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Scottish Parliament

Thursday 16 March 2023

[The Presiding Officer opened the meeting at 11:40]

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time.

Deaths of Children from Illegal Drug Use (Support for Families)

1. **Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government what action it is taking to support families whose children have died as a result of illegal drugs. (S6O-02020)

The Cabinet Secretary for Justice and Veterans (Keith Brown): Every drug-related death is a tragedy and I offer my condolences to any family that is impacted by the issue.

As part of our national mission to reduce drug deaths and improve the lives of those who are affected, we published our framework to improve holistic support for families who are affected by substance use. That is supported by investment of £3.5 million per year in alcohol and drug partnerships and £3 million per year in vital third sector organisations. In addition, we provide the third sector organisation Scottish Families Affected by Alcohol and Drugs with £160,000 per year to provide national services to support families, including through bereavement support.

Ruth Maguire: Grace Handling was 13 when she died. The individual who supplied the ecstasy that killed her was charged with culpable homicide but was, much to her family's distress, acquitted after the jury returned a not proven verdict. Will the cabinet secretary meet me and Grace's father Stewart to hear directly from him and to provide support and guidance on ways forward?

Keith Brown: The case that Ruth Maguire mentions is a tragedy. My sympathies go to Grace's family and friends. I think that I am right in saying that I have previously met Grace's father and others, but I would, of course, be happy to meet both Ms Maguire and Mr Handling to discuss suggested reform in the area.

The Government is committed to abolishing the not proven verdict and the matter will come before Parliament very soon. The Scottish Law Commission is currently looking at the more general operation of homicide law. I encourage people to pass to the Law Commission their views

on how this specific area could be reassessed as part of the wider look at homicide law. Once that response comes back to Government, I would be happy to discuss it with Ruth Maguire and the individual concerned.

Sue Webber (Lothian) (Con): I am sure that the cabinet secretary will agree that providing support for young people who are affected by drugs remains a key component of the Scottish drugs mission. In January, the Scottish Government provided £5.5 million for new programmes for children and families, including the expansion of Routes, which is a young person's support group that is run by Scottish Families Affected by Alcohol and Drugs. Routes is currently available only in East and West Dunbartonshire. Can the cabinet secretary give any detail about when that programme will be expanded and in which areas the services will be offered?

Keith Brown: I cannot provide that information at this time, but I appreciate that Sue Webber wants the information, so I am happy to speak to the minister who is responsible, Angela Constance, to ensure that she provides a full account to the member.

Paul O'Kane (West Scotland) (Lab): Each drugs death is a tragedy for the family who are left behind, particularly for parents who lose a child. This week, we have seen that suspected drugs deaths reached the highest number recorded in a single quarter since 2021. Public health experts have said that data is vital in tackling the crisis, but Parliament's Public Audit Committee has said that there is a significant risk that the scale of the problem is not being properly captured or understood. Data collection must be robust in order to support people and their families. What steps is the Government taking to improve the quality of data collection relating to drug use—in particular, use of potent new drugs that might account for the spike in the number of deaths in the last quarter of 2022?

Keith Brown: I will help Paul O'Kane, if I can. In 2021, 70 people aged 20 or under suffered a drug death. [Keith Brown has corrected this contribution. See end of report.] As the member said, each of those deaths was a tragedy both for the individual and the family concerned. That figure represents a reduction by 10 from the previous year, but it is still far too high. There has also been a recent decline in deaths of people aged 25 and under. As I say, however, any deaths in that age group are a real concern for everybody, including the Government.

We agree on data streams with the relevant professionals, because the Government could be criticised, quite rightly, for being too close to formulating the criteria under which data is

collected. However, I am happy to pass the member's request on to the relevant minister, Angela Constance, and to make sure that a response comes back to him with more detail.

Modern Apprentices

2. Graeme Dey (Angus South) (SNP): To ask the Scottish Government how it ensures that key sectors, such as engineering, are allocated sufficient numbers of modern apprentices. (S6O-02021)

The Minister for Higher Education and Further Education, Youth Employment and Training (Jamie Hepburn): Apprenticeships support key sectors while providing employment. They take account of demographic change and seek to respond to employer demand.

The modern apprenticeship demand assessment comprises three phases. The first establishes a robust evidence baseline through sourcing and collating of strategic and contextual data. The second draws on the baseline to support consultation with industry and verify demand. In the final phase, the evidence baseline and consultation insight are analysed and a final assessment is produced to inform the modern apprenticeship contracting strategy. As such, the number of starts in each occupational grouping attempts to reflect employer demand and is managed in line with Scottish Government priorities.

Graeme Dey: Having visited the organisation some time back, the minister will be well aware of the fine work that is done by Angus Training Group in my constituency, and I know that he will be pleased to learn that it is experiencing an upturn in demand from employers. Unfortunately, however, it has a contract volume figure of 31 this year, which is a rollover from the pandemic, although it has the potential to take at least 40 modern apprentices. Is there any scope for the number to be increased through prioritisation of engineering as a key sector?

Jamie Hepburn: I have visited Angus Training Group with Graeme Dey and was very impressed by the work that it does on engineering, overall. I am happy to say that the latest statistics to be published for quarter 3 of the year show an increase in the number of starts in engineering and related occupational groupings. The figure is 1,658 compared with 1,256 in the equivalent period last year, so there is positive growth overall.

I understand the challenges that Angus Training Group might be facing. Of course, we do not seek to micromanage the process. I recognise the importance of engineering to the economy, and I encourage Angus Training Group to speak to Skills Development Scotland about the increased

demand to see whether there is a way forward with it.

Science, Technology, Engineering and Mathematics Teachers (Recruitment)

3. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what progress has been made in STEM teacher recruitment. (S6O-02022)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): STEM teacher numbers are at their highest level since 2011. There are now 378 more STEM teachers than there were before the start of the pandemic in 2019. I am committed to recruiting more teachers and I recently set out measures to Parliament making it clear that we will provide £145.5 million in next year's budget to protect increased teacher numbers and support staff.

Local authorities are responsible for the recruitment and deployment of their staff, and we will continue to do everything that we can to help them to maximise the number of jobs that are available for STEM teachers, including permanent posts.

Michael Marra: I thank the cabinet secretary for her answer. Our economy and our young people must have increased qualifications in vital science, technology, engineering and mathematics subjects, yet the number of candidates is falling dramatically and the targets for teacher recruitment continue to be missed. Almost half of the available STEM bursaries for new teachers went unfilled this year, and the body that runs the scheme has not been told by ministers whether those bursaries will continue. How on earth is it to recruit for the next academic year without a decision from ministers? Will the cabinet secretary confirm today whether the scheme will go ahead? When will we have an effective national strategy that meets the scale of the challenge?

Shirley-Anne Somerville: I pointed in my original answer to the improvements that we have seen, but I recognise that we need to do more, which is exactly why a number of working groups within the Scottish Government are looking, with stakeholders, at recruitment and retention—in particular, in the STEM teaching area.

I am happy to confirm to Mr Marra today that the STEM bursaries will, of course, continue. They have been an important part of our policy to date and will continue in the next financial year.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The cabinet secretary will be aware of the Aberdeen computing collaborative, which brings together Aberdeen City Council, the University of Aberdeen, Robert Gordon University and North East Scotland College. It aims to raise

the profile of computing science and to make Aberdeen the destination of choice for computing science graduates who are entering teaching. How is the Scottish Government working with such collaboratives to build on that work and attract new graduates into computing science teaching?

Shirley-Anne Somerville: I thank Audrey Nicoll for highlighting the excellent work that has been undertaken by the Aberdeen computing collaborative. It is a very important issue, on which we all work together. One of the key requirements of the Scottish technology ecosystem review programme was to attract more graduates, especially women, into teaching. That is why we formed Scottish Teachers Advancing Computing Science—STACS—which is an organisation that is for, and run by, computing teachers. I am delighted that the work will include Aberdeen. A pilot scheme is being run on computing science teachers at advanced higher level, to see what more we can do to improve and encourage teaching and teachers in an important subject.

Willie Rennie (North East Fife) (LD): Six hundred and thirty-six teaching posts were advertised last year, many of them in STEM subjects. One technical education teacher post in Aberdeenshire was advertised 11 times. There is a big shortage. I do not get from the minister a sense of urgency and that she understands the scale of the problem. Can she reassure me that she is on top of the matter?

Shirley-Anne Somerville: I would be delighted to discuss at length with Willie Rennie the work that is going on with the teacher workforce planning advisory group and the strategic board for teacher education, which is looking at recruitment and retention not just in STEM but across areas—in particular, on geography, in recognition that that is an issue. However, due to the shortage of time, I will be happy to discuss the matter offline with Mr Rennie.

A90 Dualling (Ellon to Peterhead)

4. Liam Kerr (North East Scotland) (Con): To ask the Scottish Government whether it plans to dual the A90 between Ellon and Peterhead. (S6O-02023)

The Minister for Transport (Jenny Gilruth): The second strategic transport projects review, the final report of which was published in December last year, considered proposals to dual the A90 north of Ellon. However, after an extensive evidence-based process, with substantial stakeholder and public consultation, dualling was not recommended. Instead, measures were considered for improving road safety and reliability and adapting the trunk road network to deal with the challenge of climate change.

Liam Kerr: It is 17 years since Alex Salmond promised the north-east that the first decision that he would make on becoming First Minister would be to dual between Ellon and Peterhead. That is nearly two decades of Scottish National Party inaction and lack of ambition on that forgotten road of Scotland, with seven deaths and 49 injuries on that stretch in the past three years. For the safety and economy of the north-east, and to show that the Government is for more than just the central belt, will the minister promise, here and now, to at last dual that section of the A90?

Jenny Gilruth: I do not recognise some of the sentiment that is behind Liam Kerr's questioning. The Government has invested more than £250 million in maintenance and road safety on the A90 alone since 2007, so it is not true to characterise investment from the Government in that way.

However, I recognise Liam Kerr's interest in the route and long-standing concerns about road safety. It is worth saying that some additional safety measures have been introduced, including vehicle-activated signs. More broadly, he will be aware that, along with Aberdeenshire Council, Nestrans has recently confirmed to Transport Scotland that it intends to take forward its own study of the A90. Of course, ministers will consider that in detail.

I reassure Liam Kerr that there are requirements to improve road safety on the trunk road network through STPR2 recommendation 30, which looks at provisions on improving road safety more broadly.

Pharmaceutical Manufacturing (Employment Opportunities)

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government how it plans to increase employment opportunities within the pharmaceutical manufacturing sector, in light of the recent Fraser of Allander Institute report, "The economic contribution of the Pharmaceuticals Sector in Scotland". (S6O-02024)

The Minister for Just Transition, Employment and Fair Work (Richard Lochhead): The Scottish Government recognises the importance of the pharmaceutical industry to the Scottish economy, including the creation of quality job opportunities across the country, including in rural and deprived regions.

Later this year, Scotland's new innovation strategy will be published. It will focus strongly on health technologies. That will be an opportunity to boost research and development and create further job opportunities in the pharmaceutical and wider life sciences sector.

Kenneth Gibson: In December, the Association of the British Pharmaceutical Industry and life

science companies shared their frustration at the United Kingdom Government's decision to increase payments under the voluntary scheme for branded medicines pricing and access to 26.5 per cent of sales. That money is retained by HM Treasury. By contrast, Scottish ministers reinvest those payments in the new medicines fund for innovative new treatments. What impact has the NMF had on encouraging pharmaceutical manufacturing companies to invest in Scotland, given that we allow health boards to purchase end-of-life, orphan and ultra-orphan medicines that they might have struggled to justify financially before the fund was established in 2013?

Richard Lochhead: Currently, the manufacturing of pharmaceuticals contributes just under £1.5 billion in gross value added to Scotland, supporting a total of 11,350 full-time Scottish jobs. The wider pharmaceuticals sector supports more than £1.7 billion in GVA.

The £465.5 million that has been made available to health boards since 2014-15 via the new medicines fund that Kenneth Gibson referred to, which is dedicated to medicines for patients with rare diseases, is playing a very important role.

We are aware that there are concerns in the industry around UK Government changes to branded medicines pricing. The Scottish Government remains committed to investing the entire rebate from the voluntary scheme for branded medicines pricing and access agreement in the new medicines fund. We will negotiate the successor scheme with the UK Government.

Constitutional Futures Division

6. Sandesh Gulhane (Glasgow) (Con): My apologies for being a few minutes late, Presiding Officer. I was stuck for almost two hours on the Scottish National Party's nationalised ScotRail.

To ask the Scottish Government—[*Interruption.*]. They do not seem to like that.

The Presiding Officer: For all members' information, I say that it is important that they stick to the published text of the question. Please resume, Mr Gulhane.

Sandesh Gulhane: To ask the Scottish Government how many civil servants are working in its constitutional futures division. (S6O-02025)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): I refer Sandesh Gulhane to my answer to question S6W-15283 on 8 March. It noted that 24 civil servants, including one deputy director, are working in the constitutional futures division.

As well as co-ordinating work on the Government's independence prospectus, officials

in the constitutional futures division are contributing to other priority work, including on the retained European Union law management programme, devolution policy, intergovernmental relations and the provision of information for the Covid public inquiries.

Sandesh Gulhane: The work to prepare independence prospectus papers is being co-ordinated by the tax-funded constitutional futures division. However, during the SNP leadership contest, Humza Yousaf has admitted that the SNP Government's independence prospectus sits on a website and that nobody reads it. It is a shocking for a potential First Minister to admit that public money is being wasted like that.

Does the minister agree that the tax-funded constitutional futures division must be disbanded immediately, with the approximately £1.5 million being spent elsewhere—perhaps on vaping legislation?

Angus Robertson: Let us get this right. The position of the Conservative Party is that it wishes to abolish the part of the civil service that is dealing with retained EU law management, devolution, intergovernmental relations and the provision of information for the Covid public inquiries. Is that seriously the position of the Conservative Party?

If Sandesh Gulhane is genuinely interested in freeing up civil service time, he would be well advised to speak with his Westminster colleagues about ditching, or at least ameliorating, the Retained EU Law (Revocation and Reform) Bill, which is causing an unprecedented and unnecessary diversion of civil service time.

Independent Scotland (Migration Strategy)

7. Jackie Dunbar (Aberdeen Donside) (SNP): To ask the Scottish Government what its policy is for the migration strategy in an independent Scotland, including how it could address any workforce and recruitment challenges resulting from the withdrawal from the European Union. (S6O-02026)

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The Scottish Fiscal Commission forecasts that Scotland's working-age population will fall by an average of 10,000 a year for at least the next five years, with net migration from the European Union lower as a result of Brexit and the United Kingdom Government's putting in place a restrictive immigration system that does not account for Scotland's needs.

Independence would give us the power to design immigration policy that is tailored to Scotland's needs, and to return the right to free movement in the European Union. Our approach

would seek to attract working-age people and their families to live here and make a positive contribution to our economy and our communities, especially in rural areas.

Jackie Dunbar: As international condemnation of the UK Government's atrocious and dehumanising Illegal Migration Bill continues to pour in, the need for the full immigration powers of an independent state has never been clearer. Will the cabinet secretary assure Parliament that this Scottish Government will remain committed to Scotland's role as a good global citizen before, and after, independence?

Angus Robertson: I agree entirely with my colleague. Although immigration and asylum are reserved to the UK Government, we remain committed to providing support and assistance to all those who seek safety and sanctuary in Scotland, and we will do our utmost to support people to make Scotland their home. With independence, Scotland can leave behind the hostile environment that characterises UK Government policy.

The Presiding Officer: That concludes general question time.

Before we move to First Minister's question time, I invite members to join me in welcoming to the gallery Ahod "Al Haj Murad" Ebrahim, Chief Minister of the Bangsamoro autonomous region in Muslim Mindanao. [*Applause.*]

First Minister's Question Time

12:00

Ferguson Marine (Bonuses)

1. **Douglas Ross (Highlands and Islands) (Con):** The Scottish National Party ferries scandal has damaged our nation's reputation for shipbuilding excellence and has left islanders without the vital transport links that they need for their everyday lives.

This week, Audit Scotland said:

"the costs to complete these ferries have continued to escalate".

The total cost to taxpayers because of SNP incompetence is now £338 million, which is three and a half times more than the original contract of £97 million, and there is still no completion date for the ferries. However, Ferguson Marine, which is fully owned by the SNP Government, has paid out bonuses of £87,000 to highly paid chiefs. Very simply, First Minister, what were the bonuses for?

The First Minister (Nicola Sturgeon): Before I answer the question, I remind members that, this afternoon, the Deputy First Minister will make a statement to the Parliament on these issues and provide updates in respect of some of them.

There are two issues to address in response to Douglas Ross's question. First, we welcome the Audit Scotland section 22 report, which was published on Tuesday, and we certainly acknowledge the legitimate issues that were raised in it. As I said, this afternoon, the Deputy First Minister will provide the update that was requested by the Auditor General for Scotland. The report is critical of the payment of bonuses to senior staff at the yard in financial year 2021-22 and of the process by which the payments were arrived at. We accept the criticism and can assure the Parliament that, at the Deputy First Minister's request, new arrangements have been put in place to ensure that the situation does not arise again in the future.

My second point is in relation to the construction of the ferries. I have said many times, and I say again, that we deeply regret the delays to the completion of the ferries and the cost overruns. The management at the yard has, of course, made assessments of the cost of completing the ferries, and Scottish Government officials are applying robust scrutiny to that. Again, the Deputy First Minister will be able to give a further update to the Parliament this afternoon.

Douglas Ross: I am sorry, but the standing orders of this Parliament are clear: if a minister is aware of information that they can provide to the

Parliament, they should do so. It is not acceptable for the First Minister to say, "Tune in in a couple of hours' time". This is First Minister's question time and, as the leader of the Opposition in Holyrood, I am asking about an issue that she must be aware of.

I ask again, what were the bonuses for? It was £87,000 of taxpayers' money. The Deputy First Minister is whispering in the First Minister's ear, so I hope that he has the answer for her to give to members at First Minister's question time.

The Auditor General is clear that the bonuses were "unacceptable"—that was his word. We think that they are downright scandalous. It is indefensible. It is a bonus for failure, and the failure is all on the SNP Government. It is a company that is owned by the Scottish ministers; ultimately, they are in charge of it. Will the SNP Government and the First Minister intervene now and demand that those bogus bonuses are returned to the taxpayer?

The First Minister: I am aware that Douglas Ross is rarely interested in listening to the answers to questions, but I am answering the questions. [*Interruption.*]

The Presiding Officer (Alison Johnstone): Thank you.

The First Minister: In relation to the bonuses, Audit Scotland issued a section 22 report, which was published on Tuesday. In that report, the Auditor General makes it clear that the governance involved in the process that led to those payments was deficient. In other words, it is not possible to be clear about the basis of the performance payments. That is why— [*Interruption.*]

The Presiding Officer: Excuse me, First Minister. We will hear one another in this chamber, at all times, with courtesy and respect. Regardless of who is speaking in the chamber, I expect all members to do them the courtesy of listening.

The First Minister: That is why changes have been put in place. New arrangements have been put in place to ensure that such a situation does not arise again. Of course, there have been changes in the management at the shipyard since the financial year in which the bonuses in question were paid. We take seriously, and will respond in full to, the views in the section 22 report that the Auditor General has published.

More generally, as I went on to say, the focus continues to be on ensuring that the ferries are completed and that the Scottish Government applies robust scrutiny to all cost assessments that are issued by the shipyard.

Douglas Ross: Really? Does the Scottish Government really ensure that it looks at all the

costs that are paid by the shipyard? If that is the case, why can the First Minister not just tell me, in response to my question, people in the chamber and people across Scotland what was done by the fat cats to deserve £87,000 of bonuses? It is a very simple question.

This week, Audit Scotland said:

"It is not clear how their performance was assessed, nor were appropriate frameworks and governance in place."

Those bonuses for failure should not have been allowed, and the First Minister should be able to tell the people of Scotland what they were paid for.

The First Minister went on to say that changes have been made to ensure that the situation does not arise again, but today there are reports that the current chief executive of Ferguson Marine can get an £82,000 bonus every year and his contract has no criteria for measuring performance. Once again, Nicola Sturgeon and her Government are putting eye-watering sums of public money, which are to be paid to ferry bosses for failure, in jeopardy.

First Minister, why are fat-cat bosses getting a single penny before a ferry has been finished?

The First Minister: The issue identified by Audit Scotland is that the process involved in the payment of the bonuses was deficient. Therefore, there is not sufficient clarity on the basis on which they were paid. That is the issue that was identified, which we are seeking to address so that such a situation cannot arise in future. That is the position that I have set out. I have set it out clearly and, of course, the Deputy First Minister will make a further statement to Parliament later on, on which others will be able to question him.

We remain focused on supporting the shipyard to complete the ferries as quickly as possible. I have said many times before, and I will undoubtedly say many times again, that the delays and the cost overruns are deeply regrettable. However, I come back to another point that I have made many times: we have always been determined to secure the future of the shipyard in order that it can deliver the ferries and have a future that allows the people who are employed there to continue to be employed there.

Yes, there have been regrettable failings here, which, of course, the Government is accountable for, but we remain focused on addressing those, and we will continue to do that with determination.

Douglas Ross: I think that it is incredible that the First Minister just expects us all to be happy that a mistake has happened and that we do not know why the money has been paid out. However, we are talking about £87,000 of taxpayers' money going into a project that is already three and a half times over budget. I am not sure what John

Swinney is going to pull out of the hat this afternoon, but if he gives the same answers, the people of Scotland will demand more, because it is our taxpayers' money that is being wasted, with no accountability from Nicola Sturgeon or the Scottish National Party.

On top of £87,000 of bonuses for failure, Caledonian Maritime Assets Ltd, the ferry agency, has spent almost £100,000 on a public relations firm. What a waste of money. No one can put positive spin on this disaster.

This week, Audit Scotland said:

"There is still no certainty over how much the ferries will cost, when they will be ready or whether the shipyard has a viable future."

Those are the words of the Auditor General.

As Nicola Sturgeon prepares to sail off into retirement and considers her legacy, she should reflect on the fact that those ferries, which have been in construction throughout her time in office, remain rusting hulks, and the islanders who rely on them remain without those vital links.

Can the people of Scotland for once get a straight, honest answer from the First Minister? When will the ferries be ready and how much will the total cost be?

The First Minister: First, going back to the very beginning of that question, if I have learned one thing over recent times in this job, it is never to expect Douglas Ross to be happy about anything, so I am not sure that that is going to change.

In terms of the detail of the questions, the estimates for the costs of the ferries and their delivery dates are in the public domain and will be updated as appropriate, and the Deputy First Minister will give a further update to Parliament later this afternoon.

Of course, Ferguson's has continued to make progress on the building of the ferries. For example, the MV Glen Sannox successfully completed a dry-docking period at the start of this month—[*Interruption.*]

The Presiding Officer: Thank you, members.

The First Minister: —so those milestones continue to be delivered.

I am of the view that the failures are unacceptable and I deeply regret them. However, that is why it is important that we continue to focus on delivering the ferries and securing a long-term future for the shipyard.

On the Auditor General's comments about viability, all businesses have to secure long-term viability. The yard is working to secure commercial opportunities and has already been successful in securing some. That is part of our priority: we want

the ferries to be completed, but we then want to ensure that Ferguson's shipyard has a long and secure future and continues to employ those whose jobs depend on it.

National Health Service Dentistry

2. **Anas Sarwar (Glasgow) (Lab):** Yesterday's Tory budget demonstrated which side that party is on. It gave tax breaks to the wealthiest and did nothing to help those most in need. We need a meaningful windfall tax now, we need to scrap the non-dom status and we need to invest in our communities across the country. That is not possible with this United Kingdom Tory Government.

Further, while the Tories do little to address the cost of living crisis across the UK, we have a Scottish Government that is not doing enough to address the national health service crisis in Scotland. One key part of our NHS is dentistry. Can the First Minister tell the chamber what proportion of dental practices are now refusing to take new NHS patients?

The First Minister (Nicola Sturgeon): I do not have that figure immediately to hand, but I can provide it to the member. What I know is that more than 1.6 million NHS examination appointments were completed between April and October, with an average of more than 300,000 courses of treatment a month, which I think means that we are on course for more than 3.5 million contacts during this financial year.

Clearly, there are pressures on NHS dentistry, as there are pressures on all parts of the NHS, and we continue to support the dentistry profession as we continue to support the NHS as a whole.

Anas Sarwar: I should have declared an interest, as my wife and I are qualified dentists. Nicola Sturgeon might not know this, but I do and my wife does: a citizen of this country is supposed to get a dental check-up every six months, so those figures are not good enough.

Data obtained through freedom of information requests shows that just one in five dental practices are taking on new patients and that, in four health board areas in Scotland, zero practices are taking on new NHS patients.

We know who suffers when dentistry is cut back: children, the most deprived and families who are forced to go private. Almost one in 10 children has severe decay or an abscess, a figure that has gone up significantly since 2020, and dental extractions under general anaesthetic are the most common reason for children being admitted to hospital.

I have worked in our NHS. I was a dentist in Paisley and I saw at first hand the impact of this Government's failures on the poorest communities in our country. Surely the First Minister knows—as I know and as NHS staff across the country know—that this health secretary is incompetent and out of his depth.

The First Minister: NHS dentistry is, of course, under pressure. All parts of the NHS are under pressure. I will not repeat the statistics that I gave in my first answer, but we have worked to incentivise NHS dentistry. We are in the course of abolishing dental charges, starting with young people. I will come back to the youngest people and dental health in a moment.

If members look at some other statistics and comparisons, they will see that, in Scotland, 57 dentists per 100,000 of our population provide NHS dental services compared with just 43 per 100,000 south of the border and some 50.4 per cent of adult patients in Scotland have been seen by an NHS dentist in the past 24 months compared with just 38.2 per cent in England. The latest figures show that over 95 per cent of the Scottish population are registered with an NHS dentist, whereas just over a third of adults and fewer than half of children in England have access to an NHS dentist. Yes, dentistry is under pressure, but there is a solid foundation there.

