award being presented, but that offer had been withdrawn because television cameras were to be placed in that part of the seating area. I fought their corner, as any good constituency MSP would, and the young people were able to witness history being made. They also got their photograph taken with Sir Chris Hoy.

That was a memorable year for the BIG Project: not only was it the organisation's 10th anniversary, but its choir, the BIG Sing, performed at the opening ceremony of the London Olympics.

Why is that important? Well, back in 2002, the Broomhouse estate was known by some as "Little Bosnia", as the community had long been enduring high rates of youth crime. At that time, it had the highest number of youth calls to the police in the city, vandalism was rife, and cars and property were being damaged. That, combined with underage drinking, drug misuse, fighting among groups of teenagers, low aspirations and a lack of facilities meant that something had to be done to give children and young people a feeling of safety on the streets.

It was at that point that the BIG Project was launched, beginning life as the Broomhouse intervention group. It was hosted by the Broomhouse centre, which has in recent years been rebuilt as Space, but back then there was a lack of space. The staff had to work across the wider area, utilising St David's church and hall, Oaklands school, St Joseph's church hall, Sighthill primary school, Sighthill community centre and Broomhouse primary school. That last partnership was to prove invaluable for the BIG Project, as relationships that were formed there resulted in an invitation to move on to the new primary school campus a year later, which enabled the organisation to gain charitable status.

Over the years, the BIG Project has run youth clubs for different age groups; music projects, starting with BIG radio and then the fame academy project, which developed into the BIG choir; and the mural project, in which murals were painted by youngsters to cover up graffiti. The organisation started the first local girls' football team, back in 2004, and the grow project, delivering outdoor activities. In 2017, it staged its first musical, "The Wizard of Oz", involving the drama group and the choir.

Music has always been a theme for the BIG Project. Some of those in the chamber and in the gallery may well remember the late Bay City Roller Les McKeown. He never forgot his roots in Broomhouse, and he paid a visit to the BIG Project in 2007 to show his support for the work that it was doing. Les auctioned off one of the famous Bay City Rollers jackets, and he was able to donate

£700 to the project. As he entered the hall to chants of “Shang-a-lang” and the waving of tartan scarves, he commented how great it was to be back in Broomhouse and how much he had wanted to give something back to his community.

A major strength of the project is its low staff turnover, which ensures that it provides stability and continuity for local children and young people, many of whom have experienced social exclusion and discrimination on various levels. Activities are structured to ensure that time is available to nurture the positive relationships that are formed. The BIG Project aims to improve local young people’s long-term quality of life by developing self-confidence, resilience, optimism and a commitment to personal excellence as a basis for their potential role in life and as good citizens. As a result, more local young people participate in constructive activities and are less involved in destructive or criminal behaviour. That has resulted in happier children and far fewer being referred on to specialist services. The BIG Project enables youngsters to learn new skills and improve existing ones, and they are now more aware of opportunities that are available to them. Over the years, the BIG Project has enabled children and young people who would not otherwise have been able to do so to go on holidays and residential breaks, allowing them to spend more quality time with others.

There is no doubt that children and young people have the support of the project, dropping in not only when they are struggling to cope but also to share good news and spend time with staff.

For over 20 years, the BIG Project has contributed hugely to improving the lives of local children and young people. It has built valued relationships with local families, and it is now the major provider of services for local children and young people living in Broomhouse. Its credibility in the local community is high, and it is regarded as a local go-to organisation for children and young people’s services.

The work of the BIG Project has been recognised over the years through the many awards that it has won, starting with the *Evening News* young Edinburgh awards in visual and performing arts in 2005. It won the Queen’s golden jubilee award for volunteers in the community in 2016, and, this year, Sascha Macleod, the BIG Project’s director, received a YouthLink Scotland lifetime achievement award and Margaret Halkett was awarded an inspiring volunteer award from the lord provost of Edinburgh.

Broomhouse has changed dramatically for the better since I first moved to Edinburgh, in 1982, and lived in the neighbouring estate of Parkhead. It has new schools, a community centre and housing, but also—importantly—a stronger sense

of community. That must be due in part to the hard work of the BIG Project staff and volunteers, who have supported and nurtured the young people of the area for the past two decades. I offer the BIG Project congratulations on 20 years of serving the community—long may it continue to do so.

