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Scottish Parliament

Wednesday 28 June 2023

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

Portfolio Question Time

Constitution, External Affairs and Culture

The Presiding Officer (Alison Johnstone):

Good afternoon. The first item of business is portfolio question time, and the first portfolio is constitution, external affairs and culture. I remind members that questions 2 and 7 are grouped and that I will take any supplementaries on those questions after both have been answered.

“Building a New Scotland” (Independence Prospectus)

1. **Jackie Dunbar (Aberdeen Donside) (SNP):** To ask the Scottish Government how the latest “Building a New Scotland” paper advances its prospectus for independence. (S6O-02424)

The Minister for Independence (Jamie Hepburn): Our latest paper, “Creating a modern constitution for an independent Scotland”, sets out proposals for a written constitution that puts democracy, rights and equality at the heart of everything that we do as an independent country. Only with the powers of independence can we create a constitution for Scotland that fully recognises and protects the fundamental rights of people in Scotland. As with all the prospectus material, the publication delivers on our commitment to give the people the information that they need to make an informed choice about whether Scotland should become an independent country.

Jackie Dunbar: The papers lay out a bold and comprehensive vision for Scotland’s transition to independence, and ensure that the debate about our new Scotland is frank, open and well informed. However, the United Kingdom Government continues to ignore the cast-iron democratic mandate for the Scottish Parliament to hold our referendum. Indeed, Westminster is actively undermining devolution by blocking progressive legislation and imposing cruel policies such as those in the Illegal Migration Bill.

Will the minister reassert the will of the Scottish Parliament and the Scottish people to his UK counterparts, not only for the opportunity to build a new Scotland but to safeguard Scottish democracy itself?

Jamie Hepburn: I will certainly reassert that. There is a clear pattern of on-going interference in devolved matters by the UK Government, which is routinely ignoring the constitutional conventions that we have in place about the UK Parliament not normally legislating for devolved issues. That, in itself, is a salient reminder of the limitations of not having a codified constitution.

We will, of course, continue to press the point that devolution should not be rode roughshod over. However, it is only with independence that we can truly protect the people of Scotland from the damaging and undemocratic UK Government decisions that are being inflicted in Scotland.

“Building a New Scotland” (Written Constitution)

2. **Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government, in light of the publication of the latest paper in the “Building a New Scotland” series, for what reasons it considers that an independent Scotland would need a written constitution. (S6O-02425)

The Minister for Independence (Jamie Hepburn): The Scottish Government believes that an independent Scotland should have a written modern constitution that sets out clearly in one place our fundamental values as a nation, the rules for how our country would be governed, and the rights and protections for the people who live here. Almost every country around the world has a codified constitution. A written constitution for an independent Scotland will show the world the type of country that we will be.

Karen Adam: Scotland’s written constitution, as set out in the new paper, would safeguard people in Scotland from having their human rights and workers’ rights swept away following a simple parliamentary majority. We are watching that happen before our very eyes in relation to the United Kingdom Government. Will the minister explain how a written constitution would better protect the rights of citizens in an independent Scotland?

Jamie Hepburn: The answer to that is inherent in the question that Karen Adam has asked. We propose a written constitution that provides special status for the most important laws and fundamental issues around rights, civil liberties and equalities, and provides people with safeguards in that respect. It would also ensure that a threshold higher than a simple parliamentary majority would have to be reached if the constitution were to be changed. That is the limitation of the unwritten, uncodified UK constitution. We are seeing things such as the Human Rights Act 1998 under threat as a consequence right now.

“Building a New Scotland” (Written Constitution)

7. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government, in light of its latest “Building a New Scotland” paper, what its position is on how a written constitution could protect democracy, the sovereignty of the people, freedom and the rule of law in an independent Scotland. (S6O-02430)

The Minister for Independence (Jamie Hepburn): A constitution for an independent Scotland would mark the end of Westminster parliamentary sovereignty in Scotland. Creating a new written constitution would establish Scotland as an independent, modern, democratic state and shift where power lies by replacing Westminster sovereignty with the sovereignty of the people who live in Scotland.

A written constitution for an independent Scotland would protect the fundamental elements of Scotland’s democracy and the rights of people in the country by giving them a higher status than ordinary laws. Individual Governments would not then use a simple parliamentary majority to undermine key institutions or water down fundamental human rights, as is happening now in the United Kingdom Parliament.

Ruth Maguire: The sovereignty of the people is a proud tradition in Scots law, but it is clearer now more than ever that that tradition is simply not upheld as part of the UK with a dominant Westminster Parliament. Will the minister lay out how transformative it would be for our citizens to have a written constitution that transfers power to the people in an independent Scotland?