In recent years, we have seen significant improvements in child oral health in Scotland. In the first year of the national dental inspection programme, in 2002—Anas Sarwar should be aware of this—45 per cent of primary 1 children had no obvious decay experience. In 2021-22, that figure had increased from 45 per cent to 73 per cent. That is the improvement that we are seeing in child oral health.

Yes, there are challenges, but we continue to support the dental profession to meet those challenges head on.

Anas Sarwar: I welcome free dentistry, but we need dentists in order to get the treatment across Scotland. It is clear that the First Minister is not listening to the profession.

Rather than confronting the NHS crisis, the Scottish National Party is talking to itself about itself. It seems that the only things that are missing from the SNP leadership election are an Ash Regan press conference outside the Four Seasons and maybe a saltire-waving stop-the-steal rally by Kate Forbes outside Holyrood. Meanwhile, the machine candidate—the incompetent Humza Yousaf—is presiding over chaos in Scotland's NHS.

This morning, we heard a mother say on BBC Radio Scotland that her son, who is about to start

school, has never seen a dentist, despite years of trying. He will be one of many.

The British Dental Association has told us that the number of dentists in our communities has fallen, despite what Nicola Sturgeon claims. It has also told us that 59 per cent of Scottish dentists have reduced the amount of NHS work that they do since lockdown and that 83 per cent of dentists plan to reduce their NHS services further in the year ahead. It has said:

“it's very clear an exodus is in motion.”

The health secretary has lost the confidence of dentists and patients. He has lost the confidence of the SNP finance secretary. Surely even Nicola Sturgeon can see that Scotland has no confidence in him and that he is not up to the top job.

The First Minister: Ultimately, it is the Scottish people who will make those judgments, and the record of past years is one that—*[Interruption.]*

The Presiding Officer: Thank you.

The First Minister: —I know terrifies Anas Sarwar.

Anas Sarwar rightly talks about the importance of access to NHS dentistry. Let me repeat the figures that show the reality. Elsewhere in the UK, just over a third of adults and fewer than half of children have access to an NHS dentist. That is the position in England. In Scotland, the figure is over 95 per cent. Ninety-five per cent of our population is registered with an NHS dentist. That is access to dentistry. We have more dentists per head of population than other parts of the UK have, and significant progress has been made on improving child oral health.

Yes, there are pressures and challenges, but those statistics show that we are meeting those challenges, and we will continue to do so.

Global Climate Emergency

3. Ariane Burgess (Highlands and Islands) (Green): To ask the First Minister, ahead of the publication of the next report from the Intergovernmental Panel on Climate Change, next week, what the Scottish Government is doing to ensure that Scotland plays a leading role in tackling the global climate emergency. (S6F-01913)

The First Minister (Nicola Sturgeon): I look forward to the publication of the next IPCC report, and I certainly hope that it leads to accelerated action to tackle the climate emergency on a global scale.

The Scottish Government is taking action, and it is important that it continues to take action at home and in working to support the global effort to tackle climate change. Earlier this week, I chaired

a Cabinet sub-committee that was focused on our response to the recent Climate Change Committee report as well as looking at progress towards the update of our climate change action plan.

Ariane Burgess: Scotland's history of heavy industry means that we have a significant responsibility to tackle climate change, which is the greatest challenge that we face this century. We have also shown how we can lead from the front in transforming our energy supply for a clean, green, renewables future. Does the First Minister agree with me that this decade is one of crucial choices—for example, on homes and buildings standards, on transport patterns, and on what we farm and how we use land—and that it is in those areas that our future lies, not in squeezing more fossil fuels out of new oil fields such as Rosebank and Jackdaw?

The First Minister: Yes, I agree that this decade is a critical one if the world is to avert what will otherwise be the catastrophic impacts of climate change. Indeed, the issues that the member highlights, such as how we decarbonise the heating of our homes and further decarbonise transport, are exactly the issues that we were discussing at the Cabinet sub-committee that I referred to. The Scottish Government is focused on making sure that we take the action that is needed.

The member is right to point out that countries such as ours, which have done the most to cause climate change and have benefited from emissions down the generations, now have a particular responsibility to take action to combat climate change. That action undoubtedly includes the transition away from fossil fuels to clean, renewable sources of energy. That is important for Scotland in the context of the climate emergency, but, as the North Sea is a declining basin, it is important for other reasons as well. That transition also needs to be a just one, which is why our work on just transition is so important as well.

Liam Kerr (North East Scotland) (Con): Well, what a litany of utter complacency we have just heard in that question and response. In fact, the Scottish Government's response to the climate emergency shows seven out of 11 legal emissions targets missed, 11 out of 20 biodiversity targets missed, six out of eight key environmental milestones missed, and annual peatland restoration targets missed. After almost nine years of failing to get a grip on the climate emergency, does the First Minister believe that all, one or none of the candidates to succeed her will do a better job than she has done?

The First Minister: Scotland is recognised across the world as being a leader in tackling climate change, and rightly so. *[Interruption.]* It is

particularly notable that we have achieved that leadership status in the teeth of knee-jerk, opportunistic opposition from the Conservatives to almost every proposal that we have put forward. Their hypocrisy is breathtaking. When we look at the proposals that we have made to encourage people to travel to work in ways other than in their cars or to recycle bottles and cans, for example, what do we get from the Tories? We get nothing but opposition. *[Interruption.]* However, we will continue—*[Interruption.]*

The Presiding Officer: Let us hear the First Minister.

The First Minister: We will continue to tackle climate change with or without the help of the Scottish Conservative Party.

Monica Lennon (Central Scotland) (Lab): We all want Scotland to play a leading role in tackling the global climate and nature emergencies. Does the First Minister agree with me that the global campaign to establish a law of ecocide—a mission started by the late Polly Higgins, who was a respected barrister and environmental campaigner—is an important campaign and is rightly building momentum across Europe and around the world? Will she join me in encouraging people to support that campaign, and will she encourage her Government to continue to engage with me and the campaigners to explore how we can bring this into criminal law in Scotland?

The First Minister: Yes—in principle, I will, and I pay tribute to the campaigners across many issues in the fight against climate change for the work that they do. Given the scale of the challenge that we face, it is important that we continue to increase our efforts. I will encourage the Government that comes after mine to continue to do all those things, to do them bravely, and to do them despite the opposition that will come from the Scottish Conservatives. I hope that other parties across the chamber will work with the Government to make sure that we are meeting those important obligations.

United Kingdom Government Spring Budget

4. Kenneth Gibson (Cunninghame North) (SNP): To ask the First Minister what the Scottish Government's response is to the United Kingdom Government's spring budget. (S6F-01912)

The First Minister (Nicola Sturgeon): Although any limited additional money for the Scottish Government budget is welcome, it does not go nearly far enough. We have repeatedly called on the UK Government to deploy its full range of powers to support people, the public sector and businesses through the cost of living crisis, and the Chancellor of the Exchequer's budget yesterday disappointingly missed another

opportunity to do so. The decisions that were announced yesterday mean that the Scottish Government will continue to have a constrained ability to support vital services and provide fair pay rises.

The Government will do everything that it can within its limited powers to ensure that people receive the help that is needed, but the UK could have done far more to ease the burden that is affecting so many. That demonstrates, yet again, why Scotland needs the full powers of independence.

Kenneth Gibson: The Office for Budget Responsibility says that UK real household disposable income will fall by 5.7 per cent this year and next in

“the largest two-year fall since records began in 1956-57.”

Does the First Minister agree that this damp squib of a budget goes nowhere near addressing the true scale of the cost of living crisis; is a missed opportunity to support households that are struggling to meet eye-watering energy costs, which are rising again as the chancellor ends the £67 monthly payment on which many households have relied since October; and provides no help to businesses struggling with acute skills and labour shortages? Does she agree that an independent, energy-rich Scotland would invest in carbon capture, which the UK has ignored for a decade, reform broken energy markets and cut costs for households and businesses alike?

The First Minister: I absolutely agree with Kenny Gibson. First, he is right to point to the economic forecast. Experts said yesterday that

“The OBR may be more positive about inflation and the economy, but it is still projecting that 2022 and 2023 will see the biggest-ever fall in living standards.”

The Resolution Foundation states that the economic outlook is better than previously feared but still very bad, and that the UK Parliament is on course to be

“the worst Parliament on record for living standards”

by a country mile. That is the Conservatives’ responsibility and record.

Kenny Gibson has raised the matter of carbon capture. This Government was deeply disappointed that we had no further clarity yesterday on a timeline for the deployment of the Scottish cluster. We were expecting further clarity—I had been given assurances directly by the Prime Minister that further clarity would be forthcoming—so it is doubly disappointing that we did not get it yesterday. The Deputy First Minister will write to the UK Government to set out that disappointment and frustration, and we will of course ensure that that letter is published.

Meghan Gallacher (Central Scotland) (Con): Yesterday, the chancellor announced the introduction of 30 hours of free childcare from nine months old, which has the potential to truly transform childcare by supporting parents and giving their children the best possible start in life. Mums across Scotland have contacted me to say that they think that that is a wonderful policy. Does the First Minister agree that the Scottish Government should match that major commitment by extending its current childcare policy?

The First Minister: Of course, if the Scottish Government were to match the UK Government on early years education and childcare, we would have to reduce the provision that is currently available in Scotland. *[Applause.]*

The Presiding Officer: Thank you, members.

The First Minister: We are currently way ahead of anything that the UK Government provides, because of the doubling under this Government of early years education and childcare provision for three and four-year-olds and eligible two-year-olds. We want to go further for younger children—we were clear about that at the last election. However, we want to ensure that the important universal approach principle in our provision is respected, too.

What the chancellor announced yesterday is very limited. To give an indication of how limited the provision is, the consequentials in the forthcoming financial year from that commitment to the Scottish Government amount to just around £20 million. That figure tells its own story about how limited what the UK Government is proposing here is, despite the spin. Our ambition remains very much higher.

Murdo Fraser (Mid Scotland and Fife) (Con): Swimming pools across Scotland are currently facing closure, including the leisure pool in Perth, where I live. Yesterday, in the budget statement, the chancellor announced a £63 million fund for swimming pools in England. Will the Scottish Government use the Barnett consequentials that will arise from that extra money to support swimming pools here that are currently facing closure?

The First Minister: I am not sure whether Murdo Fraser has ever been invited to use the Prime Minister’s personal swimming pool, but if he has not, I am sure that the invitation will be forthcoming.

On the issue of swimming pools, local sport and leisure facilities include—*[Interruption.]* Douglas Ross seems a bit sensitive about the Prime Minister’s private swimming pool. Maybe he has not had an invitation either. *[Laughter.]*

Douglas Ross: I am glad that you find it funny.

The Presiding Officer: Thank you, all.

The First Minister: I am perhaps amused by the leader of the Opposition rather than the issue, Presiding Officer.

Local sport and leisure facilities, including swimming pools, are vital in supporting both the physical and mental health of people across the country. Of course, energy costs have been a very significant issue facing many sports facilities, in particular swimming pools, in recent times. We will continue to support local councils with the best possible financial settlements. With regard to the use of consequentials, that will be a matter for the incoming First Minister and his or her Cabinet.

Accident and Emergency Waits (Effect on Patient Mortality)

5. Craig Hoy (South Scotland) (Con): To ask the First Minister whether the Scottish Government has made any assessment of the effect that long A and E waits have on patient mortality. (S6F-01919)

The First Minister (Nicola Sturgeon): I think that everyone accepts that there is a link between long waits and increased risk of harm. That is why we remain committed to delivering improved accident and emergency performance.

In 2018, in NHS England, the Getting It Right First Time programme, in its work on emergency medicine, carried out an analysis of the relationship between time spent in emergency departments and patient harm. That analysis proved association but not causation. We considered that analysis closely, and we will continue to monitor research and analysis into the relationship between time spent in emergency departments and patient harm. Of course, we remain focused on ensuring that we reduce waits in accident and emergency.

Craig Hoy: New figures have revealed that an estimated 765 people died due to dangerously long A and E waiting times last year. That means 64 patients dying needlessly, leaving behind 64 grieving families, each and every month under the Scottish National Party Government. The First Minister has less than two weeks left in the job, so she has no need to deflect, dissemble or distract attention by shifting the blame. Will she now, therefore, take this opportunity to apologise to the families of those patients who died and say sorry for her Government's appalling legacy on the Scottish national health service?

The First Minister: First, we accept, as everybody should, that long waits lead to poorer outcomes. That is why we focus on reducing A and E waiting times, and it is why we have worked so hard to ensure that we continue to have the best-performing accident and emergency waiting

time departments of anywhere in the United Kingdom. I will add some context. The Royal College of Emergency Medicine has made estimates about Scotland, but it has also estimated that in 2022, there were more than 23,000 excess deaths in A and E linked to long waits in England. That is proportionately three times higher than the estimate for Scotland—*[Interruption.]*

The Presiding Officer: Sorry, excuse me—*[Interruption.]* Members!

Sorry, First Minister. I ask that members do not continue to contribute while people are asking questions or responding to them. Thank you.

The First Minister: That is why it is vital that we continue to reduce waits, and long waits in particular, in A and E. In recent weeks, we have seen not only an improvement in A and E waiting times but a reduction in the longest waits—those waiting for more than eight hours and more than 12 hours—and we will remain focused on securing those improvements.

Paul O'Kane (West Scotland) (Lab): We are talking about people who have died. In the final quarter of 2022, excess deaths in Scotland rose by almost 10 per cent above the five-year average, which means that 1,433 more people died than would have been expected on the basis of historical trends. Each death is a tragedy, but those deaths are not a statistical coincidence. They are evidence of widening health inequalities; the normalisation of 12 hours waiting in accident and emergency; and a failure to increase cancer diagnosis rates. That is the heartbreaking reality of Humza Yousaf's disastrous record as Cabinet Secretary for Health and Social Care, and it will be the legacy of this First Minister. Why has she allowed the national health service to decline into such a state of perpetual crisis? Does she agree with clinicians, staff and patients—and indeed her Cabinet Secretary for Finance and the Economy, Kate Forbes—that Humza Yousaf should not be anywhere near running our health service?

The First Minister: Every one of those numbers is a human being, and it is important that they are treated in that way. That is why, when the member goes on to politicise the issue in the way that he has done, he undermines his own argument.

The comparisons are important only because the suggestion in such questions is that the situation in our national health service in Scotland is somehow unique and is all down to whoever the health secretary is or the fact that we have an SNP Government. I make those comparisons for context. Health services everywhere are dealing with these challenges. Of course, the biggest challenge in recent years has been a global pandemic that has caused many of these

pressures. That is why it is so important that this Government has supported—and continues to support—record investment and record numbers of people working in our national health service.

We are now seeing improvements in waiting times. We want to see those improvements go further and faster, but we have seen a reduction in the numbers of people who are waiting for the longest periods in accident and emergency departments. That is the hard work of Government. This Government, albeit under new leadership in coming weeks, will remain focused on doing the hard work and repaying the trust that the people of Scotland have placed in us.

Allan Marshall

6. Pauline McNeill (Glasgow) (Lab): To ask the First Minister whether the Scottish Government will provide police with access to all correspondence, transcripts, meeting notes and other communications with ministers, its officials and the Scottish Prison Service, to assist with the investigation regarding the Allan Marshall case. (S6F-01928)

The First Minister (Nicola Sturgeon): First, my thoughts and condolences remain with the family of Allan Marshall. The former Cabinet Secretary for Justice met the family personally following the fatal accident inquiry determination. Of course, a live police investigation is now under way, so it would be inappropriate for me or anyone else in the Scottish Government to comment on that investigation. However, I confirm that the Scottish Government will co-operate fully with any investigation that Police Scotland undertakes.

Pauline McNeill: Since I first read of the death of Allan Marshall, who died in March 2015 as a result of injuries that he had sustained four days earlier, while being held on remand at HMP Edinburgh, I have vowed to do all that I can for Allan's family.

The First Minister knows that the closed-circuit television footage from the prison showed that Allan, naked and face down, was dragged by the feet along a corridor by 13 prison officers. The officers who were involved were given immunity from prosecution and, in the eight long years since his death, Allan's family have been waiting for answers.

Press reports indicate that some of the prison officers were branded “consistently dishonest” at the inquiry but were able to retire on full pensions without any stain on their service. The “Independent Review of the Response to Deaths in Prison Custody”, which was discussed recently in the Parliament, recommended that families should have “unfettered access” to information about a death in custody.

Does the First Minister agree that the Allan Marshall case was a shocking episode in Scottish justice? Of course, I fully appreciate that it is a matter for the Lord Advocate, but does the First Minister agree that future Lord Advocates need to look at the outcome and mistakes of that case before granting immunity? I call on the Government—I think that it has said that it will do so—to implement in full the recommendations of the “Independent Review of the Response to Deaths in Prison Custody”.

The First Minister: As I said earlier, a live police investigation is under way, so it is appropriate that I am careful in what I say, in order that nothing that I say could possibly prejudice any on-going investigation. However, I absolutely understand the sentiment that has been expressed. I watched the full CCTV coverage; my heart goes out to the family of Allan Marshall, and I absolutely understand the concern that was raised by that.

Rightly and properly in our democracy, decisions on prosecution or immunity from prosecution are for independent prosecutors, and it would be wrong for me, as a politician, to seek to second-guess that.

In relation to the wider point, which was very well made, the independent review of deaths in custody was important, and it is now vital that that work is taken forward. The Scottish Government is making progress on recommendations, including the proposal for an independent investigation into every death in custody.

In answer to Pauline McNeill's question about whether lessons should be learned from the Allan Marshall case in order to inform future decisions, I say that of course they should, but that must be done in the proper way and in line with due process. I absolutely understand the concerns that have been raised in association with that case and I hope that the processes that are under way will help to give, if not comfort, then some degree of assurance and, in time, consolation to Allan Marshall's family.

The Presiding Officer: We move to general and constituency supplementaries.

Pregnancy and Baby Loss (Certificates and Memorial Book)

Graham Simpson (Central Scotland) (Con): The First Minister will recall that in October last year, I asked her to consider introducing baby loss certificates for parents who have experienced a pregnancy loss or baby loss prior to 24 weeks. This week, she announced that that will happen this summer, along with the introduction of a memorial book. That has been welcomed by parents and charities, including Baby Loss

Retreat, whose shop I opened in Airdrie. I thank the First Minister and ask whether she can be more specific about when it will happen and what the process will be for getting a certificate.

The First Minister (Nicola Sturgeon): The initiative will begin this summer. I will ask that further information be provided nearer the time about the specific date, and that that information be shared with MSPs about the particular process.

Some detail was shared earlier this week when we announced the initiative; for example, there will be no need for medical evidence for people who apply for either an entry in the memorial book or a certificate. That is important; it should be as easy a process as possible for bereaved parents.

I think that the initiative is a really important step forward. I will not go into detail again—people are aware of it—but this is absolutely the right thing to do for the country. It is something that is important to me, personally, so I hope that it brings some comfort and consolation to people who, in the future, lose babies before 24 weeks, and to some who have suffered such a loss in the past. From many of the comments that have been made in response to the announcement this week, I know that that is the case, but I will ensure that further information is shared, and that as it develops over the period until the initiative is launched, we continue to share as much as possible.

Early Years Workers (North Lanarkshire Council)

Fulton MacGregor (Coatbridge and Chryston) (SNP): The First Minister might be aware of a recent decision that was taken by North Lanarkshire Council to downgrade early years workers, who are predominantly women, from grade 9 to grade 7, which represents a significant drop in income of up to £10,000 in some cases. I have been contacted by many of those workers, who are terrified of the impact that the changes will have, especially while we are in the grip of a cost of living crisis. They also feel let down and undervalued.

Does the First Minister agree that early years workers are a cornerstone of the education system, and will she outline the Scottish Government's on-going commitment to the sector? Will she join me and my North Lanarkshire MSP colleagues in calling for Labour-controlled North Lanarkshire Council to reverse the decision and to sit down with workers and unions to find a solution?

The First Minister (Nicola Sturgeon): I very much agree with Fulton MacGregor that early learning and childcare workers are a cornerstone of our education system. Indeed, we could not have delivered the landmark expansion to 1,140

hours of funded early learning and childcare without them.

The Scottish Government fully funds councils to deliver 1,140 hours of high-quality early learning and childcare to all eligible children, with around £1 billion of investment each year.

Of course, it is for councils to make decisions about funding and workforce in order to meet their statutory duties on provision in their areas. I appreciate that the proposed changes in North Lanarkshire are causing real concerns for early learning and childcare staff. I understand that the council is working with staff and trade unions to find solutions for those who will be affected by the proposed changes, but I certainly encourage the council and all parties to continue to work together to identify a positive way forward.

National Treatment Centre (Cumbernauld)

Mark Griffin (Central Scotland) (Lab): In 2021, the First Minister promised for Cumbernauld a new national treatment centre, which was supposed to treat its first patient in 2026. Freedom of information requests have said that that will now not happen until 2028 at the very earliest, and that even that is “challenging”.

Will the First Minister say when our Government will deliver on the promise that was made back in 2021, and when the treatment centre will start seeing my constituents in Cumbernauld who are currently languishing on national health service waiting lists?

The First Minister (Nicola Sturgeon): We continue to keep the whole programme under review in order to make sure that we deliver all the new centres as quickly as possible. The context is very challenging, with high inflation leading to higher construction costs. However, there are four national treatment centres opening in the coming year—I hope that I might get the opportunity to open one before I leave office—which will provide significant additional surgeries and procedures.

The four new centres in NHS Fife, NHS Forth Valley, NHS Highland and the second phase of the Golden Jubilee university national hospital will make a significant contribution to the NHS recovery plan. As I have said, we are keeping the other centres under review to ensure that they are delivered as quickly as possible despite the challenging circumstances that we face.

Illegal Migration Bill

Kaukab Stewart (Glasgow Kelvin) (SNP): The United Nations High Commissioner for Refugees condemns it, international charities are horrified by it, and the European Commission is scathing of it. It might, indeed, be in violation of the continent-wide European Convention on Human Rights.

Does the First Minister agree that the United Kingdom Government's Illegal Migration Bill has no place in the open and international Scotland that we in this Parliament are seeking to build?

The First Minister (Nicola Sturgeon): Yes, I agree with that whole-heartedly. This Scottish Government has, as many people have, condemned what is a cruel and inhumane bill, and we continue to urge the UK Government to scrap it. How Douglas Ross could have voted for that bill in the House of Commons earlier this week is beyond me.

I think that it is incumbent on all of us to demonstrate respect for international law, human rights and social justice by offering protection through humane, fair and compassionate refugee and asylum policies. I certainly hope and expect that that is exactly what an independent Scotland would be able to do.

During this week, the Scottish Government extended funding for the women in conflict 1325 fellowship programme. At the same time, the UK Government has pressed forward with a bill that would see the rights of women who have been subjected to trafficking and sexual exploitation taken away, and children being subjected to detention. No one with a moral conscience should support legislation that, against international law, removes offering a place of safety to desperate people who are fleeing conflict and persecution.

Sign Language Week (British Sign Language)

Jamie Greene (West Scotland) (Con): Presiding Officer, I know from your own contributions that you will be aware that this week is sign language week.

I say, in BSL, thank you, Presiding Officer. What is this week? It is sign language week.

The First Minister will be as relieved as I am that I will finish the rest of my question in English. I thank our wonderful parliamentary interpreters.

Will the First Minister join me in raising awareness of British Sign Language, and in acknowledging its distinctness as a language in its own right, both in Scotland and across the United Kingdom? It shares the same equal status that Welsh and Scots Gaelic have.

This year, the theme of sign language week is "Protecting BSL". Will the First Minister and the whole Parliament join me in helping to promote, to protect and to educate people about BSL and, in doing so, encourage more people to start learning this beautiful, unique and visual language so that we can truly protect and preserve BSL for many future generations? Will she and Parliament also join me in thanking the many interpreters in Parliament who help us?

I say, in BSL, thank you to the BSL interpreters.

The First Minister (Nicola Sturgeon): I agree. Let me take the opportunity to echo those sentiments entirely. BSL is a distinctive language in its own right. It is a beautiful language and it is visually distinctive, as the member has said. I am proud that this Parliament has recognised its status, as is absolutely appropriate.

We could all do more to raise awareness of BSL. Perhaps we could all do more to learn the language; now that I might have a bit more time, that is a commitment that I am prepared to make today.

In agreeing with everything that Jamie Greene has said, I will take the opportunity to thank BSL interpreters, without whom I could not have done my job over the past few years. Everybody will recall that during the Covid briefings, the BSL interpreters were present with me every single day. They were crucial to our ensuring that we were able to communicate properly and fully the public health messages that were so essential to keeping the country safe during that time. That is just one example of the value of BSL. I thank them for that, as I thank all users and interpreters of the language. Let us all make the resolution that we will do more to raise awareness of BSL in the interests of being the inclusive country in which, I think, we are all proud to live.

The Presiding Officer: That concludes First Minister's question time. The next item of business is a members' business debate in the name of Gillian Martin.

There will be a short suspension to allow people leaving the chamber and public gallery to do so before the debate begins.

12:49

Meeting suspended.

12:51

On resuming—

Marie Curie's Great Daffodil Appeal 2023

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-07752, in the name of Gillian Martin, on Marie Curie's great daffodil appeal 2023.

Motion debated,

That the Parliament welcomes Marie Curie's Great Daffodil Appeal 2023, which runs throughout March; praises Marie Curie nursing and hospice staff who continue to provide palliative and end of life support, across Scotland in people's homes and in its two hospices in Edinburgh and Glasgow, during challenging times; understands that Marie Curie cared for over 8,660 people during 2021-22; commends the dedication, hard work and contribution of Marie Curie volunteers across Scotland; considers that the COVID-19 pandemic highlighted how important equitable access to palliative and end of life support is for people affected by terminal illness; notes that donations can be given to the appeal, and that daffodil pins are worn in memory of someone who has died; understands that Marie Curie needs to raise £250,000 per week to support its frontline services; commends the vital care and support that Marie Curie provides across Scotland, including in the Aberdeenshire East constituency; praises its information and support services, which are available for everyone affected by terminal illness, including for bereavement support, and its volunteer helper services, which provide vital emotional support, companionship and information to terminally ill people, carers and families; believes that wearing the daffodil pin unites millions of people who believe that dying people should get the care and support that they need; considers that the funds raised will mean a great deal to terminally ill people, and notes the calls encouraging as many people as possible to support the Marie Curie Great Daffodil Appeal in March 2023.