17:37

**Jeremy Balfour (Lothian) (Con):** I thank Gordon MacDonald for lodging the motion and bringing the debate to the chamber. I, too, welcome some of my constituents to the public gallery tonight and wish the BIG Project a very happy 20th birthday.

The BIG Project is an amazing organisation, as we heard from the first speaker, and I join—I am sure—all my colleagues on all sides of the chamber in wishing the project not only a happy birthday but a successful future.

During my short time this evening, I want to associate myself strongly with the ambition of the BIG Project to combat low aspiration and a lack of facilities, and to engage with the issue of stability and community for children and young people not only in the area that the project serves but in many parts of Scotland. There are so many voices in the world today that tell our children and young people, especially children with disabilities or those who come from difficult backgrounds, that they cannot do this or that.

I feel that these communities are often patronised by those who assume that our capabilities are far lower than they are in reality. We are held back when expectations of what we can do are set so low. Disabled people will be served far better in a way that does not assume that they have no capability for dialogue and that shows how much ability they have to reach their potential. That is what the project that we are celebrating tonight does so well.

I make it clear that I am not saying that we should ignore disabilities completely and expect people with disabilities get on with life as if nothing was wrong. Of course, they are a limitation. That is what a disability is. However, we can all be surprised by the capacity of those whom society would generally count out.

I was fortunate to be brought up by parents who pushed me to be all that I could be. They encouraged me to try everything, and if I came up against challenges to which I could not adapt, that was okay. They provided the space for me to flourish without bringing in the boundaries. That is what we have seen with the BIG Project in the past 20 years. It has taken young people and children and has asked them to flourish without putting up boundaries that are not real.

I am aware that not everyone is as lucky as I have been. Not everyone has parents who instil a sense of aspiration from a young age. Therefore, it is of the utmost importance that we support charities such as the BIG Project to fulfil that role in communities where it is lacking not only for people with disabilities but for those who lack the support and facilities that they need to flourish.

By empowering such projects, we can move towards a truly inclusive society, including in the Parliament. The number of disabled people who have been elected as MSPs is still far too small. The number of Cabinet positions that are yet to be occupied by someone with a declared disability is far too big. We need to support the BIG Project and other such charities so that we can get society to not leave anyone behind and so that everyone can achieve more.

I again congratulate the BIG Project on 20 years of hard work and wish it well for years to come. That can happen only if we fund such projects. We have come through a really difficult three years and we all face further uncertainty with the economic crisis, but, whatever happens in the future, we cannot leave the third sector behind. We need to ensure that Government at Westminster and in Scotland and local authorities play their part by supporting projects such as the BIG Project that can inspire young people and make our society better.

I say happy birthday and congratulations to the BIG Project.

17:42

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am pleased to speak in the debate. I congratulate my colleague Gordon MacDonald on bringing it to the chamber.

We live in troubled times and we must ensure as much as we can that children do not bear the brunt of social inequality. Inequality has always been with us but, shamefully, the gap is getting wider. It might sound clichéd, but it is nevertheless true that every child deserves the best start in life regardless of their background. A good start and the ability to reach their potential are the building bricks to a happier and more successful life as children grow into adults.

The project that we are debating is a fantastic example of an initiative that works. The BIG Project has been helping children and families for 20 years. That is quite an achievement. Children in the Broomhouse area of Edinburgh have benefited enormously from that vision and from the organisation's innovative practices. Two generations of children have been helped to reach their full potential.

Projects such as the BIG Project are invaluable for young people. Many areas in Scotland have similar projects that have, once they have been established, become interwoven with the community. I am fortunate that, in my constituency, we have excellent schools and after-school clubs that encourage the ethos "Be all you can be" for children from all backgrounds. I know of the great work that they and other schools throughout the country do with children. I am constantly impressed by evolving initiatives to develop young people's social responsibilities and confidence while letting them have fun at the same time.

However, I cannot speak in the debate without mentioning a project that is not in my constituency, but is in the east end of Glasgow—the Baltic Street Adventure Playground. I visited the playground in a personal capacity because a friend of mine is among the people who run it. I cannot speak highly enough of it. It is situated in one of the most deprived areas of Glasgow. It is not an exaggeration to say that it has become a lifeline for the hundreds of children and families who use it daily.

"Playground" is a word that cannot convey what the Baltic Street Adventure Playground offers. There is a space in which children can run, play, take risks, grow vegetables, light fires, and look after animals. It is their space. The approach is child led, and it allows them to develop and enjoy being children.