Jamie Hepburn: Ms Maguire is entirely right. Our proposals would re-establish the historical Scots constitutional tradition that the people are sovereign in Scotland. We should remind ourselves of the ruling of the Court of Session in 1953:

“The principle of the unlimited sovereignty of Parliament is a distinctively English principle which has no counterpart in Scottish constitutional law.”

Under our proposals, the people of Scotland would be central to the decision-making process with a range of opportunities to get involved and influence the development of the constitution. Our proposals would then allow people in Scotland to hold the future Governments of an independent Scotland to account and ensure that key human rights and equality protections were upheld. That is in stark contrast to the limitations of devolution right now.

International Development (Humanitarian Aid, Loss and Damage)

3. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government whether it will provide an update on how its international development work is supporting the connections between humanitarian aid and loss and damage. (S6O-02426)

The Minister for Culture, Europe and International Development (Christina McKelvie): Our humanitarian emergency fund provides support to tackle the immediate impact of humanitarian crises, including climate-related disasters, such as the devastating floods in Pakistan. We are also using our initial £2 million loss and damage funding to support communities to address losses and damages in the global south and further research on needs assessments and case studies.

We acknowledge the close links between the humanitarian assistance and loss and damage as an issue, as explored in the recent report “Practical Action for Addressing Loss and Damage”, which followed the international loss and damage conference hosted by the Scottish Government in October 2022.

Maggie Chapman: Extreme weather events and events such as droughts and sea level rise are intensifying. That means that the humanitarian emergency fund will become increasingly important for disaster relief. However, that fund and other support, such as the climate justice fund—which I know falls under another portfolio—must be structured in ways that enable the links between humanitarian development, resilience and peace activities. Will the minister outline what, if any, plans there are to expand the humanitarian emergency fund? Will she commit to exploring, and keeping pace with, international discussions on the links between humanitarian, development, resilience and peace work?

Christina McKelvie: The close links between humanitarian, development, resilience and peace work are equally recognised. As I indicated, our humanitarian fund provides support to tackle the immediate impact of humanitarian crises.

Yesterday, I announced £250,000 of funding from our humanitarian emergency fund for projects to provide food, access to clean water and shelter to people who are affected by the violent conflict in Sudan. On our contribution on longer-term resilience and peace work, we also separately fund our women in conflict 1325 fellowship programme to fulfil our commitment on United Nations Security Council resolution 1325, on women, peace and security.

Donald Cameron (Highlands and Islands) (Con): With regard to the Scottish Government’s

international development work on loss and damage and more widely, and given that resources are limited, is the minister convinced that the funding is going to, and the work is happening in, the right parts of the world, especially given that some parts of the global south are not currently covered?

Christina McKelvie: Yes, I am convinced of that. However, we always maintain a review approach to such matters, because we see some of the clearest indications of climate change, and the loss and damage that come with it, across many areas in the world, particularly in the global south. We currently have a global south panel, which I meet often, to ensure that we focus our resources in the right way, at the right time, and for the right reasons.

Sarah Boyack (Lothian) (Lab): Although loss and damage funding is really important, what is the Scottish Government doing to work with the banking and financial sector in Edinburgh, given that the impact of debt on low-income countries can hold them back from mitigating and adapting to climate change?

Christina McKelvie: I will discuss that really important question with the Cabinet minister who has responsibility for the loss and damage funding and the climate justice fund. When I have done that, I will come back to Sarah Boyack with a clearer answer on the work that is being done with banks and others.

I know that we have been working with the World Bank on many of those matters, but I will get Sarah Boyack the most up-to-date details on that.

Culture and the Arts (Uddingston and Bellshill)

4. Stephanie Callaghan (Uddingston and Bellshill) (SNP): To ask the Scottish Government how it is supporting culture and the arts in the Uddingston and Bellshill constituency. (S6O-02427)

The Minister for Culture, Europe and International Development (Christina McKelvie): Our culture strategy sets out our ambitions for nurturing culture and creativity across all of Scotland's communities.

We are supporting a range of individuals, organisations and projects across the Uddingston and Bellshill constituency via Creative Scotland, including through the culture collective programme and the youth music initiative. For example, through the culture collective programme, the North Lanarkshire collective received more than £238,000 to develop six creative arts projects anchored by six community organisations, including Orbiston Neighbourhood Centre in Bellshill.

Stephanie Callaghan: Artists and cultural producers are key to promoting diversity, but representation of disabled artists in the creative industries is described as being "woefully small". Barriers include lack of knowledge of disabled access requirements. Lack of awareness of disabled artists' work often hinders their professional development. What action can the Scottish Government take to ensure that investment in the arts and culture sector creates inclusive opportunities for disabled artists—in particular, for those who are located outwith the main cities?

Christina McKelvie: I hope that Stephanie Callaghan will realise that I am, as a former equalities minister, very mindful of the challenges that are faced. The Scottish Government's ambition is to halve the disability employment gap in Scotland by 2038. On 19 December, we published a refreshed fair work action plan, which includes a focus on disabled people's employment. Our culture strategy sets out our ambition for people across Scotland to lead a cultural life of their choice, including as artists and creative practitioners, regardless of their ability.