12:51

Gillian Martin (Aberdeenshire East) (SNP): It is my great pleasure to open this members' business debate on Marie Curie and this year's great daffodil appeal, to recognise the work that Marie Curie does and to give our support to the organisation throughout Scotland for the work that it does for our constituents. I thank everyone who is speaking in the debate and the people from Marie Curie and beyond who are joining us in the public gallery.

On Tuesday this week, it was my privilege again to host the launch of the Marie Curie great daffodil appeal in the Parliament. I wish to say a huge thank you to the massive number of MSPs who came along. I had a fair old list to read out, and I really appreciate all the support from members. I thank all the representatives of partner organisations involved in end-of-life care who were there, too, as well as all the members of the public

who came into their Parliament to hear about the work that Marie Curie does.

Anyone who was there on Tuesday will have since then been thinking a lot about the words of Hayley Smith. Hayley spoke to a packed garden lobby about her late husband Matt and the care and support that they received from Marie Curie nurses, both at home and in the hospice. Matt died from inoperable brain tumours in 2021 when he was just 32.

Our event on Tuesday was on Hayley and Matt's wedding anniversary, and I am in awe of her courage in speaking to us that night. After being married for only about a year, Matt was diagnosed with a brain tumour in 2016. He was only 28 years old, and the couple were told that he had a year to live. They had a good couple of years despite that prognosis, after initial treatment, until, devastatingly, more tumours appeared, and Matt's health deteriorated. For months Hayley dropped everything and single-handedly cared for Matt, not knowing what help they were entitled to. It was exhausting and it was too much, particularly with Covid restrictions.

Then, after many months of struggling, Hayley was put in touch with Marie Curie, which immediately stepped in and changed everything, lifting a massive weight off Hayley's shoulders and ensuring that Matt had the very best support available. In his last few months, he remained in Marie Curie hospice care in Edinburgh, where he received incredible support and care, highly tailored to his wishes and needs. As Hayley said, "No ask was too much."

Hayley told us that it was a few months after Matt died before her grief really hit her. After just one phone call to Marie Curie, she had a one-to-one appointment for the next day, which was the beginning of regular bereavement support.

The thing is, however, that when things got really tough for Hayley and Matt, she did not know about the support that she could get, even though she actually works in the palliative care field, for Children's Hospices Across Scotland, which cares for children with terminal illness. If she did not know about the care that she could get, Hayley wonders how someone with no connection to that sector would ever find out.

I spoke to Hayley after her brave and beautiful speech on Tuesday night and I am sure that she will not mind me sharing what she told me, because it really struck me. She said that, when someone gets pregnant, a system kicks in and a plan is made for a good birth; when someone gets a diagnosis of terminal illness, no plan kicks in for a good death. I know that work is being done to rectify that and I look forward to hearing the

minister telling us about the Government's work to improve that.

Marie Curie has been providing invaluable care and support to people living with terminal illnesses, and their families, for more than 70 years, delivering vital services at one of the most difficult times in people's lives. Having begun in 1986, the great daffodil appeal runs throughout the month of March each year. Next Thursday, on 23 March, Marie Curie will also hold a national day of reflection.

As I said when I led this debate last year, I hope that all my MSP colleagues, whether they are speaking or listening today or came along on Tuesday, will give prominence to the appeal in the constituencies and regions that they represent. Marie Curie is a household name, but I ask my colleagues to raise further awareness of its work.

Marie Curie provides many forms of support. Care is provided to patients in their own home, helping people to manage their symptoms and maintain their independence, and there is emotional and practical support for families. An enormous amount of work is done to ensure that people can die with the dignity and comfort that we all deserve. Many people do not realise that Marie Curie also does an enormous amount of research, which is geared towards improving care for a huge number of conditions. Even a cursory look at the reports on the website or at the information about Marie Curie's funded programmes will astonish you.

However, the cost of delivering that incredible work is around £250,000 per week to cover front-line services, at a time when the need for end-of-life care is set to increase. By 2040, an estimated 10,000 more people will die with palliative care needs each year. In the context of our ageing population, dementia has been a leading cause of death for a number of years. The number of people dying from dementia is set to increase threefold by 2040.

Although many families have a positive experience of hospital death, relatives can often struggle with the costs and time constraints of travelling to and from hospital, and many terminally ill people prefer to die at home, surrounded by familiar comforts. Marie Curie, through the hard work and generosity of staff and volunteers, makes that possible.

Last year, Marie Curie supported 8,660 people in Scotland affected by terminal illness. Let us support Marie Curie and encourage each other to back the great daffodil appeal by making a donation, wearing a daffodil pin—as I see that everyone here is doing today—taking up one of Marie Curie's public collections or shopping in a

charity shop. Anyone who is making a will might want to add a gift to Marie Curie.

We should spread awareness of Marie Curie's phenomenal work. The most important thing is to let people know that Marie Curie exists and what is on offer. Together, we can help Marie Curie reach more people who are in need, as Hayley was when she and Matt were going through the worst of times alone.

I look forward to hearing my colleagues' speeches and thank everyone for their continued support of the great daffodil appeal.

12:59

Roz McCall (Mid Scotland and Fife) (Con): I thank Gillian Martin for bringing and leading this debate to coincide with Marie Curie's great daffodil appeal 2023. The debate again gives us the opportunity to acknowledge the invaluable work undertaken by Marie Curie nurses, staff and volunteers. We do that on behalf of everyone who has received Marie Curie's assistance, including those who are living with terminal illness, their families and loved ones.

Just as important, however, the debate gives us a chance to highlight some of the challenges that Marie Curie faces, and I hope to touch on a couple of those in my speech. As the motion highlights, the scale of the challenges that Marie Curie faces was magnified during the pandemic. Across Scotland, Marie Curie cared for 8,660 people with terminal illnesses in 2021-22. That figure is only slightly lower than the figure of over 9,000 in 2020-21, which was the highest number of patients to be cared for in a single year since the charity was established 70 years ago.

As is my usual approach, I want to put a face to the statistics. My father was one of the over 9,000 people who received end-of-life care in 2020. Circumstances in such times are often harrowing. Watching a loved one slowly dissolve in front of one's eyes is hard enough but, given the additional pressure applied by lockdown restrictions, the feeling of isolation added to the hopelessness.

Presiding Officer, I am going to use the C word: cancer. It is an awful disease, and time is of the essence. Speedy access to treatment turns diagnosis despair into hope. Conversely, delayed action allows the disease to spread, resulting in an all-too-certain outcome.

On a side note, too many people are waiting for cancer treatment right now, and we can never lose sight of that, regardless of how distracted the Cabinet Secretary for Health and Social Care may be.

My father had oesophageal cancer that had migrated to his liver. Liver, liver, life giver. It is the organ that purifies the system and is such an important part of keeping the other organs working at an optimum level. Once the liver can no longer do that cleansing job, the decline is rapid.

I want to mention in particular the last night of my father's life. The Marie Curie nurse was obviously there for my dad, but the support that was given to my mum was above and beyond. My mum still refers to them as angels, and who can argue with that?

In the Mid Scotland and Fife region, Marie Curie's small team of just 25 nurses across Fife, Forth Valley and Perth and Kinross saw over 700 individual patients and made a staggering 4,054 visits in the year 2021-22. End-of-life care is as important as any other aspect of our health and social care system. Thanks to the work of the nurses and volunteers in my region, 95 per cent of patients supported by Marie Curie in NHS Fife, 96 per cent in NHS Forth Valley and 93 per cent in NHS Tayside have been able to die with dignity in the place of their choice.

Those are phenomenal statistics, but there is still so much more that needs done. In Scotland, by 2040, there will be over 62,000 people dying with palliative care need; co-morbidities will have increased by 80 per cent; and two thirds of deaths will happen in community settings. Despite that, however, and the widespread recognition of the work of Marie Curie, the fact is that, each year, one in four people in Scotland will die without end-of-life care. In Mid Scotland and Fife alone, out of the 8,095 people who die each year, 7,285 have a palliative care requirement.

The numbers are overwhelming, and I have not even broached the subject of the numerous groups who still receive less palliative care than others with comparable needs. Those groups include older people; black, Asian and minority ethnic groups; LGBT people; people living in deprived areas; and people who have mental health conditions. If only I had more time, and I am already over.

I extend my best wishes to everyone across Scotland who is involved in providing palliative care and I thank them for their invaluable support. On a personal note, "thank you" can be an inadequate phrase, but I say it from my heart.

13:03

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I thank Gillian Martin for bringing this critically important debate before us this afternoon. I have a great interest in the work of Marie Curie. There is a wonderful hospice at Stobhill in Springburn, in my constituency, and

Marie Curie provides an extensive amount of wider support to the communities that I am privileged to serve across Glasgow Maryhill and Springburn. That includes support for individuals, families and carers as loved ones approach the end of life, but wider support is also offered. Palliative support is extended to those with longer-term life-limiting and various terminal conditions.

Marie Curie is an asset and we should cherish and support it. In that context, the great daffodil appeal is vital to supporting the wide range of services that it offers our communities, as Marie Curie needs to raise £250,000 per week to support its activities and services across Scotland—I have mentioned some of its work already.

That money also enables the charity to carry out important research, as we heard earlier, which can shape public policy and improve practice across the wider palliative and end-of-life care sector. As chair of the Parliament's cross-party group on palliative care, I know that very well.

I am sure that Marie Curie and the wider palliative care sector will play a valued role in helping to shape the forthcoming refreshed Scottish Government palliative and end-of-life care strategy. For instance, Marie Curie research projects that, by 2040, 10,000 more people in Scotland will die with palliative care needs.

It is clear that Marie Curie and the wider sector will have a growing and central role in helping to meet the essential palliative and bereavement needs of society. That requires placing the sector on a stable financial footing, to allow it to invest and expand. I know that the Scottish Government is up for that and is aware of the current headwinds in relation to the sector's energy costs and its staffing pressures and costs following the successful national health service pay deal for nurses. That deal is very welcome, but it has placed pressures on the sector.

Just today, I had an encouraging update from Hospice UK that gives me great confidence that the Scottish Government is engaging seriously with the sector in order to tackle both the short-term pressures and, importantly, the longer-term strategy. Following its meeting with the cabinet secretary and the minister, it said to me:

"It was a very constructive meeting where they"—

that is, the Scottish Government—

"recognised the contribution of hospices and the pressure being faced by the sector. They agreed to the need for a national funding framework to address current inequities and put hospices on a sustainable"

financial

"footing, and have asked officials to start looking at what options could be available."

That is key partnership work.

I return to the great daffodil appeal, which is an inspiring example from Marie Curie as to exactly how the charitable hospice sector can draw funds that otherwise would not be available to all our efforts to provide the love, care, compassion, dignity and support that we, as a society, want to extend to everyone and that we all would like to receive when we have life-limiting conditions or as we approach the end of life. I wish the campaign every success.

In addition, I thank the wider palliative sector for the love and support that it showed to my parents when they passed away: my dad, who died at St Margaret's hospice in Clydebank in 2016, and my mum, who died in the Vale of Leven hospital in 2015—an example that an NHS hospital still has to provide good-quality palliative support for many at the end of life. Both institutions were exemplary in supporting my mum and dad, and they have my heartfelt thanks. In the years ahead, society will need Marie Curie and the wider charitable sector more than ever, to support us with the quality of our life and the quality of our death.

I thank Marie Curie for all that it continues to do for the communities that I serve and for communities right across Scotland.

13:08

Paul Sweeney (Glasgow) (Lab): I thank the member for Aberdeenshire East for lodging the motion for debate on Marie Curie's great daffodil appeal. Everyone here, I think—in both the chamber and the public gallery—will have had some experience with the vital work of Marie Curie at some point in their life, and I am pleased to have the opportunity to discuss the importance of that care.

Just last week, I had the privilege of visiting the Marie Curie hospice in the grounds of Stobhill hospital in Glasgow. I remember fundraising for the hospice as a pupil at the nearby Turnbull high school some years ago, but this was the first time that I had the chance to see inside the new facility, which opened in 2010.

During my visit, I was struck not just by the impressive nature of the facility but by the peaceful environment that the staff and volunteers have created for those who visit, often under very difficult and distressing circumstances. The exceptional team there stressed the importance of making patients and their families feel welcome and at ease, and shared its hope that local people around the hospice will use the facility as a community space, stopping in for coffee or lunch, instead of seeing it as a daunting or strictly medical facility. That was very important and insightful.

I was born at Stobhill hospital, and I remember my gran passing away there in 1995. It is interesting to reflect on the contrast between how we treat the start of life and how we treat its end, which will be a universal truth for us all. It is something that we, as a society, still have a dread of and a fear of talking about. It was interesting to be confronted with that in quite a stark way at the hospice. It left me with some significant things to reflect on.

I was also privileged enough to meet some of the patients receiving palliative care in the hospice. One of the patients has not been far from my mind since my visit last Friday. The patient had dealt with various challenges throughout the course of her life. She told me about those challenges, but she was even more keen to tell me about the positive path she had paved for herself after surviving that trauma, prior to her cancer diagnosis. Her two boys had grown up healthily, she had moved into her own home and she was enjoying quality time with loved ones. She said:

"I was listening to myself speak to people, knowing that it was the real me, and I liked the real me—then I was diagnosed with cancer."

Sadly, I was informed this morning that she passed away last night. I know that the care of Marie Curie in her final days brought her comfort and dignity, which was incredibly important to her and which made a deep impression, even in the few minutes that I spent with her.

Her story sums up one of the many cruel aspects of cancer. This disease does not care how old you are or if you are at an exciting or positive juncture in your life. We have no control over when cancer throws people's lives into chaos or despair, as we heard powerfully from Hayley at the reception in Parliament earlier this week, as the member for Aberdeenshire East mentioned. It was a deeply moving testimony.

What we have control over is the quality of care that people receive in the wake of a cancer diagnosis, and hospices such as Marie Curie and others need our sustained support to guarantee that care. News reports this month indicate that hospice leaders in Scotland expect a £12 million increase in wage bills if they are to remain competitive with the NHS and retain staff, and those reports are troubling to hear.

The reality is that most hospices are reliant on donations to meet those costs. Marie Curie needs to raise £250,000 per week to fund its services in Scotland. Approximately 70 per cent of funding for Children's Hospices Across Scotland comes from fundraising. The Accord Hospice in Paisley depends on donations for 60 per cent of its income, and its costs have risen by £300,000. Fundraising, which can often be hard to predict, and yearly reviews of what funding is sustainable

makes forward planning and responding to local need a challenge for hospices, and a deeply distressing one at that.

I therefore urge the Scottish Government to provide urgent support for palliative care providers to provide assurance that staff salaries are competitive with the national health service, and to commit to establishing a national partnership with hospices in the longer term so that the sector can deliver sustainable and universal palliative care options in line with the needs of local communities. That is a no-brainer. It will save the NHS money and deliver better dignity to all our citizens who are facing the end of their lives at that point in their lives. It is important that we consider the appropriate settings for people and that they are not dying inappropriately in acute hospitals. As I mentioned earlier, and as has been movingly mentioned by others, cancer is a disease that, in many ways, we cannot control. That is even more reason why we should commit to improve the aspects that we can.

13:13

David Torrance (Kirkcaldy) (SNP): I thank Gillian Martin for securing the debate and welcome the great daffodil appeal, which is Marie Curie's biggest annual fundraising campaign.

I have always been impressed by the work of Marie Curie and its commitment to helping people get the vital care that they urgently need. Of course, none of that would be possible without the tireless dedication of its fantastic fundraising groups. Last year, those amazing groups of people raised more than £3 million of funding for people living with a terminal illness and their families. They play such an important role by organising fundraising events and activities within their local communities, acting as ambassadors and helping to spread the word about the work of the charity.

All across the country, groups of volunteers meet regularly to organise and support fundraising activities to help the 2,000 Marie Curie registered nurses or senior healthcare assistants who care for and support people with terminal illnesses, and who provide emotional support for families, friends and the wider community.

Many volunteering activities were put on hold during the pandemic, but volunteers are a vital part of Marie Curie's Fife service. They offer companionship and emotional support; provide practical help, such as aiding patients with small tasks; spend time with patients to allow their families and carers to have a break; and help patients and their families to find further support and services that are readily accessible and available to them locally. Without volunteers,

Marie Curie would not be able to deliver the range of services and support that it does.

The charity has made an immense contribution to Scotland since it was founded in 1948, the same year that the NHS was established. The work started in 1952 with the opening of a home for cancer patients in the Hill of Tarvit in Cupar, Fife. More homes were opened, medical research was started and day-to-night services were provided.

Since 1986, the daffodil appeal has raised more than £80 million, which has contributed to giving people a better quality of life. With almost 75 years of experience, Marie Curie not only offers nurses who provide hands-on care in hospices with a friendly environment but helps everyone who is affected by terminal illness to get the information and support that they need through the research that it carries out to improve care and support. Last year, the money that was raised helped to support about 46,000 people in their homes or care homes.

Several years ago, the Marie Curie Fife hospice-at-home model—a fully funded integrated care pilot in NHS Fife, which complemented existing services and initiatives—was developed by the Marie Curie service for generalist palliative care. The pilot proved that providing community-based care with a local team is meaningful. The model included registered nurses, healthcare assistants, health and personal care assistants and trained volunteers.

The results of the pilot showed that a large number of patients and carers benefited from an approach that offered them a choice about the level of service that they wanted and where they wanted to receive it, with the vast majority of people being able to die in the place of their choice. Patients supported by the hospice-at-home model of care experienced fewer hospital admissions and fewer visits to accident and emergency departments, and they were two and a half times more likely to die at home. The pilot showed that hospital costs for end-of-life care were reduced by £182,000 by reducing the number of avoidable hospital admissions.

The pilot has informed future service delivery in Fife, with end-of-life services working alongside other palliative care organisations, professionals from palliative care outreach, community nursing, acute health services and Marie Curie.

Thursday 23 March marks the third national day of reflection. On that day, we will all have the opportunity to remember our loved ones who died, to support each other and to be there for people who are grieving. Marie Curie launched the national day of reflection in 2021 as a day to remember those who died during the pandemic,

but support for the people who were grieving was affected by lockdown. It is a day on which anyone who has been bereaved—no matter how long ago or what the cause was—can come together and remember loved ones who have died.

I once again thank Gillian Martin for securing the debate. Demand for palliative and end-of-life care is rising rapidly, and that trend is expected to continue as our population ages. During March, I encourage everyone to wear a daffodil pin to raise awareness of the great daffodil appeal and to show support for the individual service that is provided by Marie Curie nursing and hospice staff.

13:17

The Minister for Public Health, Women's Health and Sport (Maree Todd): I thank Gillian Martin for lodging the motion for the debate, and I thank members for their speeches.

Like many members who are in the chamber, I attended the Marie Curie great daffodil appeal reception on Tuesday evening. It was inspiring to meet people, covering a wide range of roles, who are devoted to helping people who are affected by terminal illness, their families and their carers. On behalf of myself and all those who have experienced or been affected by terminal illness or bereavement, I thank the Marie Curie volunteers and staff for all that they do.

I agree with Gillian Martin and other members that Hayley Smith's testimony was incredibly powerful. It would be wonderful if each of us could ensure that everyone hears her story, so that people know what care is on offer if they find themselves in her shoes.

The Scottish Government is proud to be working with Marie Curie and the hospice sector across Scotland to build a new palliative and end-of-life care strategy. There is huge commitment and dedication across all sectors and partners who work to deliver palliative and end-of-life care, and I absolutely welcome Marie Curie's support in that.

We agree that we want there to be equitable and timely access to the palliative care that is needed by each person of any age, with any illness and in all care settings, including their own home, and we want to take a personalised approach that gets it right for everyone based on what matters to each person and their family and/or carers.

We want Scotland to be a place where people and communities can come together to support and care for each other and to talk openly about planning ahead for when our health changes and about dying and bereavement.

Talking about dying needs to be something that we can do with our family, friends, carers and

health and social care staff. One way to start having those conversations is through anticipatory care planning, which enables people to talk to health and care professionals about what matters to them. The conversations are recorded and shared as a plan, so that subsequent care and support honours that plan. We are prioritising work on anticipatory care planning. We are looking at what information is available, the systems that are in place and what can be done to promote the use of that planning across Scotland.

No terminally ill person, or their family, should have to worry about their finances at such a difficult time. Through the family fund, the Scottish Government provides grant support to families on low incomes who are raising disabled or seriously ill children and young people. This year, we have committed a further £2.974 million of funding for the family fund's grant scheme, which is expected to provide financial support to more than 6,000 families in Scotland.

We shared our draft carer support payment regulations with the Scottish Commission on Social Security on 3 March. That is an important milestone towards rolling out our new benefit from the end of this year, with the national launch in spring 2024.

I am acutely aware that energy consumers, especially those who receive treatment at home, are feeling the impacts of recent price hikes, and I appreciate the stress that that causes. The UK Government's significant cut in support for non-domestic consumers with their energy costs beyond March is very concerning, particularly for the more vulnerable sectors.

Scottish ministers wrote to the UK Government at the end of last year to express our disappointment at the lack of opportunity for us to engage in the review of the energy bills relief scheme and to stress that any continued support should be aimed at the businesses and sectors that need it the most.

We have pledged almost £3 billion in this financial year alone to contribute towards helping families and households face the increased cost of living. That includes the provision of services and financial support, not available elsewhere in the UK, to reduce everyday costs and increase incomes.

During First Minister's question time on 2 February 2023, a commitment was given to meet Jeremy Balfour to discuss the important matter of the reimbursement of energy costs for people using life-saving medical equipment at home. I also understand the financial pressures that hospices face. The cabinet secretary and I met representatives from the hospice sector, including Marie Curie, on Tuesday. It was a very

constructive meeting, and we will, in the coming weeks, follow up on all the issues that have been brought to our attention.

We are committed to ensuring provision of high-quality child palliative care, regardless of location, supported by sustainable funding of at least £7 million a year through Children's Hospices Across Scotland, which is known widely as CHAS. We are also engaging in discussions with CHAS and health boards to consider options for planning, funding and reviewing CHAS services, with a focus on improving sustainability and oversight.

The experience of losing someone important is one of the most difficult challenges that any of us will face. Getting the right care and support during bereavement is crucial for our health and wellbeing. For many people, support and comfort needs will be met by family and friends, but some of us will need wider support. We are undertaking work across the Scottish Government to improve the bereavement care and support that is available, and to ensure that it is woven into the palliative and end-of-life care strategy.

Last May, in partnership with NHS Inform, the Scottish Government launched the "Mind to Mind" website to give people access to wellbeing information and signposts to relevant organisations that can help.

Bereavement support is a priority in our £15 million communities mental health and wellbeing fund. In recognition of the fact that poorer mental wellbeing, loneliness and social isolation often follow a bereavement, the fund gives local groups and organisations the support that they need to ensure that people make social connections and look after their mental health.

Support with grief and bereavement is an integral part of palliative and end-of-life care. Through our funding, we support public health responses relating to talking about dying and death. We provide core funding to the Scottish Partnership for Palliative Care to support its work, including its Good Life, Good Death, Good Grief initiative and its work on bereavement. We also fund its end-of-life aid skills for everyone—EASE—approach, which is designed to enable people to be more comfortable and confident in supporting family and community members with issues that they face during death, dying and bereavement.

I again thank all the people who work and volunteer for Marie Curie and all palliative and end-of-life care services across Scotland.

13:25

Meeting suspended.

13:59

On resuming—

Portfolio Question Time

Social Justice, Housing and Local Government

The Deputy Presiding Officer (Liam McArthur): Good afternoon, colleagues. The first item of business is portfolio question time and the portfolio this afternoon is social justice, housing and local government. I remind members who wish to ask a supplementary to press their request-to-speak buttons during the relevant question.

Adult Disability Payment Mobility Component (Consultation)

1. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government how it is promoting the current consultation on the mobility component of the adult disability payment, in light of reported concerns of campaigners that the eligibility criteria unfairly downgrade benefits for those with conditions such as multiple sclerosis. (S6O-02012)

The Minister for Social Security and Local Government (Ben Macpherson): The adult disability payment was developed in close co-operation with disabled people. We have made several improvements to provide a far more positive experience, compared with people's experience of the personal independence payment, which the ADP replaced. Social Security Scotland seeks to apply the eligibility criteria fairly and consistently to get more decisions right first time.

We have been raising awareness of the consultation on the eligibility criteria for the mobility element of the adult disability payment through stakeholders, including disabled people's organisations, and through consultation events. We are encouraging people to reply to the consultation and tell us about their experiences of the adult disability payment.

Fulton MacGregor: Does the minister agree with the view of the Multiple Sclerosis Society, which has been in touch with me on the issue, that an individual's mobility cannot be evaluated solely on their ability to walk on a flat surface for 20m, as that does not take into account variable surfaces and the fatigue that takes hold after exertion. Will the analysis of the consultation take that into account?

Ben Macpherson: It is essential that Social Security Scotland makes person-centred decisions that take individual circumstances into account.

That is why Social Security Scotland case managers have training and guidance on considering the individual mobility needs of disabled people. That includes how to take into account the impact of pain, fatigue and fluctuating conditions, starting from a position of trust.

The consultation asks people to give their views on the eligibility criteria for the mobility component, including the 20m rule, and the impact of fluctuating conditions. We encourage people to contribute to the consultation. The analysis will reflect people's views on the matter.

The Deputy Presiding Officer: We have a couple of supplementaries, the first of which comes from Jeremy Balfour, who joins us remotely.

Jeremy Balfour (Lothian) (Con): If the distance in the mobility rule was extended from 20m to 50m, how much would that cost? If the minister does not know what that figure is, will he write to me with it at a later stage?

Ben Macpherson: I am happy to take that point away on behalf of the member. Such considerations are important considerations with regard to the financial position. However, at the moment, I encourage people to respond to the consultation on the issue.