Baltic Street Adventure Playground also supports families by offering hot food to children six days a week, including during school holidays, and it has a food hub on Fridays. The project has become a focal point for an area that lacks its basic needs being addressed and, crucially, every service that it provides is entirely free. Like the BIG Project, it is a sanctuary for children and families that is run by dedicated staff and volunteers. A price cannot be put on the work that it does and the difference that it makes to children's and families' lives.

In conclusion, I wish the BIG Project the happiest of anniversaries and I wish every similar project throughout Scotland well, and I say a massive "Well done" to all the people who make such an enormous difference to young people's lives.

17:45

**Michael Marra (North East Scotland) (Lab):** I thank Gordon MacDonald for bringing this debate to the chamber, and I add my congratulations and those of the Scottish Labour Party to the BIG Project on its significant 20-year anniversary. I thank it for all the work that it does for the community of Broomhouse and all the work that it

has done across 20 years for thousands of young people, whose lives it has touched and changed.

It is right that we mark the project's 20th anniversary. Mr MacDonald eloquently set out the project's achievements over the period, his experience of it, and the impact that he has seen in his constituency. That is something that all of us can echo: we have heard in speeches about youth projects throughout Scotland and about the profound difference that they make to the lives of young Scots throughout the country.

It is clear that, through youth work, people find friends, their purpose and a place for themselves in which they can feel safe and find inspiration, and which makes an indelible mark on their lives. For many of them, it sets their future direction. Too often, we think of education and the experience of young people in relation to being within the formal walls of schools, rather than thinking about the breadth of the education that people experience through their families, friends and the youth work environment in many places, which makes such a difference in our communities.

We have heard familiar stories of partnership working in various organisations coming together in Broomhouse, where the BIG Project is housed, and in church halls and schools. People come together to add value and bring real benefit to the community.

The process is genuinely community led and is all the better for that. Local people understand the needs of their community and of young people, and they can respond to those young people and give them guidance and experience in their lives.

I pay tribute to youth leaders across all the communities in Scotland who are leading people to richer and better lives in our constituencies. They deserve our support and thanks, particularly in a time such as now, with the impact that the Covid pandemic has had on our communities and the diminished experiences that young people throughout Scotland have had as a result of being locked inside and taken away from their friends and from experiences such as those that the BIG Project offers. It is, increasingly, vital that we support such projects here and now in order that we do not leave a long-term mark on the Covid generation, but instead ensure that young people have the opportunity to rebuild relationships and to have the experiences and richness in their lives that such organisations offer.

In thinking about that, I was drawn to the work of YouthLink Scotland. There are a couple of calls that it is looking for us, as politicians, to respond to, one of which is about organisations accessing facilities after Covid. Perhaps the minister could touch on the matter in his closing remarks. Many youth organisations across Scotland are still struggling to get back into facilities including

school and church halls. With councils reducing their footprint across Scotland in the face of cuts to their budgets, where organisations can go is an issue. We need a long-term stable solution to ensure that organisations such as the BIG Project and others throughout Scotland have a stable base in which they can locate themselves. That is a common problem across Scotland.

Rona Mackay was right to highlight the gap that is created by poverty—the distance between those who have and those who have not—and the very significant impact that youth work can have in that regard. The Scottish Labour Party is absolutely clear that youth work should be a right that is available to and can be enjoyed by all young people in Scotland. That could be guaranteed through maximalist adoption of the United Nations Convention on the Rights of the Child. I hope that the UNCRC will be brought back to Parliament very soon, so that the experiences of the BIG Project can be truly guaranteed in law and delivered to all young people in Scotland.

I congratulate the BIG Project on its 20th anniversary, and I thank it for all the work that it does for the people of Broomhouse.

17:50

**The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn):** I join others in thanking Gordon MacDonald for securing the debate. It is absolutely appropriate and correct that we have the opportunity to recognise the significance of the 20th anniversary of the BIG Project and, as Gordon MacDonald articulated, its clear impact on the children and young people in the area in which it operates.

I also thank Jeremy Balfour, Rona Mackay and Michael Marra for their contributions, which clearly demonstrated a shared recognition of the very positive impact that youth work can have on young people, which is encapsulated by the BIG Project and replicated across the country.