Pam Duncan-Glancy (Glasgow) (Lab): The Government promised that there would be pre-consultation engagement with stakeholders, but conversations that I have had with people in the sector suggest that that did not really happen. I ask the minister to set out more detail on any pre-consultation engagement that took place and to say which organisations the Government engaged with.

Ben Macpherson: We engage with stakeholders with regard to the adult disability payment on a regular basis. I think that the most important thing for all of us to do now, for the collective common good, is to encourage people to contribute to the consultation. I know through her social media that Pam Duncan-Glancy has done that, and I thank her for that. I encourage others to do the same.

Community Housing Trusts (Funding)

2. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government what progress has been made on delivering the Bute house agreement commitment to ensure that community housing trusts are adequately funded so that they can support the delivery of enhanced rural home building plans. (S6O-02013)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): I am delighted to say that we have

made significant progress in delivering that commitment. Last week, I met the Communities Housing Trust to provide an update.

I recognise the vital support that those organisations are continuing to provide in rural and island areas to ensure that the right homes are delivered in the right places to meet the needs of communities. My officials will continue to progress that as a priority strand of the remote, rural and islands housing action plan, and I will provide further details shortly.

Ariane Burgess: I thank the cabinet secretary for that encouraging answer. Does she agree that community housing trusts play a vital role in ensuring that affordable housing and placemaking are delivered in some of our most remote rural areas, where the addition or return to use of only a small number of homes can make a difference to whether a school or a shop stays open or closes? That is why the agreement between the Green MSPs and the Scottish Government attaches such importance to securing their funding.

Shona Robison: I fully recognise the important work that is undertaken by community housing trusts to support the delivery of more affordable homes in rural and island communities, where delivery of what we might think of as a small number of homes can make a big difference in terms of the sustainability of a local economy and public services and can help with the retention of people in an area, particularly young people. I have seen at first hand the high-quality, energy-efficient homes that have been delivered by communities through the rural and islands housing fund, including in Fort Augustus and Stracathro, and I have heard from tenants how those projects have made a significant impact in our local communities.

Jenni Minto (Argyll and Bute) (SNP): The Scottish Government has been active in identifying innovative ways to finance the pledge of 110,000 affordable homes by 2032, of which 10 per cent will be in our rural and island communities. Can the cabinet secretary confirm that that rural focus has been successfully built into the Scottish Government's housing strategy?

Shona Robison: Yes. We are making £3.5 billion available through the affordable housing supply programme during this parliamentary session to support the delivery of the ambitious target of 110,000 affordable homes by 2032. That includes support of up to £30 million through our demand-led rural and island housing fund for communities and organisations that are not able to access traditional affordable housing funding, and it works alongside our wider affordable housing fund. Further, shortly, we will publish the remote, rural and islands housing action plan to support

the delivery of homes in rural and island communities.

Willie Rennie (North East Fife) (LD): I strongly support the community housing trust model alongside the use of rural housing burdens. I think that it can play an important role in constituencies such as mine in the east neuk, where there is a real problem with the growth of second homes and holiday lets. However, not many councils outwith the Highland areas know about that power or those trusts. What more can the Government do to encourage the use of that model in places such as Fife?

Shona Robison: Willie Rennie makes a fair point, and I hope that the new remote, rural and islands plan and the funding sustainability of community housing trusts, which, as Willie Rennie points out, operate mainly in the north of Scotland, as well as in the south of Scotland, mean that those trusts will be able to share some of that good practice and expand some of the good work that they are doing, because we know that it is a model that works. I am happy to keep Mr Rennie apprised of that.

Unpaid Carers (Economic Inequalities)

3. Paul O’Kane (West Scotland) (Lab): To ask the Scottish Government what action it is taking to tackle any economic inequalities faced by unpaid carers. (S6O-02014)

The Minister for Equalities and Older People (Christina McKelvie): We value all carers for their contribution, which is why our carer strategy sets out what the Scottish Government is doing to tackle the economic inequalities that are faced by unpaid carers. It takes a cross-Government approach to financial inclusion, including through social security and supporting carers in employment and education. The carers allowance supplement—which will be five years old this year—and the young carers grant are Scottish Government benefits that are available only in Scotland. They are vital in this area and are providing further financial support to unpaid carers. Those receiving carers allowance supplement this year will receive £541 more than those in the rest of the United Kingdom.

Paul O’Kane: As we move into spring and summer, we all hope for some needed respite from household expenditure, with energy use dropping. However, that is little comfort to tens of thousands of households across Scotland who continue to exist on the precipice of financial insecurity due to exorbitant energy bills. Indeed, unpaid carers can face significantly higher energy costs, as some must operate essential life-sustaining equipment.

In response to questions in the chamber from me and my colleague Jackie Baillie, the Government has stated that it will look to provide additional support for unpaid carers in relation to that life-sustaining equipment, but no detail has yet been forthcoming. Can the minister say if and when the Government plans to publish details of and perhaps a timetable for such additional funding to be made available to carers?

Christina McKelvie: Paul O’Kane makes a serious point about the impact of the cost of living crisis. We have heard those same concerns from all the support organisations and carers that we know. Introducing the carers allowance supplement alleviates the problem in some way. The health secretary is dealing with the specific points around medical equipment, and I will ensure that he responds to Paul O’Kane as soon as possible.

Beatrice Wishart (Shetland Islands) (LD): My MP colleague Wendy Chamberlain is taking a bill through the United Kingdom Parliament that would give unpaid carers the right to take leave from their job. What additional steps can the Scottish Government take to support unpaid carers and ensure that any inequalities that are faced by unpaid carers are addressed?

Christina McKelvie: I will look with interest to Wendy Chamberlain’s work on that because, as Beatrice Wishart knows, employment law is reserved to Westminster. However, we have heard the same concerns from carers and their support organisations about the impact of the challenges around work and the rules alongside that. We are working on our fair work principles, and we will publish a response in the coming weeks on the carer support payment, which was highlighted in a recent consultation. We can come back with that information when we have the consultation analysis.

Compulsory Purchase Orders (Conversion of Empty Homes into Council Housing)

4. Katy Clark (West Scotland) (Lab): To ask the Scottish Government whether it has plans to reform the compulsory purchase order process to make it easier to convert empty buildings into council housing. (S6O-02015)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Local authorities already have broad compulsory purchase powers to support a range of development and regeneration projects, including bringing vacant, derelict and underused land or property back into productive use. The Scottish Government remains committed to reforming and modernising the compulsory purchase system in Scotland to make it fairer, clearer and faster for all parties.

Katy Clark: An estimated 112,300 properties in Scotland are unoccupied at any one time, and nearly 30,000 are empty for over a year. More than 130,000 people are homeless or on waiting lists. Will the Scottish Government carry out an analysis of how compulsory purchase orders are currently being used, with the aim of making it easier for councils to provide housing to people who are in need?

Shona Robison: I will say two things about that.

First, an audit of empty homes is currently under way to gather evidence about the effectiveness of our current approach and to help with thinking on options for future policy and funding. I should say that the Scottish Empty Homes Partnership has already helped to return more than 8,000 homes to use as warm, safe and secure housing for people who need it.

As a first step, we will establish an advisory board, which will be appointed to help to inform the development of options for reform of the compulsory purchase order process. It is important that we look at what levers we have and what additional levers we need. I absolutely agree that we need to incentivise the bringing back into use of empty homes and, perhaps, that we need to have disincentives to people hanging on to empty homes that are not used productively.

I am happy to keep Katy Clark updated on the matter.

Mark Griffin (Central Scotland) (Lab): Compulsory sale orders are another lever that local authorities could use to get properties back into use. The Government consulted on their introduction. Is the Government's policy still to support their introduction? What has the Government done to work through some of the human rights issues that the cabinet secretary mentioned previously in the chamber?

Shona Robison: Mark Griffin is aware, as I am, of the implications on the European convention on human rights of compulsory sales orders, which continue to receive careful consideration. I would be happy to update him on that when more information is available, if he would find that helpful.

The Deputy Presiding Officer: Question 5 was not lodged.

Tackling Child Poverty Delivery Plan (Progress)

6. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government whether it will provide an update on progress with its tackling child poverty delivery plan, including in relation to

expanding free school meals provision. (S6O-02017)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): We are focused on delivery of the wide-ranging actions in “Best Start, Bright Futures—Tackling Child Poverty Delivery Plan 2022-2026”, and we will lay a statutory annual progress report before Parliament by the end of June 2023.

In relation to free school meals provision, Scotland already has the most generous provision of free school meals anywhere in the United Kingdom, with 362,000 pupils benefiting from support during term time. That saves parents £400 per eligible child per year. Provision includes all pupils in primaries 1 to 5 and eligible pupils in primary 6 to secondary 6. Recent additional investment that has been announced means that we will expand free school meals to all primary 6 and 7 pupils who are in receipt of the Scottish child payment.

Monica Lennon: I am grateful to the cabinet secretary for that update, and I welcome the Government's commitment to rolling out universal free school meals.

Six months ago, the Government said that it would pilot universal free school meals in secondary schools. Can the cabinet secretary confirm which schools are involved and how the pilot is going? Will she or the relevant minister agree to meet me and campaigners, including the Scottish Youth Parliament and the Scottish Trades Union Congress women's committee, to see how we can speed that up?

Shona Robison: I am happy to make sure that Monica Lennon is furnished with the information about which schools are involved—I do not have that information in front of me—and we will make sure that she has a meeting with the relevant minister to discuss the issues in more detail.

Emma Roddick (Highlands and Islands) (SNP): The Institute for Fiscal Studies has noted that among the poorest 30 per cent of households, those with children will see their incomes being boosted by around £2,000 a year, on average, as a result of Scottish Government benefit policy and progressive taxation. Can the cabinet secretary give her response to that analysis?

Shona Robison: I certainly welcome the IFS's analysis. It shows the positive impact that progressive choices are having on low-income families, even within our limited powers and budget. An important part of that impact are the 13 devolved benefits, seven of which are available only in Scotland, including the game-changing Scottish child payment. That is in marked contrast to what is available in the rest of the United

Kingdom, in particular under the UK Government's welfare system. That shows the difference between our two Governments: we want to tackle poverty and inequality, not push people further into hardship.

Illegal Migration Bill

7. Siobhian Brown (Ayr) (SNP): To ask the Scottish Government what its assessment is of any potential impact that the United Kingdom Government's proposed Illegal Migration Bill could have on devolved social justice powers and the duties of Scottish local authorities. (S6O-02018)

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): We have written to the UK Government to state unequivocally that Scottish ministers do not support the Illegal Migration Bill. It is imperative that safe and legal routes exist for people who are seeking safety and protection from war and persecution, but the bill will remove the right to seek refugee protection. That risks pushing people into exploitation and destitution. We should be upholding the United Nations refugee convention, not undermining its international protections. We are currently considering the detail of the bill, including the impact on people and services and any legislative consent implications.

Siobhian Brown: The Immigration Law Practitioners Association says that the clauses of the bill that deal with modern slavery and trafficking breach the UK's obligations to victims of trafficking under article 4 of the European convention on human rights. Does the cabinet secretary agree that the actions of the UK Government are not only deeply immoral but illegal?

Shona Robison: The Home Secretary was unable to state that the bill's provisions are compatible with the European convention on human rights. That tells us all that we need to know about that abhorrent bill, which follows on from the shameful UK Nationality and Borders Act 2022.

A further restriction on provision of support to human trafficking victims penalises particularly vulnerable people—people who have suffered unimaginable trauma, including sexual exploitation or being forced, through violence, to work for no pay—and will prevent them from accessing the safety and support that would be available to them in the UK.

Children will be left in a shocking position until they turn 18, when they will be detained and removed to a third country where they have no connections or family. That cannot be allowed to

happen. I would have thought that the whole chamber would agree on that.

Foyso Choudhury (Lothian) (Lab): The UK Government's Illegal Migration Bill is likely to have a significant impact on migrants and asylum seekers in Scotland. Scotland's legal profession alone will likely see the number of cases in their case loads skyrocket under the bill's provisions for removal.

Many asylum seekers who have arrived here have risked their lives and arrived with nothing, so it is likely that the legal assistance that many asylum seekers would require would have to be done pro bono. Will the cabinet secretary advise what the potential impact of the bill will be on Scotland's legal aid service?

Shona Robison: There are many issues about the bill: Foyso Choudhury has raised one issue about the impact that it will have. Of course, the real concern is that the bill will leave more people destitute and without recourse to public funds. That has a major impact on services as well as on the individuals themselves.

We will continue to do what we can by supporting third sector organisations, some of which are involved with provision of legal support and legal advice, and we will consider what more we can do.

However, let us be under no illusion: the legislation will have a profound impact on the people who are affected and on services here. We should all unite in condemnation of the UK Government for the move.

Local Services (Support for Local Authorities)

8. Tess White (North East Scotland) (Con): To ask the Scottish Government what action it is taking to support local authorities to ensure that the provision of local services, including swimming pools and leisure centres, meets the needs of local communities. (S6O-02019)

The Minister for Social Security and Local Government (Ben Macpherson): The Scottish Government believes that everyone should have access to local sport and leisure facilities that help to support the physical and mental health of the nation.

We understand the challenging financial circumstances that local authorities face, which are significantly due to the cost of living crisis. For its part, the Scottish Government has increased the resources that are available to local government by more than £793 million in the 2023-24 financial year, which is a real-terms increase of £376 million or 3 per cent.

Tess White: Bucksburn swimming pool is a much loved and hugely valued community

resource, but it is due to close on 16 April because of devastating cuts to the Sport Aberdeen budget by Aberdeen City Council. It is the only pool in Aberdeen that has a shallow stair entry for elderly and disabled people and it is used twice weekly by the additional support needs department of Bucksburn academy. The nearest pool will be two bus rides away.

More than 8,400 people have signed the petition to keep Bucksburn pool open. Will the Scottish Government intervene with Aberdeen City Council and Sport Aberdeen to give hope to the local community, and save Bucksburn swimming pool?

Ben Macpherson: We are aware of Aberdeen City Council's decision to close Bucksburn swimming pool and we understand the disappointment that members of the community feel at that closure.

However, the Scottish Government understands, too, that although everyone should have access to local leisure facilities, it is for local authorities to manage their own budgets and allocate the total financial resources that are available to them, including on leisure facilities, on the basis of local needs and priorities.

We note Tess White's points and we are, following the financial package that the United Kingdom Government announced yesterday to support swimming pools in England, examining what support can be provided to the sector in Scotland.

If Tess White wishes to submit follow-up correspondence on the question, first to the local authority and then to Scottish ministers, we will, of course, consider it.

John Mason (Glasgow Shettleston) (SNP): I very much welcome the £13.5 billion local government settlement. Can the minister say any more about the new deal for local government, especially around fiscal flexibility?

Ben Macpherson: The Scottish Government is committed to working with the Convention of Scottish Local Authorities and the Society of Local Authority Chief Executives and Senior Managers to agree a new deal for local government, with the aim of agreeing shared priorities and providing greater flexibility over local funding, with clear accountability for delivery on those shared—that word is important—priorities and outcomes.

The new deal for local government reflects the desire on both sides to reset the relationship between the Scottish Government and local government. The Deputy First Minister made it clear in his letter of 15 December to the president of the Convention of Scottish Local Authorities that we want to develop a partnership agreement at pace and that we look forward to doing so.

The Deputy Presiding Officer: That concludes portfolio question time. There will be a brief pause before we move to the next item of business to allow members on the front benches to change.

Ferguson Marine

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by John Swinney to give an update on Ferguson Marine. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:24

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Today's statement maintains the commitment that was given by the Cabinet Secretary for Finance and the Economy some time ago to update Parliament on progress in the building of the MV Glen Sannox—801—and hull 802 at Ferguson Marine and to do so openly and transparently. I am providing this update in place of the cabinet secretary.

First, I will address the Audit Scotland section 22 report that was published on Tuesday. I welcome the report and acknowledge the legitimate issues that it raises. My statement will provide much of the update that the Auditor General for Scotland has requested.

The report criticises the bonuses to senior staff at the yard in the financial year 2021-22 and the process by which they were arrived at. It rightly criticises the “poor governance” that was involved in the process. I agree with that criticism and assure Parliament that new arrangements have been put in place, at my request, to ensure that such an eventuality does not arise in the future.

The Scottish Government stands by its commitment to the shipbuilding communities in Inverclyde and to our island communities that will rely on the vessels that are currently being built at Ferguson Marine. I deeply regret that there have been delays to the delivery of the vessels and significantly higher costs than were predicted at the time of the tender award.

Given the concerns over costs, it is only right and proper that the Scottish Government conducts a robust assessment of the use of its public funds, and that the request that was received from the chief executive of Ferguson Marine on 28 September with updated costs to complete both vessels is also subject to an intense level of robust scrutiny. Those estimates indicated that £21 million of additional funding would be required in the current financial year to sustain work on the vessels.

Our full assessment and due diligence on the chief executive's cost estimates is due to be completed in current weeks. On 15 December, I updated Parliament on the need for in-year

funding of £15 million to Ferguson Marine to ensure that it can continue to progress the build of both vessels, subject to completion of that work.

Today, I confirm that I am satisfied that it is appropriate and necessary to allocate a further £6 million, as set out in the spring budget revision that was published on 2 February, which will take the additional total capital funding for Ferguson Marine in the 2022-23 financial year to the £21 million that was requested by the chief executive in September.

While the due diligence work has been ongoing, Ferguson Marine has continued to progress with the build. The chief executive of Ferguson Marine has confirmed to me that the MV Glen Sannox successfully completed the dry-docking period at the start of this month and, after her return to Port Glasgow, the yard achieved a major milestone in running the first main engine. That dry-dock period has allowed the team at Ferguson's to make a detailed assessment of progress to date and of what will be required to ensure a high degree of confidence in the robustness of the ship when it is entered into service later this year.

Following that assessment, the chief executive of Ferguson Marine has today written to the Net Zero, Energy and Transport Committee with an update on overall progress in preparing a dual-fuel vessel to be handed over. He has concluded that, as a result of persistent

“design gaps and build errors”,

progress on the 801 vessel has been slower than planned.

The chief executive has therefore revised the handover dates for both vessels, with the MV Glen Sannox now scheduled for autumn 2023, rather than the end of May 2023 as was previously estimated, with a contract backstop of no later than the end of December 2023. He has also indicated that 802 will be handed over in the autumn of 2024, in comparison with the previous timescale of the end of March 2024, with a contract backstop of no later than the end of December 2024.

It is a matter of great disappointment that a further revision to the timescale for delivery has been necessary. I welcome the chief executive's assurances that Ferguson Marine will continue its best endeavours to deliver both vessels sooner than those dates. The chief executive has also set out plans for the MV Glen Sannox to have a sustained testing and sea-trials period to help ensure a smooth entry into service later this year.

I am conscious that delays to the delivery of any project can lead to an overall increase in costs. That is why the Scottish Government will work with

both Ferguson Marine and our technical advisers, Caledonian Marine Assets Ltd, to assess any financial impact on the delivery of both vessels. I have therefore written to the chief executive to notify him that we will review his proposals and confirm our position on that in due course.

Ferguson Marine, while it acknowledges the potential for an increase in the total delivery cost due to the delay, states that it is looking to “offset” any potential increase through income generated from commercial work. One of our aims has always been to look beyond 801 and 802 and to ensure a sustainable future for commercial shipbuilding on the Clyde, which is one of the issues that the Auditor General raised in his report. We know that the Ferguson Marine team continues to pursue a range of opportunities in order to achieve that shared ambition.

I am pleased to report that the business has been successful in securing new commercial work and has recently entered into a contract with BAE Systems to support the delivery of its type 26 frigate programme. That has involved the secondment of some Ferguson Marine workers to BAE Govan since January this year. Ferguson Marine has been clear to us that those workers are not currently required on 801 and 802, and their secondment is not diverting resources away from completion of the ferries. Moreover, such diversification helps to support the knowledge transfer and upskilling of the workforce across the industry. That is an important factor to ensure that those skills support the shipyard to be competitive in aspiring to future contracts.

The Scottish ministers remain committed to do all that we can—as a shareholder and Government—to help achieve a prosperous future for the shipyard. In support of the BAE contract, I therefore confirm that the Scottish Government has agreed to provide a working capital loan of up to £25,000, with interest, to support cash flow during the contract period. That short-term measure is standard practice for working capital requests from a public body and is in line with the terms of the Scottish public finance manual. That work is a positive sign for Ferguson Marine, which I am sure that members will, rightly, support, as the business looks to build an order book for the future.

No further delay in the delivery of these vessels is welcome, and I fully share what I expect will be members’ disappointment at the announcement. However, the challenges and legacy issues that are faced by the team at Ferguson’s should not be underestimated and, after the appointment last February of the new chief executive, substantial progress has been made in facing those issues.

I understand and appreciate why it is so vital that new vessels are introduced into the ferry

network, but we must ensure that any vessel that is introduced is able to provide our island communities with the confidence that it will perform in service and improve the network.

I have discussed that with the chief executive and made very clear my disappointment at the delay. He fully appreciates the critical need for the vessels to enter service as soon as possible to support our island communities—a belief that all members share. We stand firm in our commitment that the vessels will be completed.

I put on record my appreciation of the workforce at Ferguson Marine and I am sure that Parliament will join me in supporting the continued efforts of the workforce, who are determined to ensure the successful delivery of these two lifeline ferries.

As I have set out, Parliament will be updated further when the financial due diligence work is completed in the coming weeks. The work is critical to strengthen our ferry network, which has been further enhanced by the procurement of four further vessels for the fleet.

The Government recognises its duty to ensure sustainable ferry services for our island communities, and we are determined to fulfil that duty.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that have been raised in his statement. I intend to allow around 20 minutes for questions, after which we will need to move on to the next item of business.

If they have not already done so, members who wish to ask a question should press their request-to-speak buttons.

Graham Simpson (Central Scotland) (Con): I thank the Deputy First Minister for advance sight of his statement.

Let us cut to the chase. The Glen Sannox and hull 802 could each be delayed by up to seven months, and we still do not know what the final cost will be. More delays, more costs and islanders left in the lurch—it is a disgrace.

I have been sent a Caledonian MacBrayne-headed document, which is dated 1 December last year, about the liquefied natural gas commissioning delay for the Glen Sannox. The document says that, if the LNG work is done at Troon, where the ferry is due to operate from, there will not be an Arran ferry for up to four weeks. In that document, CalMac says that it does not want the Glen Sannox until it is fully ready. First, is that the real reason for the delays that were announced today? Secondly, the Deputy First Minister says that he will address the financial impact of delays, so how much extra is

the Government prepared to plough into those ferries?

John Swinney: In response to the first of the two questions that Mr Simpson put to me, I advise him that the details that I have set out today are the assessment by the chief executive of the build programme of hull 801. That is the rationale for the details that I have set out to Parliament. There is no reason other than the build programme that the chief executive has set out, and that is what I have reported to Parliament today.

Mr Simpson raises a fair point, which I acknowledged in my statement, that, when there is a delay to the timescale, there might well be a delay to the finance. However, I assure Mr Simpson that what I and my officials have been doing, and what will continue to be done, is essential scrutiny of the merits of the financial case that is being put to us for any additional resources. That scrutiny has been applied, which is why I have got to a position today where I am satisfied that the original proposition of £21 million of further cost in this financial year merits being paid. I was not in that position when I addressed Parliament in December, but I am now.

I assure Mr Simpson that we are acting with all possible endeavour to ensure that the costs are contained and that the estimates that I have put on the record today are the best estimates from the information that we have available to us. However, we are challenging and scrutinising the detail of those estimates.

Neil Bibby (West Scotland) (Lab): Even more delays and even more millions—who will be surprised? This is a scandal manufactured by Scottish National Party ministers, and they all have their fingerprints on it—Humza Yousaf, John Swinney, Kate Forbes and Nicola Sturgeon, to name a few.

After all that has gone wrong, it beggars belief that senior management handed themselves bonuses without anyone in the Scottish Government noticing. The previous turnaround director received £2 million—he was let off scot free. This gravy train needs to end. It is not the Government's money; it is taxpayers' money. What is the Deputy First Minister going to do to get that money back?

It is a scandal with continuing consequences for island communities. Even SNP MSPs do not seem to trust the SNP any more. Will the Deputy First Minister now order an independent inquiry into this whole shameful debacle?

Finally, if the concerns of the GMB union had been listened to earlier, perhaps we would not be in this mess. Instead of hiding behind the workforce, what will the Government do now to listen to the workforce on the need for investment

in facilities at the yard to ensure that there is a future beyond the Ministry of Defence work, beyond these two vessels and beyond the mess that the SNP has created?

John Swinney: In all of this, the intention of ministers has been to support the retention and development of shipbuilding on the Clyde. Back when Ferguson's went into administration, in 2014, I led the Government's efforts to secure a rescue of Ferguson's. The purpose of that was to preserve the very employment that Mr Bibby talks about—of some of the finest people I have met in my life: the workforce of Ferguson's. I know a number of them personally, going way back in my parliamentary career. They are good and decent people who know their skill.

I make no apology for trying to protect employment on the Clyde in relation to shipbuilding, because I know how important it is for everybody and for who we are as a country. However, there are difficulties and challenges in the execution of the contract, and I make no bones about that. I have set out—*[Interruption.]* I think that Mr Bibby, from a sedentary position, is asking me to apologise for that. I have apologised for it before and I apologise for it again. It is a matter of deep regret to me.

On the question of the bonuses, I think that the bonuses are reprehensible. The Government did not know about them. The Government found out about them as a consequence of the audit work. We were never consulted about them and we should have been consulted about them. I find them reprehensible, and we are assessing what actions we can take in that respect.

On the question of an independent inquiry, there has been a lot of scrutiny of the Ferguson's issues. Parliamentary committees have looked at that—Mr Leonard chairs the Public Audit Committee, which is looking at many of those questions. I think that it would be premature for me to say anything, and, as Mr Bibby knows, I am not going to be on the front bench for much longer, so I will not commit to any further inquiries.

On the final point, in relation to the voice of the workforce, I have listened carefully over many years to the voice of the workforce. The Government is doing exactly what the workforce wanted, which is investing in that yard. We have been doing that, although we get criticised for it. The investment has been put in. *[Interruption.]* I do not think there is much support for investment in the yard from the Conservative side of the chamber, from what I can hear being shouted at me in the background, but I assure Mr Bibby of the Government's commitment to invest in the yard for the future.

The Deputy Presiding Officer: There is an awful lot of interest in this issue. I will try to bring in as many members as I can, but the questions will need to be brief, as will the responses. It will not be helped if people are shouting from a sedentary position, which is just going to delay the process. I encourage members to treat one other with courtesy and respect.

Stuart McMillan (Greenock and Inverclyde) (SNP): I think that the section 22 report further justifies my call for Tim Hair to leave the yard in 2021.

The issue of the future security of the work is uppermost in my mind but also in the minds of the workforce and the Inverclyde community. When will the Scottish Government bring forth the small vessel replacement programme? Have the legal implications been resolved to allow a direct award to the yard?

John Swinney: The issue of a direct award is one on which the Government has to proceed with great care in terms of all the issues that we are rehearsing here. We will have to make sure that we get the arrangements for that correct, if it is possible to do so.

On the small vessel replacement programme, the Government is committed to on-going investment in the ferry network. We have the two vessels that have been procured, and we have four further vessels that will enhance the network. We are looking for other opportunities to enhance tonnage. However, the small vessel replacement programme, to which Ferguson's has contributed significantly through the construction of—if my memory serves me correctly—three vessels, already demonstrates the strength of the yard in that respect.

Jamie Greene (West Scotland) (Con): I am sure that people as far away as the Isle of Arran could hear SNP back benchers applaud Mr Swinney on his statement, which is more devastating news for islanders, who are simply scunnered at the endless delays to their lifeline services. The current vessel that serves the Arran route is nearly 30 years old. It has been in dry dock for three months, and there are still problems with its major overhaul. What is the Government doing right now to ensure that our islands are connected? He says that he will deliver for the islands, but where are the ferries?

John Swinney: In relation to the situation on Arran, the Minister for Transport and I are very conscious of the disruption that has been experienced because of the maintenance programme on the MV Caledonian Isles. We hope that that issue will be resolved very shortly, to enable the two-vessel service between Ardrossan and Brodick to return. We have, of course,

enhanced the volume of sailings on the Lochranza route, in addition to the MV Isle of Arran continuing the single-vessel sailings on its route.

Mr Greene asked me where the ferry investment programme is at. In my response to Mr Bibby, I just set out the fact that we have commissioned two vessels, which, I accept, have taken longer than they should have taken. We have also procured four further vessels, which will be coming into the network over the course of the next three years. The earliest of those will come in 2024. Therefore, there are new vessels coming in to supplement the additional investment that we made in vessels such as the MV Loch Seaforth and the MV Loch Frisa and the other investments that the Government has made.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Considering the level of funding that is being invested in the completion of the vessels, it is important that where funding is being spent and what outcomes it is delivering can be clearly demonstrated. Will the Deputy First Minister advise what measures are being taken to ensure transparency in how Scottish Government funding is being spent at the yard going forward?

John Swinney: That material is the subject of regular dialogue. For example, I speak with the chief executive of Ferguson's on a monthly basis and my officials do so on a very regular basis that is more frequent than weekly. There is also formal reporting on a quarterly basis to the Net Zero, Energy and Transport Committee and to the Permanent Secretary and me on a monthly basis. There is a regular flow of information that monitors the specific expenditure that is under way to ensure that the legitimate issues that Mr Beattie puts to me can be properly addressed.

Katy Clark (West Scotland) (Lab): We must not lose sight of the fact that islanders urgently need a steady pipeline of new ferries, but we should be building those vessels in Scotland. We welcome the commitment that the cabinet secretary has made to investing in developing shipbuilding on the Clyde, but will he respond specifically to calls for investment in facilities at Ferguson Marine? Is he willing to provide to Parliament any advice that he obtains on whether a direct award could be made?

John Swinney: I am very happy to engage on those questions. I think that we have a shared interest in this particular point. What I cannot commit to is what the nature of the advice on the direct award might be, because there might be commercial sensitivity around some of the issues involved in that. I give Katy Clark the commitment that, whatever the Government can share openly with Parliament about this process, it will share. I recognise our shared endeavour. We both have an interest in protecting shipbuilding on the Clyde.

Jackie Dunbar (Aberdeen Donside) (SNP): ScotWind presents a substantial opportunity for shipbuilding in Scotland. Can the Deputy First Minister advise what steps are being taken to ensure that the yard is in a position to compete for contracts arising from ScotWind?

John Swinney: Obviously, we want the yard to be able to operate in a commercial environment, and a range of opportunities are available. We have talked about the concept of the small vessel programme. Jackie Dunbar puts to me the propositions in relation to ScotWind. I had a meeting on Tuesday with the leader of Shetland Islands Council and the Minister for Transport to discuss the interisland ferries, and I had a meeting earlier this year with the leader of Orkney Islands Council in the Deputy Presiding Officer's constituency to look at the issue of interisland ferries there and their renewal.

Many of the issues that we are wrestling with about the age of the network are also relevant in both the Orkney and the Shetland contexts. There is actually a substantial abundance of shipbuilding opportunity, which I think makes particularly valid Katy Clarke's point and Neil Bibby's point about ensuring that we have yards that are able to undertake that work in Scotland. The Government is committed to that objective.

Willie Rennie (North East Fife) (LD): John Swinney is a master at defending the indefensible, but even he cannot defend this set of circumstances. He has no idea about the final cost, no idea about the final delivery dates and, apparently, he had no idea that those bonuses were being paid, even though his Government owns the yard. Therefore, what guarantee can he give that this will be the last statement of its kind about the ferries?

John Swinney: If I am the master of defence, Willie Rennie is the master of overstatement. I have just set out to Parliament the timescale for the delivery of the vessels, so it is not appropriate for Mr Rennie to say that I do not have an answer because I have just given an answer to Parliament. I have also just given an answer about money. I have done it openly and transparently on the floor of Parliament. I am not sure how much more transparent I can be about that.

In relation to the question of the bonuses, the Government became aware of the bonuses out of the audit process. The Government was not made aware of the bonuses; I have made it abundantly clear how much I deprecate the bonuses—the Government has obviously set out that position.

In relation to future developments, I hope that there is no need for any further statements to be made about timescale, but of one thing I am absolutely certain: I will not be delivering them.

Jenni Minto (Argyll and Bute) (SNP): The completion of the ferries is vital to the island communities that rely on them. It is in the public interest that Parliament remains abreast of progress at the yard, so can the Deputy First Minister provide any further details about how Parliament will continue to be updated in that regard?

John Swinney: Probably the best mechanism for that is the quarterly reports that are made available by the chief executive of Ferguson Marine to the Net Zero, Energy and Transport Committee, which provide full information. Obviously, committees of Parliament and members of Parliament are entitled to make inquiries through the usual routes of parliamentary questions and other devices to find out further information, if appropriate.

Ariane Burgess (Highlands and Islands) (Green): The Deputy First Minister will recognise, as I do, that island communities feel deeply let down by the on-going failures in the delivery of the contract for lifeline ferries. Given his statement and the audit report, can he explain how the Scottish Government will give the necessary certainty to the communities that are relying on the additional vessels in production?

John Swinney: I appreciate the difficulties that we have with the two vessels. We have four other vessels that are in construction or procurement at the present moment—two will be used on the Islay routes and a further two will be used on the Skye triangle to improve services there. That will give us six new large vessels in the network in the space of about the next three years, and that will give us the opportunity to redeploy vessels and, ideally, to be able to retain additional tonnage, which will provide resilience should any weaknesses in the network present themselves from time to time.

I appreciate the unsatisfactory nature of the situation that we find ourselves in now, but I hope that Ariane Burgess and her constituents take some reassurance from the fact that the Government's investment programme will result in increased capacity and tonnage and more reliability in the years to come.

Donald Cameron (Highlands and Islands) (Con): The Deputy First Minister has expressed concern, regret and deep disappointment, but the one thing that is missing is an apology. After years of cancellations and breakdowns, and years of lost livelihoods and of anxiety for islanders about simply being able to travel to and from their homes, will he now take the opportunity to say sorry to all those in our island communities who have been impacted by his Government's complete and reckless neglect of our ferry service?

John Swinney: I am surprised to hear that from Donald Cameron. I thought that one obligation upon members of Parliament was to listen to what people actually say. Mr Bibby might be my witness here, because I apologised in my answer to him. I am not sure whether Donald Cameron was late getting here—in which case he should apologise to the Presiding Officer—or whether he was not listening.

I apologise again for the inconvenience, distress and difficulty that has been caused. However, I also put on record that, at the same time that all that has been happening, the Government's investment in ferries has increased very significantly indeed. [*Interruption.*]

Do not start shouting at me. Do not start: listen to me for a minute. Listen to this. This Government has increased sailings. A few years ago, there was no Mallaig to Lochboisdale service—the Government put the money in place for that. We put a new boat, the MV Loch Seaforth, on to the Stornoway to Ullapool route and put extra capacity on to the Mull route with the MV Loch Frisa. At the same time, investment—[*Interruption.*] If Mr Lumsden would stop shouting for a minute and listen to my answer, Parliament might be a slightly better place.

There are difficulties and there is inconvenience and distress, but there has also been a heck of a lot of investment.

The Deputy Presiding Officer: I repeat my call for questions and responses to be listened to so that we can fit in more questions.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Does the Deputy First Minister agree that in any construction project, whether for ferries, bridges, roads or even rail infrastructure, it is crucial to apply recognised quality and management standards, particularly at the outset, so that clear design specifications are established in advance of agreeing estimated project costs? Does he agree that that should all be agreed before construction is allowed to begin and that those basic principles, if followed, along with a rigorous capability assessment of the bidders, will offer the best assurance that all future construction projects will have a reasonable chance of coming in on time and on budget?

John Swinney: There is a lot of merit in what Mr Coffey has put to me. I would add one additional element to that, which is the necessary pragmatism to look at the emerging evidence during the implementation of a programme and to adapt and revise that programme, should the circumstances and evidence merit that.

A lot of what Mr Coffey has put on the record is valuable project management expertise, but there

is also a need for pragmatism to respond to the evidence that is presented.

Paul Sweeney (Glasgow) (Lab): Ferguson Marine has no funding beyond the completion of hulls 801 and 802. According to the benchmarking report set out by First Marine International, the Scottish Government has not invested capital to improve the yard. It has also not established a fund for builders refund guarantees, which would be necessary to win export orders. Unless the Scottish Government awards the small vessel replacement programme to Ferguson Marine, the yard will fail.

Will the Deputy First Minister agree to implement actions in line with all those points, as the basis for a new commercial shipbuilding strategy for Scotland?

John Swinney: There is a lot in what Mr Sweeney says and I hope that he will take some comfort from my answers to Katy Clark and Neil Bibby. I am committed to a long-term agenda for Ferguson Marine and to taking the necessary steps to ensure that that can be realised. A number of the elements that Mr Sweeney put to me are detailed and complex propositions that must be very carefully worked through, but I give him an assurance that the Government is committed to such a process.

Edward Mountain (Highlands and Islands) (Con): I want to clarify the word “handover”. The cabinet secretary said that the vessels will be handed over in autumn 2023 and autumn 2024. Does that mean that they will be handed over fully commissioned with enough crew time, enough crew appraisal and approval from class to go straight into service on those dates? Will they go straight into service in the autumn this year and the next year, or does it mean a further four-month delay?

John Swinney: I do not know whether I can be specific on the point that Mr Mountain puts to me. I understand that it is a serious point, but I am not sure that I can give him quite the precision of answer that he seeks about what the stage of crewing will be. However, what is envisaged with the Glen Sannox is that, over the summer, before the handover date, extensive sea trials of the vessel will be under way as part of the preparation for the handover.

I do not know whether I am technically equipped to give Mr Mountain a specific answer on that, but I will question that point and write to him in due course to make sure that I can give the clarity that his question merits.

The Deputy Presiding Officer: I apologise to those members who I was unable to call. We have overrun slightly and we now need to move on to

the next item of business. There will be a brief pause before we do so.

Bail and Release from Custody (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-08220, in the name of Keith Brown, on the Bail and Release from Custody (Scotland) Bill at stage 1. I ask those members who wish to speak in the debate to press their request-to-speak buttons, please.

14:57

The Cabinet Secretary for Justice and Veterans (Keith Brown): I am pleased to open this debate on the general principles of the Bail and Release from Custody (Scotland) Bill. I thank the Criminal Justice Committee for its scrutiny of the bill and all those who gave evidence to it. The committee's report raised a number of important points, which I have addressed in my written response to it.

At the heart of the bill is the aim to reduce crime, to reduce reoffending and to make Scotland safer. The bill will do that by focusing on two critical points in the justice system: the point at which bail decisions are first made by the court, and the point at which people are released from prison.

The bill addresses long-standing concerns about the use of remand. Of course, the use of remand can be necessary. I am clear that it plays an essential part in protecting victims and the wider public, and the bill does not change that. However, we also know that remand can be damaging. For individuals who do not pose a risk to public safety or who do not pose a clear risk to the administration of justice, there must be a better approach.

The reforms to bail law recognise the negative impact of short periods of imprisonment while ensuring that public and victim safety will be central to decision making. They will mean that people are remanded in custody only as a last resort—if they pose a risk to public safety, victim safety or, in certain cases, the delivery of justice. The bill also includes reforms that will better enable reintegration after a period in custody by improving pre-release activity and throughcare support.

I encourage members to support the bill for the following reasons. First, on the use of remand, although prison is obviously necessary for those who pose a risk to public safety, remand removes people from their homes, families, jobs and communities. We must remember that, at that time, those people have not been convicted of any crime—or, at least, of the crime that they have been accused of.

As well as damaging those connections, short periods of imprisonment, including on remand, do not address the underlying causes of offending or support rehabilitation. As Professor Fergus McNeill put it, short periods of imprisonment are

“not a magic box that removes or eliminates risk and keeps us safe”,

but

“Imprisonment is actually more likely to serve as an incubator of risk”.—[*Official Report, Criminal Justice Committee*, 11 January 2023; c 23.]

It should therefore be of concern to us all that the number of people who are held on remand remains at a historic high. On 1 February, 29 per cent of the total prison population—2,150 people—were held on remand.

Daniel Johnson (Edinburgh Southern) (Lab): The cabinet secretary is right. However, that proportion is not just historically high in Scotland but in comparison with other countries. He is right that we need to look at the underlying causes as to why people end up in prison, but do we not also need to look at the underlying reasons as to why Scotland uses remand to such high levels, especially by international comparison?

Keith Brown: Daniel Johnson is absolutely right, and I have made that point a number of times, including to the committee. Why is it higher in Scotland? What is going on that gives us those much higher figures? The bill seeks to address that. I will come on to explaining that more fully.

I entirely agree with the member. Why does Scotland send so many more people to remand than do other jurisdictions? What is the reason for that? The levels in other parts of the United Kingdom are approaching ours in Scotland, but that is a relatively recent development.

At the heart of the bail reforms lies an absolute commitment to public safety and victim safety. The bail proposals will enhance the role of justice social work so that it has more opportunity to inform the courts on bail decision making. That will make consistent the good practice that is already happening. It will also help the courts to have the right information at the right time.

It has been suggested that the enhanced role of justice social work could result in people being remanded for longer than they would be at present, but that is not the case. I will be clear on that. First, the bill does not change the timescale under which a bail decision must be made, which is a period of around 24 hours from the time that the person is first brought before the court.

Secondly, under the bill, the court is not required to have information from justice social work in order to make the initial bail decision. As now, if no information is available from justice social work,

the court will simply make its bail decision on the basis of information that it has from the Crown Office and Procurator Fiscal Service and the defence.

Thirdly, beyond the existing 24-hour window for a bail decision to be made, the court cannot choose to refuse bail and remand a person in custody simply because justice social work has indicated that it needs more time to provide the information. That is because there is an overarching legal presumption for bail, which the bill does not change. Therefore, unless there is already a good reason to refuse bail—in which case, a person would be remanded anyway under the current system—the person must be admitted to bail and allowed to stay in the community. The seriousness of the decision to use remand is emphasised by requiring the court to record the grounds on which bail is refused.

The bill is supported by continued investment in community justice, including alternatives to remand. In 2023-24, we will invest a total of £134 million in community justice services.

The bail aspects of the bill seek to answer important questions about the appropriate use of remand in a modern and progressive Scotland, now and in the future. Part 2 of the bill is focused on improving support for people who leave prison.

We know that many people who are in contact with the justice system have already experienced severe and multiple disadvantages, including homelessness, substance misuse and mental ill health. That is especially true of the prison population. Often, imprisonment compounds such issues, which is why holistic, well-planned support for release is so important.

Part 2 of the bill aims to do that in a number of ways. The bill ends scheduled releases from prison on a Friday or the day before a public holiday. That responds to calls from the Drug Deaths Taskforce, and from other experts, that the day on which people are released matters.

As several witnesses to the committee made clear, planning for an individual's release from prison should start from the point of entry. The proposed pre-release planning duty in the bill is based on that principle. It will require wider public services to engage in pre-release planning at an earlier point, with the aim that people leave prison with a package of support, not a list of appointments.

The bill also establishes a new duty on Scottish ministers to publish statutory minimum standards for throughcare support for remanded or sentenced prisoners. We know that good practice exists, and I have seen the difference that throughcare support can make; however, it is not consistent, and the bill seeks to address that.

Additionally, access to structured and monitored temporary release can support an individual's reintegration and reduce their risk of reoffending. That is why we are introducing a new temporary release licence for certain long-term prisoners, with an emphasis on risk assessment and robust community monitoring and support.

The bill also introduces a wider emergency prisoner release power, with built-in safeguards to protect the security of prisons and the safety of prisoners and staff. I would hope never to use that power, but the pandemic has taught us, as it has other Administrations, not to be complacent on that score. That brings us into line with jurisdictions including England and Wales.

As I have made clear, the bill has victim safety at its heart. The new bail test explicitly not only recognises the safety of victims for the first time but defines "safety" as safety from both physical and psychological harm. That recognises our much better understanding of the harm that is caused by threatening or coercive behaviour. Additionally, victims will now be able to nominate a victim support organisation to receive information regarding the release of a prisoner. That VSO will be able to work with them or on their behalf in that regard.

I have said this right the way through the process so far, and I will say it to members again: I would genuinely welcome all constructive challenge and suggestions to make the bill more effective. Most of us took part in a debate some 18 months or so ago when we discussed and agreed that the remand levels were too high in Scotland and that something has to be done. If others have suggestions as to what can be done, I am more than willing to listen to them, as I have been.

At this stage, in addition to what I have laid out, all that we are doing is setting out the general principles of the bill. I would hope that we would get support at least for the general principles that follow on from that consensus that we previously had on remand being too high. In providing that challenge, I ask everyone else to consider whether they have an alternative proposal to address the use of remand, to safeguard victims or to improve support for people leaving prison. If they do, I am more than willing to listen and to take on board those comments.

The provisions in the bill are underpinned by a commitment to public protection and victim safety, with a focus on reducing crime, reoffending and future victimisation. That is what will make Scotland a safer place.

I move,

That the Parliament agrees to the general principles of the Bail and Release from Custody (Scotland) Bill.

The Deputy Presiding Officer: I call Audrey Nicoll to speak on behalf of the Criminal Justice Committee.

15:06

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am pleased to open the stage 1 debate on the Bail and Release from Custody (Scotland) Bill on behalf of the Criminal Justice Committee. I thank the committees clerks, Scottish Parliament information centre staff and our committee adviser, Mr Chris Miller, for their support throughout stage 1. I also thank the Scottish Government for its detailed response to our stage 1 report.

The committee gave detailed consideration to the proposals in the bill. We received a substantial amount of written and oral evidence, and we took the time to engage more widely with those affected by bail and release issues. We held extremely valuable sessions with survivors of serious crime to hear their experiences of bail and, where relevant, release from prison. We also visited organisations that support prisoners on release to hear about the challenges that they and their families face when leaving prison, and we visited Glasgow sheriff court to observe a typical busy Monday afternoon custody court. All that evidence helped inform our views on the bill.

I welcome to Parliament Fiona Fawdry and Nicola Caldwell of the GRAFT project, and I thank them for hosting members during an extremely informative visit to their project in Kilmarnock.

Some members of the committee felt unable to support the general principles of the bill due to concerns about its overall purpose, its impact and issues around resourcing. However, all members agreed that it contained some useful provisions, and the conclusions and recommendations in our stage 1 report were agreed without division. Committee members will set out their own views on specific areas of the bill during today's debate, but I will highlight some—certainly not all—of the main findings outlined in our stage 1 report.

Section 1 of the bill requires a court to give justice social work the opportunity to provide relevant information when bail is being considered. We welcomed that new requirement in principle, as justice social work has a valuable role to play in informing court decisions. However, the committee had concerns that if justice social work is not properly resourced to carry out that enhanced role, there is a risk that the policy objectives of the bill may not be achieved, and that in fact we unintentionally introduce delays into the court system.

In its response, the Scottish Government agrees that resourcing an enhanced role for social work

will be challenging and provides an assurance that it will

“engage closely with Social Work Scotland and COSLA” on the matter.

Section 2 of the bill would change the grounds on which a court may decide to refuse bail. That means that bail would be refused only if an accused were considered to pose a risk to “public safety” or where there was

“a significant risk of prejudice to the interests of justice.”

We heard different views about the impact of changes to the bail test. Some witnesses were unclear on whether it would be a minor reframing of the rules or a more fundamental reform. There were concerns expressed about what is meant by “public safety”, which is a key part of the new bail test. We did not think that the bill fully addressed the concerns that were expressed by the senior judiciary that the outcomes of bail decisions might not, in fact, be changed by the new bail test.

Some committee members felt that it would be preferable if the factors that judges take into account in making bail decisions were included in the bill. In its response, the Government notes the range of views that were expressed on the new bail test and highlights that it seeks to

“combine ... a requirement for the court to use its judgement to determine the risk of an adverse event happening (e.g. offending while on bail) with the likely impact of such an event”.

One of the more difficult issues that some members grappled with was the proposal to repeal section 23D of the Criminal Procedure (Scotland) Act 1995. The section currently restricts the granting of bail in certain cases—notably, when an individual is accused of a violent, sexual or domestic abuse offence or drug trafficking and has a previous conviction under solemn procedure for such an offence. The Scottish Government argues that repealing section 23D would simplify the legal framework on bail and aid the decision making of the court.

Our main focus was to satisfy ourselves that the repeal of section 23D would not lead to adverse effects on the safety of victims, which has been a major concern of organisations that represent the victims of crime. On the other hand, many other organisations argued that the removal of section 23D was reasonable and would not impact the way in which courts consider victim safety. Some members of the committee were persuaded that the necessary safeguards will be in place if section 23D is repealed; others were not persuaded. In its response, the Scottish Government provides an assurance that it will continue engagement with victims groups

“regarding the repeal of Section 23D and how the new bail test has public safety and victim safety at the heart of how it operates.”

On part 2 of the bill, we welcomed the provisions on personal release plans for prisoners and minimum standards applying to throughcare support for prisoners, which will provide extra focus and structure to the arrangements for supporting prisoners on their release. The committee hopes that the measures will help to avoid the sorts of gaps in the provision of support that we have heard about. However, the committee also made the point that the

“policy objective of reducing reoffending and supporting reintegration into the community”

will be undermined

“unless the required resources are made available.”

The bill would allow information about a prisoner’s release that can already be given to a victim of that prisoner to be given to a victim support organisation. That was welcomed, in principle, but some victims organisations raised concerns about information being shared without the consent of the victim. We are pleased that the Scottish Government is willing to discuss those concerns further.

The committee heard evidence directly from survivors of crime about the current deficiencies of victim engagement in the justice system. The committee asks the Scottish Government to consider what further information can be provided to victims, to give them confidence that bail conditions are supervised effectively.

There are differences of views on the bill among committee members. However, there is also agreement from all members that it contains some useful provisions, some of which I have highlighted. If the Parliament agrees to the general principles of the bill today, we stand ready to scrutinise it at stage 2.

15:14

Jamie Greene (West Scotland) (Con): I am pleased to open for the Conservatives in this afternoon’s debate on the Bail and Release from Custody (Scotland) Bill. I thank my committee colleagues, our clerks and advisers, and the many witnesses who gave evidence to us during the creation of what I think is a forensic report. As the convener rightly pointed out, every member of the committee played a constructive part in its creation—so much so that it was not until we got to the last paragraph on the last of its 50 pages that we agreed to disagree. Even then, our disagreement was complicated, to say the least. Indeed, the Labour members of the committee could not even agree among themselves on a final position, such were the nuances of personal

opinion on the evidence that the committee had heard.

The report is one of compromise and collective agreement. It is an in-depth report. However, the Government's response to it is another matter.

The bill follows a pattern of legislation that I have seen far too frequently in this place. It mingles policies that are good, bad and indifferent and forces us into a binary choice between supporting all of it and supporting none of it. That choice is made more difficult by the fact that the bill has two very distinct parts.

Part 1 seeks to make substantive changes to the judicial rules on whether someone who is accused of a crime should be remanded into custody or freed on bail. I think that that is where some of the unease on the bill might lie. Part 2 seeks to make changes to when and how prisoners can be released. We all know about the tragic consequences that can arise when that goes wrong. Another proposal in part 2 is that more information be offered to victims about prisoner release, for example. Although that is very welcome, it does not go far enough, in our view, because victims are too often the last to learn about decisions of that nature.

As is too often the case in Government legislation that the Parliament considers, the bill buries the controversial among the quite well meaning. It is clear from the evidence that we took that the bill divided opinion. It gave more questions than answers. It confused many witnesses—indeed, it confused committee members.

The witnesses largely fell into one of three camps. The first camp consisted mostly of academic friends of the Government, if I can use that phrase, who largely supported the bill in full. The second camp consisted of victims of crime and those who support victims of crime, who I think had quite mixed feelings about the bill. We can see that from the papers that they have sent us as recently as today. The third camp, which is the one that intrigued me the most, was made up of people who warned that interfering with the judiciary in the manner that is proposed would either prove to be meaningless or would amount to undue tinkering with the independence of the judiciary.