I also welcome the people associated with the BIG Project who are in the gallery this evening. I pass on my congratulations to them on the 20 years of great work that they have undertaken.

The BIG Project is an example of the outstanding work that Scotland's youth work sector does day in, day out. We know the positive impact that youth work can have on a young person's self-esteem, confidence and self-belief, and we know that it can improve their physical and mental wellbeing. Youth work does that by enabling young people to access educational activities—it is important to emphasise Michael Marra's point that they are educational opportunities—that enable them to learn about themselves, others and society. That is why I share the stated values of the BIG Project of

“supporting children and young people to learn, achieve, have fun and feel good about themselves.”

There are few things in life that are more important than that.

The success of the BIG Project over the past 20 years is no small feat. Its dedicated staff have built valued and meaningful relationships with the local community, families, children and young people, who have been able to openly access supportive and enriching opportunities.

In June this year, I had the privilege of attending the youth work awards, where I met Sascha Macleod who, as Gordon MacDonald mentioned, received the lifetime achievement award. I once again congratulate Sascha on her lifetime of great work with children and young people.

The work that Sascha and others in the youth work sector undertake plays an integral role in addressing poverty by improving the life chances of children and young people in some of our most vulnerable communities. As the motion reminds us, the BIG Project currently delivers its services in the Broomhouse area of Edinburgh, which is an area that faces challenges relating to child poverty—almost one in three children in Broomhouse lives in poverty.

The ambition of the BIG project for that area must be matched by ambition in Government. The Scottish Government is committed to building a future in which families are financially secure, and children grow up safe, loved and without the worries of poverty. That is why we have declared a national mission to tackle child poverty.

In March, we published “Best Start, Bright Futures: Tackling Child Poverty Delivery Plan 2022-2026”—our second delivery plan—which sets out a range of action to drive progress to tackle child poverty—to support children and their families now while also building the foundations for a more sustainable exit from poverty.

Growing up in poverty has a direct impact on children and young people’s health and wellbeing, and addressing that must be a key priority not only for the Scottish Government but for our whole society. Our aspiration is that all families are supported to give their children the best start in life so that Scotland’s children grow up loved, safe and respected and realise their full potential.

Youth work can play a role in achieving that ambition. The wellbeing of children can be supported and promoted through the simple act of play by giving our children the fun, excitement and friendship that can support healthy development as they grow through life. That is exactly what the BIG Project delivers. It plays its societal role by delivering activities that are essential in supporting children and young people’s wider development needs.

Many children and young people from the Broomhouse area also experience social exclusion and have lack of access to facilities. I believe that third sector organisations play a critical role in using their expertise to address that. I recognise the point that Michael Marra made and I have been able to engage with Youth Link Scotland directly on that issue. I sent a message directly to all local authorities to ensure that they recognise the positive impact that youth work can have on children and young people, and they should make their facilities available for the use of youth work organisations. I place that on the record, again.

Jeremy Balfour talked about funding. I recognise that it is vital that we play our role in supporting youth work activities. We provide a range of funding for youth work and since April 2016 we have had a specific children, young people and families early intervention fund and an adult learning and empowering communities fund, which have provided more than £14 million-worth of annual core funding to over 100 third sector organisations across Scotland. Many of those organisations are actively engaged in the area of youth work.

We recognise that we need to provide as much stability of funding as we can to the third sector, and the opportunity for longer-term planning. That is why we launched a new competitive third sector fund—the children, young people, families and adult learners fund—in July of this year, which will provide up to £16 million-worth of core funding to third sector organisations over the next two years.

We are determined that Scotland’s young people who are furthest from inclusion will realise their full potential in learning, life and work, and we will publish a new youth work strategy at the end of this year. The issues that I have highlighted here today, such as providing opportunities for the future, health and wellbeing support and equality, are some of the key things that young people have told us are important to them and are areas that we want the new strategy to focus on. I want the strategy to ensure that we raise the voice of young people and I hope that it will provide a new framework that champions their voices and lived experience. My ambition is that the strategy will support organisations such as the BIG Project to continue delivering for the young people they serve.

Again, my thanks go to Gordon MacDonald for the debate and, fundamentally, to the BIG Project for the work that it has done during the past 20 years and the work that it will continue to do.

**The Deputy Presiding Officer:** That concludes the debate.

*Meeting closed at 17:58.*

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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