I think that our report echoes all of that. The people in that third group are right, because it is unclear what the Government's objective really is with the bill. The Government goes to great lengths to say that the bill is absolutely not about clearing out our prisons or about tying the hands of judges. However, in its response to our report, the Government states clearly, in black and white:

“the overarching aim of the provisions is to refocus how custody is used”.

Let us think about the word “refocus”. It is an interesting choice of word. The bill seems to be based on the—in my view—untested assumption that our remand population is too high as a result of overuse of remand and overpopulation caused by the backlog.

The committee was highly critical of the lack of data that was available to underpin the Government's position, and its presumption, on the matter. If we have an unusually high remand population, the question that must be asked is, “Why is that so?” We must also ask, “Is this bill necessary to fix the root cause of it?” At this stage, such simple questions remain unanswered.

We know that there is a backlog of untried prisoners in the system. It is clear that that is driving the remand population numbers. A demonstrable shift in the nature of crime patterns and in the nature of the offences that are coming through our courts is also an important factor. The Law Society of Scotland acknowledges that the accused are remanded into custody only because of the seriousness of the offence and the significant risk to the complainer or to the public, and that is rightly the case.

Liam McArthur (Orkney Islands) (LD): My intervention is a bit of an echo of the point that Daniel Johnson made when he intervened on the cabinet secretary. I was a member of the Justice Committee in session 5, when we undertook an inquiry into remand. Getting to the granularity or the detail of why the remand population was so high was a task that escaped us, too. That points to the fact that the remand situation is not just a reflection of the backlog that has built up in recent years.

Jamie Greene: It is not just a reflection of the backlog; it has been exacerbated by the backlog over recent years. I am about to come on to the question of what underpins the Government's approach in this bill.

As a result of legislation that we have passed, such as the Domestic Abuse (Scotland) Act 2018, and a raft of historical sexual allegations that are now coming to light and seeing their day in court, coupled with other Government decisions, including the presumption against short sentences, we are seeing a changing profile of those who are being remanded in custody. However, here is the issue: I think that the proposed changes in the bill will deal with none of those issues. I think that we can only be led to the conclusion that the Government takes the view either that judges and sheriffs are making the wrong decisions or that the rules that govern those decisions are wrong. One of those things must be true, or the Government would not have taken the approach that it did.

Keith Brown: Will the member take an intervention?

Jamie Greene: I do not have time; perhaps the cabinet secretary could respond to that point when he sums up.

Whichever way it is spun, the bill narrows the parameters within which bail can be granted, and I think that that is why there is opposition to it. We have heard unusual but really stark criticism of the Government's approach from the judiciary itself. In evidence, the Crown argued that inconsistency in the application of the new public safety test would lead to

"confusion and, ultimately, inefficiency"—[*Official Report, Criminal Justice Committee, 25 January 2023; c 27.*]

and the Faculty of Advocates told us:

"if it is intended to be a change, it should be more overt, but, if it is not intended to be a change to the test, it is all pointless".—[*Official Report, Criminal Justice Committee, 18 January 2023; c 10.*]

The cabinet secretary responded to concerns over the definition of the public safety test simply by spelling out the dictionary definition of the words.

Here is my challenge to the cabinet secretary and the SNP on this. They should tell us what they really mean when they talk about refocusing how custody is used. What truth and what intent lies behind the jargon? We do not know.

The Government is adamant that remanding a person in custody should be the last resort. I agree, but is that not already the case? Indeed, I saw it with my own two eyes in a busy custody court, one grim Monday morning in Glasgow. Presumably, therefore, Lord Carloway will need correcting by ministers over his learned view that the bill will

"introduce an unnecessary, cumbersome and artificial process"

without changing outcomes on bail decision making. In other words, he is saying, "What is the point? Is this tinkering for tinkering's sake?" It is ironic that we are assured by ministers that at the heart of the new bail test lies a commitment to public safety and a reduction in offending. That is admirable, but how can we marry that up with the fact that one in four convicted crimes in Scotland in the year 2020 to 2021 were committed by someone on bail? That represents 15,000 offences and, sadly, seven people lost their lives as a result.

I think that only in some parallel universe could someone come to the conclusion that, by releasing more people on bail, we can cut crime, reduce reoffending, improve public safety and, more importantly, improve victim confidence in the justice system. It is no surprise that the very

people who support victims of crime have been vocal about that point—I refer to Scottish Women's Aid and Victim Support Scotland, which reiterated their deep unease about the narrowing of the courts' decision making powers to refuse bail. They said that that risks the safety of victims of crime, particularly women, children and young people. Far from protecting victims, the proposal will allow bail to be granted to repeat and serial perpetrators of domestic abuse. The Government's response to that was to say that it noted the comments. I say to the cabinet secretary that it might be about time that the Government did less noting and more listening.

I will close where I started. I think that our stage 1 report was balanced, fair and punchy. It shows how proper scrutiny should be done in this place. However, when it comes to tinkering with laws that protect public safety, we on the Conservative benches are minded to err on the side of caution and the side of victims, and we cannot support any legislation that compromises confidence or trust in the justice system. If the victims of abuse and violence are not convinced, nor am I. If the judiciary is not convinced, nor am I. For those reasons, we cannot support the general principles of the bill as drafted.

15:24

Katy Clark (West Scotland) (Lab): I am pleased to open this debate on behalf of Scottish Labour. As the cabinet secretary said, the backdrop to the debate is the fact that Scotland has the highest remand figures and the highest prison population per head in western Europe, and that has been the case for many decades. He also said that, currently, in the region of 29 per cent of the prison population are on remand, but the figure for women is higher. The most recent statistic is that 36 per cent of women in prison are on remand.

Historically, Scottish people were proud of our Scottish criminal justice system, particularly the protections provided by strict time limits on how long the state could hold an accused person in custody before trial. Those time limits have been extended on more than one occasion—most recently, last year—since the creation of the Scottish Parliament. That might be one of the factors that have led to Scotland continuing to have high remand rates.

In 2007, the Scottish Prisons Commission recommended a target of reducing Scotland's prison population to 5,000. However, the prison population in Scotland has not been below 7,000 since then. Many of the points that were made in the commission's report are very similar to those that have been provided in the chamber at stage 1.

The report stated that remand was often used as a result of a lack of information or a lack of services in the community to support people on bail. Scottish Labour believes that that can be addressed not by legislation but only by focusing additional funding on court social work and those who are leaving prison. The backdrop is that justice and council budgets are being cut, and the social work justice services in the courts have been reduced over many years.

As Audrey Nicoll said, the committee expressed concern about a lack of data on who is being remanded. Scottish Labour believes that that data is necessary to create evidence-based law.

We accept that we have a long-term challenge, but we believe that the bill represents a significant missed opportunity. It proposes a number of changes to bail law, but it is not clear whether it will increase or reduce the remand population. It is not clear whether those who have been charged with violent offences will be more or less likely to be granted bail or, indeed, whether those who have been accused of non-violent offences will be more or less likely to receive bail. More people who have been charged with violent offences might be remanded as a result of the bill being passed, and fewer people who have been charged with non-violent offences might be remanded. However, that is not clear because of the lack of clarity in the drafting of the bill.

Defence and prosecution lawyers said that they were not clear about how the public safety test would be interpreted by the courts. We believe that the most likely outcome is that the bill will make no difference in most cases, but it will lead to more appeals until the law is settled. We do not believe that that is in the interests of justice. We call on the Scottish Government to outline clearly to the Scottish Parliament and, indeed, to the courts what it is trying to achieve and the factors that it wishes the courts to consider in relation to public safety.

The bill will lower the threshold to remand people who fail to turn up at court. That will make it more likely that accused people will obtain bail in circumstances in which people are currently remanded, if there is a history of failing to turn up. We believe that the implications for and, indeed, the costs to the justice system involved in apprehending an accused person to appear in court and to be taken through the justice system need to be properly scrutinised. The committee does not believe that we had the opportunity to do that.

As Jamie Greene said, the most senior judge in Scotland, Lord Carloway, said in his response to the Scottish Government on behalf of the judiciary that the bill will introduce a “cumbersome and artificial process”—more bureaucracy—and that

“It is difficult to see how the proposed new structure will make any practical difference in outcomes.”

However, women’s organisations such as Scottish Women’s Aid and Victim Support Scotland have provided submissions that say that they believe that the bill will narrow courts’ discretion and that the safety of victims of crime—particularly women, children and young people experiencing domestic abuse—will be put at risk.

As Audrey Nicoll said, we have heard conflicting evidence on the proposal to repeal section 23D of the 1995 act, so we are not clear whether its repeal will make a significant difference in many cases.

We know that, proportionately, Scotland has one of the highest prison populations in Europe—I think that we are second. Although more women are being charged with violent offences, almost 40 per cent of convicted women prisoners are imprisoned for non-violent offences, and it is not clear whether the bill will enable women to get bail more easily.

Scottish Labour believes that custody is rarely the correct disposal for women facing criminal charges, but there continues to be a lack of effective and credible alternatives being provided to the courts. If we do not provide the required funding and resources or address the concerns being raised by the judiciary, there is a serious danger that the bill will only add more bureaucracy. We believe that the bill represents a missed opportunity, so we ask the Scottish Government to address the concerns that are being raised—by judges, legal practitioners and, indeed, those representing victim complainers—and substantially redraft the bill.

15:31

Liam McArthur (Orkney Islands) (LD): I will start with an apology. I have to leave the debate early in order to fly home for the Orkney youth awards. I am not anticipating picking up an award but, nevertheless, I am very much looking forward to attending the event.

I congratulate Audrey Nicoll and her colleagues on the Criminal Justice Committee on their report. I did not sit through the evidence, but I have had an opportunity to read the report and, indeed, a number of the submissions. I am grateful to those who circulated briefings, too.

In common with Katy Clark and the cabinet secretary, I will start by setting out a degree of context. Scotland’s prison population is far too high; it has been far too high for some time. We lock up more of our population than, I think, any other country in Europe other than Turkey and Russia, and overcrowding has its effects. It was certainly the case that, pretty much throughout the

previous parliamentary session, every one of our prisons—bar, maybe, one or two—was overcrowded. Double bunking was the norm. The effects of overcrowding add risks to prisoners, to prison staff and, I would argue, to communities when prisoners are released, as they inevitably are in almost every instance, back into those communities.

In the previous parliamentary session, I well remember the cabinet secretary's predecessor in the role, Humza Yousaf, convening a meeting of justice spokespeople when it was pretty clear that the number of people in our male prisons was about to top 8,000—a record at that point. Although we all had our political differences, there was a shared understanding that it was imperative to take action to bring down the prison population. In fact, I think that prison reform is long overdue, and it is the aspect of the justice brief that has probably been given the least attention over the duration of devolution.

I was very much struck by what I thought was an excellent briefing from the Scottish Parliament information centre—as they always are—which pointed to the fact that, over the past 20 years, the number of those in our prison population who have been sentenced has remained broadly the same. The number went up but, more recently, for the male and female prisoner populations, it has come down again. However, the number of those on remand now constitutes a significantly higher proportion of both the male and the female prison populations. I think that the figure has doubled in both instances, with those on remand representing about a third of the male prison population and, as Katy Clark reminded us, well over a third of the female prison population. That is alarming. Jamie Greene is right to point to the effects of Covid and the backlog, but let us make no bones about it—this has been a long-standing and enduring problem. In fact, of those who are on remand, a significant proportion are untried, so it is not that they have been tried and are awaiting sentencing.

In the previous session of Parliament, the Justice Committee held an inquiry on remand—I think that it was our first inquiry. It was an excellent inquiry that shed a lot of light on the issues around remand. I am sure that Audrey Nicoll and her colleagues have gone over similar ground. I have to say that our report did not necessarily include any obvious solutions. The data behind remand remains as unclear as it was. Although electronic monitoring and bail were seen as options for addressing some aspects of the issue, none of the options looked like a silver bullet.

I accept that action is needed, and I welcome the bill. However, I have some of the same misgivings about the impact of the bill as I had

previously. I note that the committee has not arrived at a settled view on the matter.

Greater input from criminal justice social work makes sense. I note what the cabinet secretary said about additional funding, but real concerns exist about what is happening to local government budgets—local government should be funded to be able to perform the duties that have been placed on it.

Funding is also critical in relation to throughcare, which has been under pressure for many years. It was removed entirely for a period of redeployment during Covid, but it is key to rehabilitation and, indeed, to reducing re-offending over the longer term.

I welcome the points that have been made in relation to the application of statutory standards and the proposals around pre-release and not releasing on a Friday or bank holiday. For years, justice committees have heard about the problems that that causes.

The key and most sensitive aspect of the bill is the changes to the bail test. I can see the arguments for saying that the changes simplify the process but, equally, Lord Carloway's comments about the changes adding greater bureaucracy and making the process more cumbersome need to be taken seriously. The public safety test, including the safety of victims, is critical and would allow a degree of leeway in relation to the risk of prejudice to the interests of justice. However, it is not entirely clear at this stage how the courts would interpret it. I note the points that have been made about the proposals not necessarily making a huge difference.

I understand the concerns about the removal of section 23D of the 1995 act, although I hope that they can be allayed. I know that the committee has urged the cabinet secretary to have further detailed conversations with Victim Support Scotland, Rape Crisis Scotland and others.

I find myself in not a wholly dissimilar place to Katy Clark, although I might not go quite as far as Jamie Greene. Scottish Liberal Democrats will support the principles of the bill this evening, not least because of the context that I set out earlier. However, we are concerned that an awful lot of work will need to be done through stages 2 and 3 to command the confidence of the judiciary, of victims and of the Parliament. I look forward to participating in those discussions.

The Deputy Presiding Officer: We now move to the open debate. I advise members that there is a bit of time in hand, so there will be around six minutes for back-bench speeches.

15:38

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am pleased to speak in the debate as a member of the Criminal Justice Committee and, as the convener has done, I place on record my thanks to all the people who gave evidence and to the committee clerks for their tireless work on what we all agree is an outstanding stage 1 report.

The Scottish Government is wholly committed to transforming the justice sector, and we have been doing so over a sustained period. There is no denying that we imprison too many people in Scotland, which is very much at odds with the Tory commentary on the SNP's being soft on justice—indeed, from my and many other members' points of view, the evidence suggests that we need to use community alternatives more.

We all agree that we remand and imprison far too many people. Therefore, I welcome the bill's being introduced to try to address the problem. We are stepping away from the narrative that prison is solely for punishment—it is not, and that has been widely accepted for some time. However, if we are to focus on rehabilitation and reparation, we have to consider that imprisonment is not always the best way forward for all those involved—both for people who commit crimes and for victims of crime. In fact, we heard some evidence in committee, including from Professor Fergus McNeill, whose quote was absolutely brilliant—the cabinet secretary stole my thunder on that point—that simply putting people in prison without support can help to perpetuate a cycle of reoffending rather than the opposite.

The bill's primary purpose is to amend the law to ensure that alternatives to custody are at the forefront of sentencing where that is appropriate. There is a wealth of evidence to show that community justice services are successful and that, with a focus on rehabilitation and reintegration for those who are leaving prison, we will reduce crime overall.

We must now take on board the evidence that we have that those in prison are much more likely to have experienced trauma, mental ill health and abuse, and move on to make a more trauma-informed response. I know that the cabinet secretary and the Government are committed to that.

Of course, victim safety has to be at the core of any decision that we make, and both physical and emotional harm must be considered in thinking about decisions that are made in relation to bail. The convener was correct to point out that the committee spoke to victims of crime as part of our scrutiny of the bill and heard some quite harrowing evidence.

We need to commit to working with victims organisations such as Victim Support Scotland and Scottish Women's Aid, both of which submitted evidence to the committee, to ensure that the legislation will continue to put victims' safety at its core.

There are two parts to the bill. Part 1 amends the current laws relating to bail. That includes requiring justice social work to be given the opportunity to provide information to the court when it is making decisions about bail in all cases. As a former justice social worker, I think that that is a welcome addition. While social work reports are already often requested and are valued by the court, the new system will help courts to gather more information in cases where it may not previously have been available.

Liam McArthur: As I said, the additional input from criminal justice social work can only be beneficial, but it has a resource implication, and the timing of providing that information will also come at a cost. Did the committee look at that, and does it have any recommendations for the Government on the matter?

Fulton MacGregor: Mr McArthur must have joined the cabinet secretary in having a look at my speech beforehand, because I am just coming to that.

As I was saying, that requirement should also lead to even greater use of bail supervision, as a valued intervention that can provide the courts with more confidence that a person is being monitored closely while they await trial or sentencing.

To go back to Liam McArthur's point, that leads us to the obvious question of resources. Court social work teams are usually separate from community justice social work teams and tend to be relatively small. If we are to meet the policy objectives of the bill, there will need to be substantial resourcing of community justice. The cabinet secretary will be aware that I continually raised that issue during stage 1, and almost all stakeholders recognised the need for investment. I appreciate that finances are currently tight, but if we are to get this right, there could be great savings on the other side, as I think that the cabinet secretary and the Government recognise.

It is fair to say that there has been some further commitment to justice social work in this year's budget, which I welcome. However, I suggest that as the bill goes through and, I hope, becomes law—if that is the will of Parliament—that aspect may need to remain under regular review.

Part 2 of the bill makes changes to some prisoner release arrangements and the support that is provided to those who are being released. It is vital to ensure that sensible decisions can be

made where someone is due to be released on a public holiday, for example, or before the weekend. They would otherwise potentially face difficulties in accessing a range of services such as their bank, their doctor's surgery, the post office, the jobcentre, their local council, addiction services, food banks and emergency housing. That is quite a long list, but that is to name just a few.

I was on the previous justice committee, too. As Liam McArthur said, we have consistently—both at stage 1 of this bill and in the justice committees—heard a lot of evidence on the issues with weekend release. The Wheatley Group, for example, made it clear when we went out to visit it during the stage 1 process that it had a lot of concerns about release times.

I really welcome part 2 of the bill, although colleagues have expressed some concerns around it. I believe that it can help to tackle the issues around release times, and to ensure that people do not simply come out of prison and will at least have an opportunity to be supported to not get involved in risk factors that could lead to reoffending.

On that note, I encourage members to vote for the bill at stage 1 and allow us to move forward together to stage 2, where we can consider amendments to improve it even further.

15:43

Donald Cameron (Highlands and Islands) (Con): I refer members to my entry in the register of members' interests as a member of the Faculty of Advocates.

I thank the committee for its stage 1 report, which is a lengthy and rigorous document. The debate has also been excellent so far. It is refreshing both to see in the committee's report and to hear in the chamber that members are grappling with difficult issues. However, it is clear from the various criticisms in the report that there are several concerns from victims organisations about the bill's provisions on bail.

It is a well-known fact that one in four of all crimes are committed by people who are on bail. In 2020-21, that included seven homicides.

As others have said—and as is our belief on the Conservative benches—the bill will lead to more offenders being released on bail and that will lead to a rise in crime. That belief was also supported by witnesses to the committee.

Keith Brown: I understand the point that Donald Cameron is making about increasing crime. Does he recognise that we have perhaps the lowest level of crime since we started recording crime? On homicide in particular—and I

mean generally, not with regard to people who have been on bail—we have the lowest number of homicides on record.

Donald Cameron: I recognise the statistic that the cabinet secretary has given but, at the same time, that does not mean that we should enact provisions that might lead to an increase in crime.

Kate Wallace of Victim Support said:

“Without any change to what is in place around bail—supervision, monitoring, management and support—yes, logic tells us that more people will be put at risk, there will be more victims of crime and more lives will be ruined.”—*[Official Report, Criminal Justice Committee, 11 January 2023; c 4.]*

As someone who has acted for both the prosecution and the defence in our criminal courts, I know at first hand how that plays out, so I urge the cabinet secretary to think very carefully indeed about the unintended consequences of the bill.

The bill is designed to reduce the remand population in our prisons, which we all know is far too high. The main factor that is pushing up the numbers on remand is the Scottish Government's failure to deal with the backlog that was caused by Covid. It is not the only factor, and Liam McArthur is right that it has been a long-standing problem, but it is now the main factor. Nearly 30,000 trials are currently backlogged in Scotland's courts, which is 10,000 more than the pre-pandemic level, and it could take longer than three years to clear the backlog.

Daniel Johnson: Will the member take an intervention?

Donald Cameron: I would love to take an intervention from Mr Johnson, but I do not have time, because I have only five minutes.

The backlog is objectionable because it will lead to unnecessary suffering for victims and their families, and we must take action to ensure that the court system recovers faster.

I will draw out a few specific provisions in the bill. Section 2 seeks to change the grounds on which a court may decide to refuse bail. Again, the committee heard warnings of the impact on victims. Scottish Women's Aid cautions that the provisions will

“narrow ... the court's discretion to refuse bail”,

which will risk the safety of victims of crime, particularly

“women, children and young people experiencing domestic abuse.”

Victims groups raised concerns about section 3 of the bill, which would repeal section 23D of the 1995 act—Katy Clark has already spoken about that. That section of the 1995 act restricts the granting of bail in certain solemn cases. Again,

there were warnings to the committee that that would remove a safeguard for victims in cases involving sexual offences and domestic abuse.

The committee also had concerns about section 4 of the bill, which requires written reasons to refuse bail. The report mentions a concern about the time that it would take a court to fulfil the requirements of that particular section. If the bill imposes more time-consuming requirements on the courts, that could make the backlog worse, which would exacerbate the underlying problem of our remand population. It is a vicious circle.

Finally, I am deeply concerned about section 8 of the bill, which gives the Scottish Government power to make regulations for early release of groups of prisoners in an emergency situation, such as the spread of a harmful infection in prison. The committee concluded that it was not persuaded of the need to enshrine that as an emergency power. That is a very valid point. Those powers might well be needed, but they should be applied for as emergency powers only at the time that they are required.

A number of concerns have been raised about the bill, particularly over victim safeguards. Given that and the need to put public safety first, I entirely support the decision of members on the Conservative benches to vote against the general principles at decision time.

15:49

Collette Stevenson (East Kilbride) (SNP): I am grateful to the cabinet secretary for bringing this stage 1 debate to Parliament today. As others in the chamber have done, I thank the witnesses who have come to the Criminal Justice Committee to give evidence, and I thank my colleagues and clerks on the committee for the work that they have done alongside me.

The Scottish Government's overarching aims for the justice system are to improve public safety, support victims and reduce rates of victimisation. The Bail and Release from Custody (Scotland) Bill is an important step in the Scottish Government's transformation of the justice system and in its commitment to refocus how imprisonment is used.

Scotland has a high remand population; the committee has heard from witnesses the concern that almost a third of people in prison are on remand. In response to that concern and to calls for action on the matter, the bill is intended to change how bail law operates so that people who do not pose a risk of serious harm are managed safely in the community.

The bill recognises that prison will always be necessary for the most serious cases, but we need to look again at how custody is used. History

shows us that legislative intervention is needed to address the issue and, as the cabinet secretary highlighted, the primary purpose of the bill is not to reduce prison numbers but to ensure that

"the people who need to be held in custody are held in custody."

A decision on bail is for the independent courts to take in every case, but the bill aims to refocus how remand is used through changes to the legal framework.

The committee deliberated on electronically monitored bail. By considering time that is spent being the subject of an electronically monitored curfew condition against the duration of a custodial sentence, the courts ensure consistency and fairness across sentencing.

Jamie Greene: Collette Stevenson will have noted that the summary of the discussion by the committee was that, although that might be a welcome element in sentencing, there should not be a formula when it comes to judges' decision making, and the decision should be left solely to the discretion of judges. That is the right place to leave that power.

Collette Stevenson: I whole-heartedly agree. There was also some discussion about the formula that is currently used. I agree with Jamie Greene about decisions being left to the discretion of judges and sheriffs.

The use of monitored remand has implications for the victims of crime, so I support the committee's view, while agreeing with the proposal in principle, that the courts should be given a degree of discretion with regard to adjustments of sentences, as I have just pointed out to Jamie Greene.

An important part of the justice system is to ensure rehabilitation and reintegration of people who are leaving prison, in order to help them to resettle in their communities, so the bill aims to give that greater focus. The committee welcomes proposals to ensure that people are not released from prison on Fridays or bank holidays, for example. If the bill is passed, that will ensure that prisoners have appropriate access to support services that operate through the working week. That will improve risk management of and support for people who are vulnerable to reoffending.

In addition, I support the committee's calls for the Scottish Government to publish minimum national standards in throughcare support, alongside implementation of effective co-ordinated personal release planning across the Scottish Prison Service, the wider public sector and the third sector.

The Bail and Release from Custody (Scotland) Bill is an important step in transforming the justice

sector. It will ensure a fairer and more effective remand process in Scotland, and it will help with rehabilitation and reintegration of people who are leaving prison. Importantly, that will help to reduce reoffending so that there are fewer victims of crime.

I agree with the bill's aims, and I hope that members will support its general principles today.

15:53

Carol Mochan (South Scotland) (Lab): I, too, thank the committee for its work on the bill. I have never been on the Criminal Justice Committee, so I have found it interesting to take part in this debate.

It is interesting that, on reading the bill at stage 1, it looks like something that people could easily support. However, research shows that the bill has a lot of words and that there needs to be clarity around many of the issues, including resourcing, which the committee's report talks about. I hope to draw out those points as I go through my speech.

As we have heard from other speakers today, Scotland has the highest remand rate in the entirety of Europe. Yet, based on what we can see at stage 1, there is nothing in the bill that directly addresses that fact. That is a problem.

I have a genuine concern that the Government has not adequately engaged on the matters that experts in the field raised during the committee stage 1 process. It seems to me that the Government does not understand that the best practice in many of the proposals in the bill is already incorporated, but resourcing is a major issue.

It was also interesting to me when a colleague brought it to my attention that many of the recommendations that were made in 2018 by the Justice Committee in the previous parliamentary session have not been realised. That point has been raised in interventions during this debate, as well.

What is required, as is so often the case, is increased financial support for the justice system, rather than piecemeal reform that satisfies no one. The cabinet secretary said that throughcare is not consistent. In my view, throughcare is not resourced. We need honesty around that.

We have a bill that, at stage 1, does not make it clear how it will address the issues that have been outlined by the Criminal Justice Committee and by people in the legal profession, in policing and in victim support organisations in the third sector. That point has been made by a number of members in the debate.

The bill does not provide the necessary funding, and the Government does not even acknowledge the funding that is necessary, although the committee obviously does.

There is clearly a need for reform, based on what experts have told us, but the proposals that are set out in the bill seem to have very unclear statistical data to support the conclusions. I accept that—as others have mentioned—it appears to be hard to come by data on how many people are on remand, and more so in respect of data on who they are, why they are on remand and how that came about. We have had acknowledgment that even the previous committee found such data difficult to find. However, I am keen to see there being greater emphasis on data to justify why the reforms are required to be in the bill, rather than their being addressed through non-legislative measures. Policy is better made when we truly understand matters, so that has been a frequent criticism of the bill.

Beyond that, it is completely unclear whether the bill will reduce the remand population, although surely that should be the key aim. We have all said that remand numbers are far too high. If the bill will not reduce remand numbers, it is difficult to justify to the public why the legislation is necessary. We have to provide measures with which we can assess whether the proposed policies work. Otherwise, the public will be quite right to question what we are doing.

As drafted, the bill would add a significant layer of bureaucracy, but Scottish Labour and others are not convinced that it would improve the situation, which is ultimately what we want to do, by addressing backlogs in remand and addressing the concerns of victims.

We know that half the people who are on remand do not end up with custodial sentences, but there is little in the bill to actively address that. The new bail test is focused on public safety, but as someone who is not on the Criminal Justice Committee, I say that it is poorly designed and will lead only to confusion and inconsistency. The lack of precision will have real-life consequences for a great many people. The lack of precision around the definition of "public safety" will have great consequences—not least for victims of crime, who are, as we know, so often failed by the justice system.

Audrey Nicoll: On the definition of "public safety", I agree that most, or probably all, members of the committee scrutinised that issue. I just point out that my recollection of evidence from witnesses was that there is a desire for guidance on what "public safety" means, but there was no specific request for a definition. That is perhaps because people understand that a definition can almost make things more difficult.

Carol Mochan: Obviously, I defer to Audrey Nicoll's understanding of the bill and her experience in the matter but, looking in, it appears to me that it will be confusing if that definition is not made clearer. Sometimes, as lawmakers, we have to stand up and be counted and actually define what we mean by things. If the public and law officers do not have confidence in what we define as public safety, it will definitely be unclear in going through the processes that will happen out there in the world, which will have a knock-on effect on the whole system.

With regard to removal of bail restrictions, we are in the unusual situation in which it is unclear whether that reform will make it easier for people who are accused of serial sexual offences—others have mentioned that—and domestic abuse to be out on bail. Reform must satisfy the victims of crime and the organisations that represent them; however, we have heard that there are concerns in that respect.

As I have said many times in the chamber, if we are to tackle the important work of legislating for this country, we must do it seriously and effectively. I have serious doubts about the bill, at this stage. Bad legislation is not good governance so, with my Labour Party colleagues, I think that there is a lot of work to be done on the bill before it can become legislation.

16:01

Rona Mackay (Strathkelvin and Bearsden) (SNP): Around 7,300 people are imprisoned in Scotland every year. Scotland's incarceration rate per 100,000 of population is 135, compared with 66 in the Netherlands. We have one of the highest rates of remand compared with other countries in the UK or the European Union, so it is clear that we are locking up and remanding too many people, as everyone in the chamber agreed about 18 months ago, and it is essential that new practice happens if our justice system is to progress.

As we have heard, the bill has not been straightforward and I, too, thank the many witnesses who gave evidence to the committee. I also thank the clerks, the bill team and SPICe for their customary excellent support and advice.

Remand must be a last resort, and a much greater focus on prevention, reintegration and rehabilitation is the way forward, which is why I fully support the aims of the bill.

Katy Clark: Like me, Rona Mackay is a member of the Criminal Justice Committee, where we have grappled with the bill over many weeks. Does she think that it is more likely that somebody who is charged with a violent offence will get bail in the future, if the bill was to go through?

Rona Mackay: I do not believe so. I think that very high risk-assessment standards will be kept. I will discuss the issue of section 23D of the 1995 act later in my speech, but my answer to the question is that I do not think so.

On the discussion on data and why remand levels are so high, I think that Professor Fergus McNeill and His Majesty's chief inspector of prisons, Wendy Sinclair-Gieben, were correct when they said that the lack of data makes it incredibly difficult to analyse and draw conclusions on that. I think that we are all in agreement with that.

Section 1 calls for input from justice social work in relation to pre-trial bail decisions. The circumstances surrounding each person being considered for release are always different, and every decision should be taken with the maximum amount of information being made available to assist it.

Howard League Scotland said in evidence that, in too many cases, particularly those involving women, people are remanded due to a lack of criminal justice social work reports. As convener of the cross-party group on women, families and justice, I find that very concerning. Earlier this month, I led a members' business debate to highlight the excellent report from Families Outside, "Paying the Price: The Cost to Families of Imprisonment and Release", which illustrates just how much imprisonment wrecks families and affects children. I agree with David Mackie of the Howard League when he says that there is merit in the bill making specific reference to the rights of children. I hope that the cabinet secretary will address that in closing.

Section 2 makes changes to prisoner release arrangements and provision of support on throughcare. My colleagues have outlined those already, so I will not repeat them.

I will focus the rest of my contribution on section 3, which would repeal section 23D of the 1995 act and so remove existing restrictions on granting bail in solemn procedures to allow the courts to apply the tests used in other cases. The evidence that we heard from the majority of witnesses and almost all the legal professionals was in favour of the removal of those restrictions. However, Scottish Women's Aid and Victim Support Scotland have concerns about the implications for domestic abuse offenders, and I do, too.

Due to the unique nature of domestic abuse and gender-based violence, perpetrators continue to present some degree of risk to women, children and young people for long periods following their involvement in the criminal justice system, which must be taken into account when determining their suitability for release. That is a matter of individual

risk, not public safety risk, and should be dealt with as such. Given women's experiences of their abusers being given bail, women need as much protection as the law can afford them.

Victim Support Scotland believes that the restriction currently contained in section 23D was inserted to emphasise the seriousness of the risks associated with cases involving violence against women and girls. Although the committee heard assurances from witnesses that the removal of section 23D would not mean more risk to women, I hope that the cabinet secretary will address how important it is that women are reassured that the bill will not impact them. Women must have confidence that the justice system will protect them.

In a similar vein, and because of the—perhaps unlikely—possibility that the emergency release of prisoners might become necessary for some reason, I believe that the restrictions in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 regarding domestic abusers should remain in place, and I intend to speak to the Scottish Government about lodging an amendment in that regard.

The bill is clearly a complex one and not without issues. Katy Clark described the bill as a missed opportunity. I would suggest that it would be a missed opportunity if Labour did not agree to the general principles of a bill that will change the culture of imprisonment and remand, as we desperately need to do.

I urge members to support the general principles of the bill, despite the differences on detail that can be worked out at later stages. We must change the culture of remand and custody in our justice system, and prison must always be a last resort.

The Presiding Officer (Alison Johnstone): Members may wish to be aware that we have a little time in hand this afternoon.

16:06

Maggie Chapman (North East Scotland) (Green): I welcome the bill and thank the cabinet secretary for the open and frank discussions that we have had about its provisions and for the sensitivity that he has shown in responding to issues that were raised by members of the public and the Criminal Justice Committee.

I am acutely aware of the concerns of organisations representing victims and survivors, especially of sexual violence and domestic abuse. I refer members to my entry in the register of members' interests and to my experience in organisations supporting those who have experienced rape and sexual assault. It is vital not

only that the specific safety needs of such survivors are made clear in the bill but that all necessary frameworks of support, protection and information—including for children—are in place and are properly funded and freely accessible. Survivors need the whole system to work for them, and the incarceration of offenders is only a part of the justice, care, recognition and respect that they so greatly deserve.

One tragedy of our society is that the effects of violence and abuse upon women do not always lead to their being recognised as victims or survivors. In fact, they often lead to situations in which the women themselves are charged with criminal offences. There is a real danger that we, in our relative comfort and privilege, will view perpetrators and victims of crime as binary categories and will imagine a bright line between those who are prosecuted and those whom we seek to protect. It is truly shocking that, for many women, prison is seen as the safest place to be.

For the sake of those women and of us all, we cannot and must not forget the fundamental principle that each accused person is entitled to a presumption of innocence, unless and until they are proved guilty. That is why bail is a right, not a privilege. So, when situations arise in which bail must be refused, it is only right, as the bill provides, that written reasons should be given by the court. If a person who has not been convicted of any crime is to be denied their liberty, they should have the right to know why that is and to have that information communicated in ways that they can understand and properly consider, not just hear briefly amid the confusion and emotion of a hearing.

Jamie Greene: I have watched many such hearings. Judges always give clear and valid reasons for their decisions, which would also be put in writing if the decision were appealed. Their concern is that cases might be delayed if absolutely everything that is said in court has to be transcribed. We know already how expensive that is.

Maggie Chapman: I thank the member for that intervention. It is important to understand that not everybody will share the same level of understanding or access to that information at a time when emotions are running high. The context of the hearing is perhaps not the most conducive to people understanding that information.

The bill is not about prison numbers or statistics; it is about people—not always, but very often those who are the most disadvantaged and vulnerable, the poorest and the most excluded. We know that, as is illustrated by the scandal of deaths related to drug use, Scotland is a deeply traumatised society in which many have experienced childhoods of loss and deprivation

and have never known emotional availability, a sense of control without risk taking, or stillness that does not reawaken trauma.

To our collective shame, that trauma is both exacerbated and newly created by experiences of the criminal justice system, and by prison in particular. There is a reason why we have to talk so much about reintegration, for incarceration is itself a process of disintegration, and that disintegration, that trauma and those losses are inflicted not just on the imprisoned person but on those who love and depend on them.

Locking people up is not a risk-free option. It accumulates risk for the future—for the person, their family, their community and wider society. We are taking people who need care and punishing them for that need. It is no surprise that, for many, the pressure is unbearable.

I hope that the bill can be part of a wider move away from incarceration as our default solution to social harm, away from the idea that it is only through imprisonment that society can express disapproval, and away from the toxic language of “monsters”, “thugs” and “scum”. We know that some of the most serious harms—social and environmental harms that are perpetrated by the crimes of the powerful—are often met with quite a different response.

Prison, like war, is an easy-sounding so-called solution that merely avoids dealing with the real causes of harm. We know what those causes are—inequality, misogyny and poverty—and we know much about how to address them and what works. We know that much more is required in many ways, not least in terms of time, staff and resources for our public and third sector agencies.

In implementing the law in the bill, we will need to use the best tools that are available, including bail conditions with real support when and where it is needed and, where it is truly necessary, electronic monitoring as a last alternative before custody, for such monitoring is essentially punitive. It is a fundamental interference by the state with the liberty of an unconvicted person. It must not be used simply because it is there.

There is much to be done within and outside criminal justice to transform a system that is currently failing everyone: victims, survivors, perpetrators and the public. People who are leaving prison need to be able to access basic services: healthcare, social security and, most fundamental of all, appropriate housing. The vital provisions in the bill, such as the ending of Friday releases, must be part of a wider and deeper framework of support.

We need credible non-custodial responses to crime, including more restorative and community justice, because prison is not a place of safety, not

a place of recovery and not a place of rehabilitation.

For those who are already in the prison system, we need support, therapeutic communities, and humane and healing places to live and thrive—places such as the new Bella centre in Dundee. We need the bill, supported by frameworks of resource, co-operation and protection, as part of the transformational change that Scotland deserves.

16:13

Jeremy Balfour (Lothian) (Con): I, too, thank the Criminal Justice Committee for its report, which outlines the situation very clearly.

Justice is a cornerstone of our society. Ensuring the safety of citizens is the most fundamental role of Government. That duty should not be taken lightly, and it should not be an area of compromise. We must do everything that we can to ensure that everyone is as safe as possible, putting the victims of crime at the centre of any and all policy. We need to be firm and thorough, and we must ensure that justice is carried out. On that basis, I have strong reservations about the bill as presented to the Parliament. In many places, it seems to put the feelings of criminals above the safety and security of our communities. It also seems to represent something of a power grab by the Scottish ministers. I will take those themes in turn.

The stage 1 report identified a gap in the law when it comes to the inability of the Parole Board for Scotland to reverse a recommendation of release on licence for a prisoner if the offender has breached their release conditions. That is simply unacceptable. Parole officers must have the ability to react to behaviour and information on a case as it presents itself, and they must not be tied to something that was decided beforehand. That can—and will, inevitably—lead to criminals being wrongly released back into the public. I hope that that loophole will be fixed before the final version of the bill is voted on at stage 3.

Another subject that was brought up in the stage 1 report was the fact that the committee was “not wholly persuaded” of a need for Scottish ministers to have the power to release prisoners early. I will go even further than the committee: I am wholly persuaded that there is no need for ministers to have such a power. During the pandemic, there was a case to be made that the Government needed to make decisions of such a kind quickly, in response to a rapidly evolving public health landscape. However, now that we are past that time, I do not understand why we need to extend that power.

Keith Brown: If it is wholly unacceptable for the Scottish Government to have the power of emergency release, why would it be justifiable for other Governments, such as the UK Government, to have such a power?

Jeremy Balfour: I am here to represent the people of Lothian. I have been elected to the Scottish Parliament. I want to see the best legislation here, for Scotland, and, in my view, it is not acceptable to have such a power.

Is it the case that ministers do not trust parole boards or our justice system more broadly to make decisions in line with the best interests of the general public, victims and even prisoners themselves? The process does not need to be in the hands of political actors. It should be controlled by those who are on the ground every day. Again, I hope that the Parliament can amend that aspect of the bill in the coming sessions.

Finally, Presiding Officer, I come to what I hope can be a point of agreement across the chamber. In 2015, Nicola Sturgeon said that she would end the soft-touch practice of automatic early release:

“Our objective remains to end the policy of automatic early release completely as soon as we are able to.”—*[Official Report, 2 April 2015; c 19.]*

We welcomed that commitment, as it represented a move away from a soft-touch system. Call me crazy, but I believe that, if a sentence is passed, it should be served. It is a strange world in which four years really means two. As I said, we welcomed that commitment from the First Minister. However, eight years on, the practice is still happening in Scotland. That looks very much like another broken SNP promise.

We want to give the Government an opportunity to rectify that. The bill is a perfect opportunity for it to follow through on its promise by ending automatic early release once and for all. I would be interested in hearing the cabinet secretary respond to that in his closing statement.

To conclude, there is potential to do good with the bill, but, because of the misgivings that I have outlined on ministerial overreach and the gap in the law that was identified in the stage 1 report, I will not vote for the bill today. If it goes ahead, I hope that we can work to improve it, and I look forward to playing my part.

16:19

Daniel Johnson (Edinburgh Southern) (Lab): I feel the need to begin by pointing out to Jeremy Balfour that it was Conservative ministers in the 1990s who introduced automatic early release. We need to look at how that works, and we need sentencing that is clear. However, if we are to

raise the issue, we need at least a little bit of acknowledgement of where it came from.

Indeed, we need to use this debate to face up to some stark realities. In a sense, we already have. Although we would all like to think that Scotland is a progressive country and that we tend to do things in a progressive way, when we look at our prisons and our prison statistics, we quite quickly get disabused of that.

As other members have pointed out, we imprison more of our population and use remand more than not only other European countries but the rest of the United Kingdom. Let us be very clear that that has been a long and sustained position. The data over the past 20 years has shown that the use of remand as a proportion of the total prison population has been around twice that in other UK jurisdictions. We need to ask ourselves why.

If we are looking at remand and release, we need to ask ourselves questions. With remand, we need to ask ourselves why we are doing it—and we do not have explanations. Why do we not have the data? Looking at the impact is critical. If there is one element that has not been looked at, it is what happens to people when they are on remand. It is about not only its use but the fact that, when people are on remand, they do not have access to purposeful activity. We are very often taking people who are charged with a lesser crime, putting them in prison with nothing to do and without the access to healthcare that sentenced prisoners often get, and putting them into contact with people who have committed much more serious crimes. What do we expect to happen?

The final question that we need to ask ourselves is about the purpose of remand. Ultimately, we need to acknowledge that sometimes we will need to put people in prison and use remand. However, the simple fact is this: only about half of the people accused of summary crimes end up with custodial sentences. We have already heard about the higher proportion of women than men in the remand population. For women, 70 per cent end up with non-custodial sentences. That is shocking. Until we adequately probe the reasons why we are using remand at the levels that we are, we will not make progress.

Likewise, we need to look at the critical elements in relation to release. Ultimately, it is the manner of prisoners' release that will determine whether they go on to commit crime in the future. It is about their access to health and housing and their on-going means of support. I therefore welcome some of the proposals, but I worry that the bill runs the risk that many previous justice bills from this Government have encountered in that it is heavy on gesture and changing definitions but

light on resource and systemic and structural change. That is where the bill goes wrong.

On bail, it is good that the bill will require recording of reasons. Although reasons are given in court, they are not centrally recorded—that was a critical part of the report that the Justice Committee in the previous Parliament looked at. There is no good reason for that. We found that many courts are using forms to record those reasons but that they are simply not centrally collated. That will be a positive step, as will the ending of Friday release.

As for the requirements in relation to social work, what is proposed is largely already happening. The problem is not that courts are not seeking that information—assessments of risk and background information on prisoners—but that those social work functions are not adequately functioning. The bill will not correct that.

Likewise, on the public safety test, when we spoke to sheriffs, when we undertook our inquiry in the previous Parliament, it was not that they were not applying it—they clearly were. Indeed, I would argue that one of the criteria in sections 23B and 23C of the Criminal Procedure (Scotland) Act 1995—whether a person will go on to commit crime while on bail—is about public safety. Those who know Fred Mackintosh KC's political background may imagine that it is not often that I agree with him. However, he said that, if it is intended to be a change, it needs more detail; if it is not, it is pointless. I agree with him on that point, and I agree with the Lord President in questioning whether the bill will make any practical difference.

On release, again, it is good that there are plans. However, we critically need resource and minimum standards. In the previous Parliament, during the passage of the bill that is now the Management of Offenders (Scotland) Act 2019, I lodged amendments that would have required registration with a general practitioner, access to housing, access to proof of identity and access to means of support, whether through benefits or through applying for jobs. We need those sorts of guarantees and commitments in law. Without resource or those commitments, I fear that, although the guidance might address some things, prisoners will neither understand what they should expect nor be able to claim it and, frankly, we will make no practical progress in addressing those issues. If prisoners do not have the means to support themselves outside prison and if they do not have access to a GP, they will go on to commit crime again.

Where the bill really fails is in its failure to establish adequate alternatives to bail. In the Justice Committee's inquiry in the previous parliamentary session, the clear message that we received from sentencers was that they use

remand only as a last resort and that the absence of clear, credible and trustworthy alternatives to remand is the fundamental impediment to their using them. That is what the bill needed to put in place but does not, and it is why I will join my Labour colleagues in abstaining, at the moment, in the vote on the general principles of the bill because we cannot support them.

Ultimately, we need an effective justice system. The terms “hard justice” and “soft justice” are nonsense. We need things that work, so we need practical solutions and the resources that will enable the solutions to work.

16:25

Jackie Dunbar (Aberdeen Donside) (SNP): I am pleased to take part in this stage 1 debate, and I thank everyone who has been involved in the scrutiny of the bill and the production of the report. I have not been part of the bill process but, like Liam McArthur, I have read and digested the report as much as possible.

Justice policy, and indeed how we treat people in custody, is a hallmark of our society. The Scottish Government has a proven track record of bringing about progressive change to Scotland's justice system to ensure that it focuses on rehabilitation and improving the life chances of those who end up in the prison estate and that it has human rights at its centre.

The bill is the next step in that journey. It will ensure that the justice system is able to respond to increasing demand and that folk are not placed in the custodial estate unnecessarily, with all the disruption that that causes, as we have already heard.

The bill will make a big difference to the lives of folk who are affected by imprisonment, many of whom have adverse life experiences, and it will help to reduce reoffending, leading to fewer victims in the future. Many folk who are in contact with the criminal justice system have already experienced severe and multiple disadvantages, including homelessness, substance misuse, mental ill health and domestic violence or abuse. Individuals from the 10 per cent most deprived areas are overrepresented in prison arrivals by a factor of three, and that finding has been consistent across the past 10 years. Care-experienced folk are also disproportionately represented in the prison population. Around a quarter of the prison population in Scotland reports being in care as a child, and that proportion rises to just under half the prison population when we look specifically at young folk who are in custody.

Emma Harper (South Scotland) (SNP): Listening to the debate today has made me think about a local case that I have been working on

that involves a young person who is on remand. They could be on remand for up to 140 days, yet young people are not allowed access to any activities such as prison work or learning. Does Jackie Dunbar agree that the bill might enable some changes to be made to the current remand system so that young folk might be allowed access to certain activities while on remand?

Jackie Dunbar: I absolutely agree with Emma Harper. Young folk on remand should be allowed access to the activities that the general prison population of young people have access to. I would welcome the cabinet secretary's comments on whether he agrees with us, which he might provide in his summing up—or perhaps the minister will sum up.

Scotland is a modern and progressive society. The Scottish Government's overarching aim for the justice system in Scotland is to improve public safety, support victims and reduce victimisation rates. Evidence shows that that is best achieved by reducing crime, reducing reoffending and having fewer folk experiencing crime.

Keeping our communities safe and protecting victims must remain a priority for us all. However, we must also recognise the severe and multiple deprivation that is experienced by many folk who encounter the criminal justice system, and the damaging impact that imprisonment can have on individuals, their families and their wider communities. We must have smart, compassionate justice that emphasises the need to protect victims, ensures public safety and gives people who have offended the support that they need to make different choices in their lives so that they can make a positive contribution to their and our communities.

Too often, folk cycle back into the criminal justice system and into prison because they cannot access the support that they sorely need in the community. Collectively, we can do better, which is why the bill includes a focus on the support that is provided to folk who leave prison so that they do not reoffend.

I welcome the fact that the bill is aimed at making a real difference to the lives of individuals who are affected by imprisonment, many of whom have adverse life experiences. I particularly welcome the fact that the Scottish Government is funding trauma specialists to develop a framework for training staff to create a more trauma-informed and trauma-responsive justice system.

The new vision for justice recognises the prevalence of trauma and endorses a more person-centred and trauma-informed justice system. The Scottish Government has commissioned NHS Education for Scotland to create a knowledge and skills framework

specifically to support a trauma-informed workforce in the justice sector. Victims must play a more prominent role in cases, experience fewer delays and be supported in their recovery. I ask for a commitment that that will be a central tenet of the bill, because we must keep that objective in focus.

The bill will improve Scotland's justice system and will enable us to continue our journey to Scotland being a more progressive and caring nation. I support the Government's motion.

The Presiding Officer: We are in a position to be generous to the closing speakers. An extra minute or two can certainly be accommodated.

I call Pauline McNeill.

16:32

Pauline McNeill (Glasgow) (Lab): Thank you, Presiding Officer. Jamie Greene is worried.

I begin by agreeing with Jamie Greene—I think that the committee's report on the bill is a very considered report. I will be honest: the nature of the bill is such that it was a highly technical and difficult report to produce. There needs to be further discussion, not about what we all agree on but about how the bill could actually work. I want to say a bit about that.

To a person, we are agreed that Scotland's remand population is extraordinarily high—it is the highest in Europe—but we do not even know why that is. We have some clues but, overall, we do not know why that is the case, and that is concerning.

We know that half of those people who are remanded in custody will not be found guilty. I find that figure disturbing. If they go on to not get a custodial sentence, we do not know why they were remanded in the first place. It is a big problem to solve. It is probably one of the most important issues in criminal justice policy to try to bring a resolution to. While people are on remand awaiting trial, as well as losing their liberty, they can lose their homes, access to their children and their jobs. Another member talked about the impact of the delays, particularly during Covid, and the extended number of days for which people can remain on remand, until the courts are brought back on to a proper timescale. That is extremely damaging.

There is a lot that we all agree on. The question is whether the bill in front of us, in its current form, would do much to change the culture that we are talking about. More important—I want to talk about this at length—is whether it provides the clarity that we require so that all of us, regardless of whether we agree or disagree with the provisions

or aspects of them, understand what it is intended to do. That is one of my primary concerns.

The bill seeks to introduce a number of reforms to refocus how imprisonment is used. As has been said—Liam McArthur made this point really well—we have not got to the bottom of why the remand population is so high. That question is one that stumps leading figures across the justice sector. David Abernethy, the governor of HMP Edinburgh, said that it was a “mystery” to him why Scotland has such a high rate of remand. What is indisputable is that we need more data in order to understand the remand population as a whole. The only data that we have is around age and gender, so we need to do better on that.

One thing that is apparent to me—and to Fulton MacGregor, who talked about it today, and did so in the committee, too—is that there is obviously a need to strike a balance as to who we want to remand in custody, who we will let out on bail and who we want to be subject to bail supervision. When the members of the committee visited Glasgow sheriff court, we saw that sheriffs use the supervised bail conditions. That is a partial answer—actually, quite a big part of the answer—to the issue that we face, and I would like to have more discussion with the Government on the use of that option.

I want to focus my speech on my concerns about part 1 of the bill. From the outset, I have said that I have found these issues difficult to get my head around, so, although I have spent some time looking at them, I am happy to be corrected on any point of detail.

The focus of the bill is to limit the use of custody to those who pose a risk to public safety or to cases in which it is necessary to prevent a significant risk of prejudice to the interests of justice. There are clearly benefits to reducing the damaging effects of short-term detention, which we have talked about, but it is important to note that, according to the Government, the bill would still allow for remand in any case in the interests of public safety, including the protection of the victim. Further, any substantial risk that the person might abscond or commit further offences is to be included in the consideration. However, beyond that, there is quite a bit of concern about the detail of the way in which those provisions have been drafted.

The situation with regard to section 23D(3A)(c) of the Criminal Procedure (Scotland) Act 1995, which relates to domestic abuse offences, was not made clear to the committee—it was not clear to me, certainly. Only because we scrutinised the Domestic Abuse (Scotland) Act 2018 last week do we know that that section was put into the 1995 act just five years ago. I would have preferred it if it had been brought to our attention that something

that was put into legislation only five years ago will be removed with the removal of section 23D of the 1995 act. At this stage, I am not for or against the removal; I am just pointing that out.

The Faculty of Advocates, the Law Society and others do not believe that a one-size-fits-all approach is appropriate, so they are quite content with the removal of that section, but victims organisations have concerns. I make a plea to the cabinet secretary for much more detailed discussion before we get to the later stages of the bill. If the Government is to proceed with the proposal, it must reassure victims organisations that there are provisions in the bill that can be used to deliver the outcomes that they want. At the moment, there is either disagreement or a lack of understanding about that point.

In my last few minutes, I want to talk about Lord Carloway’s letter, which has been quoted already by Katy Clark and others. Lord Carloway said to the Government that

“What is proposed in the Bill constitutes a highly structured and prescriptive staged approach.”

He also said that the proposed amendment to section 23B of the 1995 act

“introduces an unnecessary, cumbersome and artificial process.”

In the committee, we had an exchange about whether the issue should be dealt with through the provision of a definition or through guidance. However, what is confusing is that, in the extremely long transcript of the response from the senators of the College of Justice, which is attached to the letter from Lord Carloway to the Government, the judges say:

“If the concept of public safety is to mean, for example, the protection of the public from any offending behaviour, then the outcome regarding remand in custody may be little different from at present. If, on the other hand, it is to be understood as referring to safety in the ordinary sense (ie freedom from injury, danger or risk) then many offenders who appear in the summary courts charged with crimes of dishonesty or public disorder, and who pose a substantial risk of continuing to offend whilst awaiting trial, will require to be released on bail.

It is therefore clear that the proposal, depending on how exactly the concept of public safety is to be defined, has the potential to constitute a substantial narrowing of the court’s power to remand in custody.”

Judges are against the narrowing of those powers but, clearly, they are saying to the Government that, given the way in which the legislation is drafted, they cannot be sure what the Government is getting at, as it depends on how public safety is defined or what is said about it in guidance. They also say that they are not persuaded that there is any justification for further limiting the powers of the courts.

There also seems to be some clarity required on the question of whether someone who fails to appear can be remanded in custody. It appears not. Some of the examples that the judges give in their lengthy discussion touch on what they would do if there was a continued failure to appear. Under summary proceedings, but not solemn proceedings, a trial can proceed without the accused person being present, but that is not desirable. The judges say:

“Apart from anything else, the current proposal removes the court’s power to remand an accused in custody if he poses a flight risk.”

I appreciate that these are things that could be addressed in stage 2.

In respect of non-appearance, the judges say that there are certainly cases where the current law would oblige the court to grant bail.

There are 15 pages of that—I assure members that I will not go through all of them. Suffice to say that it needs to be addressed. It concerns me that the judiciary are not clear about what the provisions are expected to do, and it gives me some nerves that victims organisations—I am not saying that they are accurate in what they are saying—are nervous about the removal of some provisions.

Thank you for the additional time, Presiding Officer, because I really needed it.

In conclusion, we will abstain in the vote, but we are leaving the door open for further discussion at stage 2. We want to do something good, but we want legislation that is effective and whose intentions are understood by everyone.

16:40

Russell Findlay (West Scotland) (Con): In the nine months since the bill was introduced to Parliament, the Criminal Justice Committee has consumed many thousands of words, written and spoken. There has been lengthy and often conflicting testimony from 26 witnesses, and there have been 32 published responses and 13 letters. Ten days ago, we published our 50-page stage 1 report. I thank the clerks, who do so much hard graft, which is often unseen.

Despite that vast volume of material, the committee has often struggled to get specific information that we needed and straight answers to our questions. Like others, I have found that incredibly frustrating. As MSPs, we are required to analyse, assess and stress test legislation, but we are restricted in getting basic facts.

In our stage 1 report, every single committee member—including SNP members—stated:

“we have faced challenges in obtaining accurate and clear information on the reasons for remand and the characteristics of Scotland’s remand population.”

What kind of way is that to legislate?

We have been here before with flawed and rushed legislation. However, putting aside my wider concerns about how the Parliament functions, I have serious worries about the bill, which are far too many to cover in my few minutes today.

One concern is about sentencing in relation to time spent on bail while subject to electronic monitoring. The bill says that two days of electronically monitored bail will be the equivalent of one day already served. That means that judges would be expected to deduct that bail time from whatever sentence they impose. That is quite different from the existing practice of judges in taking into account time served on remand when sentencing. Once the law says that the time in which a person sits in the comfort of their own home with an electronic tag on their ankle is the same as jail time, what might happen? I believe that every criminal in Scotland will find reasons to delay their trial, knowing that every two days in the house counts for one day off any eventual jail time. Churn already blights our courts—that change may fuel it. It risks worsening the chronic court backlogs. I believe that it will also further betray victims and erode public trust in what is often smoke-and-mirrors sentencing and what that actually means.

Many other valid points have already been articulated by my colleagues Jeremy Balfour and Donald Cameron. Jamie Greene spoke about the concerns of victims groups and the judiciary. Those who represent front-line police officers say that the bill would be

“unwelcomed by communities plagued by repeat offenders”.

I will address a contribution from a key supporter of the bill. The penal reform charity the Howard League Scotland has said that the bill is

“an opportunity to challenge the entrenched practices of some members of the judiciary who appear to accept the Crown’s opposition to bail applications too readily”.

It added:

“We would suggest that significant cultural change—particularly amongst some parts of the Crown and judiciary—will be required for these changes to take effect”.

I asked the Howard League Scotland representative to expand on that. It turned out that he was, in fact, as a part-time sheriff, a member of Scotland’s judiciary. However, to be frank, I am still no clearer about what was meant. The suggestion seems to be that m’learned friends are some sort of out-of-touch, regressive dinosaurs,

even if those who believe that are unwilling or unable to offer any evidence to back it up.

The same witness also used a phrase that I think goes to the nub of what this bill is really about: “risk appetite”. Radical changes to bail and a reduction in imprisonment will come at a likely cost to communities, which is more crime, more victims and more misery. Do the people of Scotland share that risk appetite? I do not think that they do and I do not think that they should.

That brings me on to the issue of cost, which was described by one witness as

“an elephant in the room”.—[*Official Report, Criminal Justice Committee*, 14 December 2022; c 6.]

Stretched criminal justice social workers will be burdened with even more work. The bill’s financial memorandum can be summarised as saying, in effect, “Don’t worry, it won’t cost much,” yet witnesses warn that the Government has significantly underestimated the costs. COSLA calls for a “detailed financial assessment” of the impact on councils before the bill is enacted. Daniel Johnson made those points about cost very well.

We do not even know whether criminal justice social work will form part of the proposed new national care service. Kevin Stewart admitted to the committee that he is spending £80,000 of taxpayers’ money on a private contractor to answer that question and, depending on who the SNP members decide will be the next First Minister, there might not even be an NCS.

There are many more concerns, which are for another day. However, to conclude, we do not have the information that we need; we do not know the intended purpose of the bill; we do not know what problems it seems to be trying to fix; and, whatever those problems are, we do not know how they can be quantified or fixed. Some people say that the bill is game changing; others say that it will change nothing. Some say that it will help to ease the court backlog; some say that it will make it even worse. We do not know how much it might end up costing taxpayers. This Government likes to talk about what it calls “smart justice” but there is absolutely nothing smart about this half-baked approach to law-making. Social experimentation, flying blind, tinkering—call it what you want—it speaks to a Government that is out of ideas and out of touch.

I note that Labour will abstain today, despite one of its two committee members opposing the general principles of the bill. Our party cannot support the bill but we commit to working constructively to improve it.

The Presiding Officer: I call Keith Brown to wind up. You have around 10 minutes, cabinet secretary.

16:47

Keith Brown: Thank you, Presiding Officer, and, honestly, thank you to everyone who has spoken today. I welcome the support that has been expressed for the bill’s key aim of refocusing how we use imprisonment in Scotland. I also express my thanks again to the Criminal Justice Committee, the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee for their consideration of the bill and to all those who have contributed as witnesses.

I will turn first to the points that have been raised during the debate. I regret that we will not have the support of the Conservative Party, although I have to say that it was my expectation that we would not have its support. I predict that we will not have its support for any proposal that we make to progress justice in Scotland during this session of Parliament. Any proposal will be opposed regardless of, for example, the fact that in this case we all agreed on the need to try to tackle the remand issue just over a year or so ago. However, that seems to have gone by the board.

If people need any evidence of the futility of trying to work with the Conservatives, they can listen to the speech that has just been made, which was, essentially, the single transferable speech that we get from Russell Findlay every time he gets to his feet. It was a tabloid-type tirade—just look at some of the words. He said that the bill would result in more crime and more victims and more misery—that was his considered response to the proposal that we are making here.

Russell Findlay: Does the cabinet secretary agree with Victim Support Scotland, whose evidence was indeed that the bill would lead to more crime in our communities?

Keith Brown: The member mentioned a number of witnesses during his speech, many of whom had different points of view from other witnesses, even within the judiciary. Different views were indeed brought forward, but what we heard from Mr Findlay was a point-by-point attack on every part of the bill; there is no way that we will arrive at any consensus or have any reasonable discussion in relation to it.

Russell Findlay rose—

Keith Brown: I am sorry, but I have to try to make some progress. I note that, unfortunately, Mr Greene would not take an intervention from me, even though he was given more time to make a

speech than I was and had three minutes left when I asked to intervene.

There was nothing positive or constructive from the Conservative Party. A number of members said that the issue of remand is very hard; indeed, many people have tried to get to the bottom of why the remand figure is so high. We have to try to address that issue, but nothing whatsoever was suggested by the Conservatives. The member ended up saying that the approach was “half-baked”.

Let us not fool ourselves: there is no point in trying to have a discussion with the Conservatives on these justice measures as their attitude will not change. It leaves the rest of us with the opportunity and the obligation to try to see where we can make progress on the matter.

I listened to the comments that were made by a number of Labour members, in particular to those of Daniel Johnson, with whom it was hard to disagree, even when he made trenchant observations about the proposal.

I know that he was unable to stay, but Liam McArthur made a very good intervention, too, and I am grateful that the Liberal Democrats will be supporting the general principles of the bill.

I come to the concluding points that Pauline McNeill made. There is no piece of information that I have said that we will not provide; there is no unwillingness on the part of Government to discuss the issues. In fact, she knows that I took the initiative this week to speak to her about some of the issues of concern. I will continue to do so, as I have done throughout my various appearances at committee, in my responses to it and in the discussions that I have had with members. There has been no unwillingness. I do not gainsay her point that she feels that more needs to be said and more information needs to be provided.

Although the Government has to be careful when it provides data, I understand, too, the point that Pauline McNeill and a number of other members made about data. It might help provide more information that might help us better understand why we currently have that high prevalence of remand.

The point that Donald Cameron made about the backlog was true—that is not unique to Scotland, however, because jurisdictions everywhere have problems with the backlog that Covid has caused. The member could at least acknowledge that going from 44,000 to less than 30,000 summary cases in the space of 18 months shows some progress towards reducing that backlog.

It is also true, as Rona Mackay said, that issues exist around section 23D. I am happy to listen, as

she asked that I do, to some of the concerns around the removal of that section. However, its removal is the exact opposite of what Jamie Greene suggested about interference with the judiciary. Both the Faculty of Advocates and the Law Society of Scotland have said that the removal would increase the scope of the courts to deal with those issues, as the section currently limits that scope.

I go back to Jamie Greene’s comment about the proposal undermining judicial independence to some extent. It is clearly the case that judges interpret but do not make the law. The latter is the role of Parliament, and we cannot absolve ourselves of the responsibility to make law because another part of the state—here, the judiciary—might have observations that contradict the process; indeed, we still have to take decisions on the law.

I do not think that Lord Carloway would say that there is an intention that the removal of section 23D will affect judicial independence. It is important to remember that we are giving more power to the courts in relation to those issues and that it is right that we should do so—indeed, that is one of the observations that we have heard.

Katy Clark: When I intervened on Rona Mackay, she was of the view that the bill would not lead to more people who are charged with violent offences being given bail. Does the cabinet secretary think, however, that more of those who are accused of non-violent offences or who are, based on their history, a potential flight risk will be likely to get bail? Has there been any modelling done on those issues that he is able to share with the Criminal Justice Committee?

Keith Brown: It is impossible to predict future decisions of the court, but I go back to the purpose of the bill, which is to refocus the use of remand.

I highlight something that was said at the Criminal Justice Committee; I think that Katy Clark would have been there. It might have been Jamie Greene—I am sorry if I am wrong on that; it can be proven correct or otherwise by referring to the *Official Report*—who said that around 66 per cent of cases had to have remand for public safety or other reasons. If that is true—it is a relatively reasonable observation to make—it means that a third of cases do not have to have remand.

Of course it is not possible to predict future decisions of the independent court system, so I am not able to make such a prediction. I simply say that the reasons for introducing the bill are about refocusing the use of remand.

I also remind members of the deleterious effects of remand. Someone may not be guilty of the offence with which they have been charged, and there will be an impact on their family, their job

prospects and their community. It is also worth bearing in mind that it costs nearly £40,000 a year to keep somebody in the prison service. Daniel Johnson and others made points about the fact that there are other disposals available. I understand that the judiciary has to have faith in those disposals, and we have—and we will—put more money into that. However, it is surely a better process—

Katy Clark *rose*—

Keith Brown: I see that Katy Clark wants to intervene again—I am happy for her to do so.

Katy Clark: I appreciate that the member will want to get through his contribution, but I ask him to clarify something. Does the Government intend that there should be a reduction in the number of people who are charged with non-violent offences, and in the number of people who are currently considered a flight risk, who are remanded? The committee has struggled with understanding what the Government's intentions are and what it is trying to achieve.

Keith Brown: I can only repeat what I said to the member before: the Government's intention is that remand should be used where it is most appropriate and should not be used where it is not appropriate. Members from all parties have given examples in which they believe that remand would be inappropriate. We are trying to reduce the number of cases in which that happens.

On the point about flight risk—or, in other cases, the potential victimisation of witnesses or victims—we have to ensure that we protect people from that. Beyond that, we have to consider things that might have an impact on the judicial system, such as the intimidation of juries. Those are situations in which remand should legitimately be applied.

On the definition of public safety, I am happy to listen to any issues that people have in that regard. However, I have looked into the matter in some detail, and there does not seem to be a great deal of doubt—to go back to Carol Mochan's point—around what people think is meant by the words "public" and "safety". I am not sure where the doubt creeps in. Some of the people, such as lawyers and others, who are involved in the process seem quite keen on, or certainly seem comforted by, the idea that the term "public safety" will cover the cases in question. One may want to move to prescribing that in law, but that can often have unintended consequences, which I am sure that members would not want to see.

Daniel Johnson: Some people may wonder if the Government is trying to draw a distinction in respect of the risk of somebody committing a further crime that does not include harm to another individual.

Is the Government's intention that remand should be considered only where it is likely that the individual would commit harm if they were bailed, whereas the importance that is placed on the risk of someone committing further crime in deciding whether to grant bail or put a person on remand would be reduced?

The Presiding Officer: I ask you to draw your remarks to a conclusion, cabinet secretary.

Keith Brown: Somebody mentioned an example to me just now—off the record—of a person being put on remand for shoplifting. Usually, such cases that are highlighted involve a woman.

The member and others have made the point that we have too many women on remand, and that the proportion is even higher, given that women comprise only 4 per cent of the prison population. We are trying to reduce the number of examples like that. However, where there is a risk of violence to an individual, that is of course in the realms of public safety, as is the question of intimidation of the jury. If we leave those decisions to the court, albeit with the bill's renewed focus with regard to when remand should be used, we can ensure both that public safety is looked after and that nobody is on remand who does not need to be.

With that, I am happy to propose that Parliament agrees to the general principles of the bill. I am grateful to the Liberal Democrats for their support, and for the support of the Scottish Green Party, as we heard from Maggie Chapman. I will continue to listen to and engage with the committee and with members on all sides of the chamber as we move forward to stage 2.

Bail and Release from Custody (Scotland) Bill: Financial Resolution

16:59

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-07755, in the name of John Swinney, on the Bail and Release from Custody (Scotland) Bill's financial resolution. I call John Swinney to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Bail and Release from Custody (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*John Swinney*]

The Presiding Officer: The question on the motion will be put at decision time.

Procurement Bill

The Presiding Officer (Alison Johnstone): The next item of business is consideration of legislative consent motion S6M-08217, in the name of Ivan McKee, on the Procurement Bill.

I call Ivan McKee to speak to and move the motion.

17:00

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): The motion that is before us would give consent to some provisions within the United Kingdom Procurement Bill that touch on devolved competence, but not to others. We have worked with the UK Government to agree a solution to some of the significant practical issues that the bill might otherwise have caused. We have an agreement that will provide for continued cross-border co-operation on procurement exercises, and that will be achieved by conferring delegated powers appropriately on UK and Scottish ministers.

However, we have not been able to reach agreement on powers in the bill that relate to implementation of trade agreements. The bill confers powers on UK ministers that would allow them to legislate in the devolved area of procurement to implement new agreements and to implement the outcome of trade disputes, without the consent of Scottish ministers. That is an unacceptable and disappointing attitude to devolution and to this Parliament—although perhaps it is not surprising—so the motion does not seek consent for those provisions.

I move,

That the Parliament agrees that the relevant provisions in clause 114 and related provisions concerning cross-border procurement, as amended by government amendments lodged on 24 January 2023, of the Procurement Bill, introduced in the House of Lords on 11 May 2022, and in clauses 2 and 125 of the Procurement Bill, and related provisions concerning scope and extent, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The question on the motion will be put at decision time.

Social Security (Additional Payments) (No 2) Bill

17:01

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of legislative consent motion S6M-08218, in the name of Ben Macpherson, on the Social Security (Additional Payments) (No 2) Bill. I call Ben Macpherson to move the motion.

Motion moved,

That the Parliament agrees that the provisions of the Social Security (Additional Payments) (No. 2) Bill, introduced in the House of Commons on 7 February 2023, so far as they relate to matters that fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*Ben Macpherson*]

The Presiding Officer: The question on the motion will be put at decision time.

Parliamentary Bureau Motions

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of Parliamentary Bureau motion S6M-08235, in the name of George Adam, on approval of a Scottish statutory instrument. I call George Adam, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Amendment Regulations 2023 [draft] be approved.—[*George Adam*]

17:01

Rhoda Grant (Highlands and Islands) (Lab): I

wish to raise concerns about the SSI. The legislation has unintended consequences, so it is right to delay, but the delay means that unscrupulous people can still hide their interests in Scotland's land in companies that are registered in tax havens. We have already waited a long time for transparency over who those people are, so I hope that the Government will act urgently to deal with that unintended consequence.

It is absurd that legislation that was designed to close tax loopholes and to create transparency about who the beneficial owners of land are—especially when that land is held in companies that are registered in tax havens—will put an unacceptable burden on Scottish churches. By their very nature, religious groups own multiple buildings, including churches and mosques, to allow their members to meet and worship. Each of those buildings is clearly marked outside with contact details; they are not hidden. It is less easy to identify other buildings, such as manses and church halls, but they can be identified through the property registers in Scotland, and a quick Google search will identify where to contact the church.

However, under the instrument, the Scottish Government is asking religious groups to register each property. The Church of Scotland alone has close to 6,000 buildings, each of which will need three associates, and around 20 notices, to be registered. The estimated cost of that is £100,000 for the Church of Scotland. Such organisations have never been hidden, have never used their assets as tax dodges and are wholly owned by their congregations, so the associates who require to be registered are not beneficial owners but are simply office bearers who represent their congregations.

Scottish charitable incorporated organisations are governed under different legislation, so I ask that churches and other similar religious buildings be treated along similar lines.

Sadly, due to the Scottish Government's incompetence, today we are letting companies that are registered in Liechtenstein off the hook, by allowing them to remain hidden and misuse the privilege of owning Scotland's land. Surely that is not right. The Scottish Government must bring forward secondary legislation that catches the people that the legislation was designed to capture, while removing the burden from well-known associations, such as Scottish charities and religious organisations.

The Presiding Officer: I call Màiri McAllan to respond.

17:04

The Minister for Environment and Land Reform (Màiri McAllan): The register of controlling interests stems from the Land Reform (Scotland) Act 2016, and the principal regulations establishing the register received unanimous cross-party support in the Parliament in 2021.

The intention of the RCI is to ensure that there can no longer be a category of owner or tenant for whom, intentionally or otherwise, control of decision making is obscured. The 2021 regulations were a significant step forward in relation to the transparency that is sought. I am very pleased that the register is live—it went live on 1 April last year, as planned.

The principal regulations were the subject of extensive consultation—including of religious organisations—and of parliamentary scrutiny. We have previously made amendments to the regulations in response to concerns that were raised by bodies including the Church of Scotland. Despite that, in recent months stakeholders have raised objections with me on the grounds of cost and administrative burden.

I should be clear that there is no cost for making a submission to the register per se. However, in practice, some bodies that are in scope will instruct a solicitor, which obviously involves a cost.

Moreover, although the registration process itself is relatively straightforward, preparation will be required. If there are a significant number of titles or a complex ownership structure, that will make the process more complicated. However, for those very reasons, it is important that such bodies remain within the scope of the register.

I have had extensive engagement; the Church of Scotland has been involved since 2016. It is very important to me that its views are heard.

Rhoda Grant: What is the public interest in churches having to conform to the legislation?

Màiri McAllan: I think that it was Rhoda Grant who said that the Church of Scotland alone has

some 6,000 titles to land in Scotland, which makes it, I think, by some way the largest owner in Scotland by number of titles. Therefore, it is important to the integrity of a register that is about transparency of ownership that the Church of Scotland is involved in that.

However, the Church of Scotland first met the First Minister in June last year and it met my officials in August. I met the Church of Scotland in September and wrote to it in November, December, January and, most recently, in February, because on-going engagement with the Church of Scotland was very important to me.

I cannot do as the Church of Scotland has requested, which is to take it out of the scope of the register itself. However, the SSI that is before Parliament today responds to concerns by extending the period for registration before compliance terms come into play. That will ease the burden on those that are in scope by allowing them to spread the administrative burden and the cost.

I am pleased that the lead committee has recommended that the regulations be approved, and I ask members who are considering voting against the extension to consider that that would mean that charities and religious and third sector organisations that have made representations to me would be subject to criminal penalties from 1 April this year. I ask members to vote for the extension so that the date can be put back to the following year and the administrative burden can be spread.

The Presiding Officer: The question on the motion will be put at decision time.

The next item of business is consideration of four Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-08236 to S6M-08239.

Motions moved,

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendments) (Scotland) Order 2023 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2023 (SSI 2023/50) be approved.

That the Parliament agrees that the Renewables Obligation (Scotland) Amendment Order 2023 [draft] be approved.

That the Parliament agrees that the Non-Domestic Rates (Miscellaneous Anti-Avoidance Measures) (Scotland) Regulations 2023 [draft] be approved.—[George Adam]

The Presiding Officer: The questions on the motions will be put at decision time.

Decision Time

17:08

The Presiding Officer (Alison Johnstone):

There are six questions to be put as a result of today's business. The first question is, that motion S6M-08220, in the name of Keith Brown, on the Bail and Release from Custody (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. There will be a short suspension to allow members to access the digital voting system.

17:09

Meeting suspended.

17:11

On resuming—

The Presiding Officer: We come to the vote on S6M-08220. 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 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)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

Abstentions

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

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

The Presiding Officer: The result of the division is: For 70, Against 29, Abstentions 19.

Motion agreed to,

That the Parliament agrees to the general principles of the Bail and Release from Custody (Scotland) Bill.

The Presiding Officer: The next question is, that motion S6M-07755, in the name of John Swinney, on a financial resolution for the Bail and Release from Custody (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Bail and Release from Custody (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S6M-08217, in the name of Ivan McKee, on the Procurement Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions in clause 114 and related provisions concerning cross-border procurement, as amended by government amendments lodged on 24 January 2023, of the Procurement Bill, introduced in the House of Lords on 11 May 2022, and in clauses 2 and 125 of the Procurement Bill, and related provisions concerning scope and extent, so far as these matters fall within the legislative competence of the Scottish Parliament and alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S6M-08218, in the name of Ben Macpherson, on the Social Security (Additional Payments) (No 2) Bill, which is UK legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the provisions of the Social Security (Additional Payments) (No. 2) Bill, introduced in the House of Commons on 7 February 2023, so far as they relate to matters that fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S6M-08235, in the name of George Adam, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Amendment Regulations 2023 [draft] be approved.

The Presiding Officer: I propose to ask a single question on four Parliamentary Bureau motions unless any member objects.

As no member has objected, the final question is, that motions S6M-08236, S6M-08237, S6M-08238 and S6M-08239, in the name of George Adam, on behalf of the Parliamentary Bureau, on approval of SSIs, be agreed to.

Motions agreed to,

That the Parliament agrees that the National Bus Travel Concession Schemes (Miscellaneous Amendments) (Scotland) Order 2023 [draft] be approved.

That the Parliament agrees that the Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2023 (SSI 2023/50) be approved.

That the Parliament agrees that the Renewables Obligation (Scotland) Amendment Order 2023 [draft] be approved.

That the Parliament agrees that the Non-Domestic Rates (Miscellaneous Anti-Avoidance Measures) (Scotland) Regulations 2023 [draft] be approved.

The Presiding Officer: That concludes decision time.

Meeting closed at 17:14.

Correction

Keith Brown has identified an error in his contribution and provided the following correction.

The Cabinet Secretary for Justice and Veterans (Keith Brown):

At col 2, paragraph 5—

Original text—

Keith Brown: In 2021, 70 people aged 20 or under suffered a drug death.

Corrected text—

Keith Brown: In 2021, 70 people aged 25 or under suffered a drug death.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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