Creative Scotland worked with partners to enable Scottish participation in the United Kingdom-wide Unlimited programme, which commissions art works from disabled artists. Funding from that has been provided to support artists based at Eden Court in Inverness and An Tobar and Mull Theatre.

Cultural Activities (Midlothian South, Tweeddale and Lauderdale)

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government what support it has provided to cultural activities in the Midlothian South, Tweeddale and Lauderdale constituency. (S6O-02428)

The Minister for Culture, Europe and International Development (Christina McKelvie): As I mentioned in my response to Stephanie Callaghan, the Scottish Government supports a range of cultural activities in communities across Scotland. We also provide targeted support for culture through our funding to local authorities and public bodies, including Creative Scotland, which supports many cultural activities in the Midlothian South, Tweeddale and Lauderdale region. For example, via Creative Scotland, we have recently provided youth music initiative funding to Where's the One? in the Scottish Borders to provide a programme of music-making activities for young carers.

Christine Grahame: I very much welcome the Scottish Government's investment in the great tapestry of Scotland in Galashiels.

Is the minister aware that former Galashiels weaver Robert Coltart was the author of perhaps a world-first advertising jingle, “Ally Bally Bee”, to sell his Coulter’s candy? No singing, please. Would the Scottish Government be supportive—I am not seeking cash, so the minister can relax—of a small and humble museum dedicated to that intriguing and mischievous man, perhaps near where we already have an excellent statue of him, in Galashiels?

Christina McKelvie: I was going to sing, “Ally bally, ally bally bee,” but I will save members the trauma.

There is no doubting the cultural significance of Robert Coltart’s song—everybody knows it, and I know that members are all singing it in their heads just now. His song about Coulter’s candy is sung not just in Gala, but in communities across Scotland and is shared across the generations. Gala is now also the home of the great tapestry of Scotland. It is great to see the improvements in wealth and tourism that that is bringing to Gala.

In response to Christine Grahame’s main question, we welcome and encourage any exploration and celebration of our heritage. Although, as she knows, we cannot guarantee any funding from the Scottish Government or our partners, she might find it helpful to contact Museums Galleries Scotland—which provides development and funding on our behalf—for advice and support as she explores opportunities to tell Robert Coltart’s story. Maybe if she sang her pitch to Museums Galleries Scotland, that would give her application an edge.

“Building a New Scotland” (Island Communities)

6. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government how it plans to

“support the constitutional protection of the specific interests and needs of island communities”,

as outlined in its latest “Building a New Scotland” paper. (S6O-02429)

The Minister for Independence (Jamie Hepburn): Our proposals would enshrine the rights that are contained in the Islands (Scotland) Act 2018 in the constitution, thereby ensuring that the needs of the people who live on our islands are carefully considered when legislation or other decisions of state are being considered. By including them in the constitution, we will ensure that Governments with a simple majority in Parliament will not be able to water down or overturn the rights set out in the Islands (Scotland) Act 2018.

Finlay Carson: Does the minister not agree that it is an absolute insult for him to say that he will protect the interests of island communities, given his track record in government? Islanders have been forced to write to the Minister for Transport after Caledonian MacBrayne’s failing ferry service has cost businesses on two islands almost £1.5 million, which has prompted islanders to stage a series of protests on the mainland. All that is happening while we have the on-going fiasco at Ferguson Marine (Port Glasgow) Ltd.

Jamie Hepburn: I do not think that it is an insult. I certainly acknowledge—Fiona Hyslop was on television this morning talking about this—the regrettable impact that the delays and disruption have had on our island communities. Of course, we are committed to working to improve that, which has involved the buying and deployment of an additional vessel—the MV Loch Frisa—the chartering of the MV Arrow to provide additional resilience and capacity, the commissioning of two new vessels for Islay, the commissioning of two new vessels for the Little Minch route, and other activity.

Our fundamental proposition, though, is that in recognising that there are more than 90 populated islands in Scotland, on which people are living real lives, and recognising their importance to Scotland, we would enshrine those people’s rights in a written constitution.

The question was posed to me, but the question that I would pose to Finlay Carson and his Tory colleagues is—[*Interruption.*]

The Presiding Officer: Let us hear the minister.

Jamie Hepburn: What special constitutional protection do Finlay Carson and his Tory colleagues propose for Scotland’s island communities? Right now, it looks an awful lot like the answer is none.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Although it is not a great surprise to know that the Tories oppose plans to increase people’s rights—constitutional or otherwise—does the minister agree that there are neighbouring countries that we could look to? Although they are not analogous, the Åland Islands in Finland and the Faroe Islands in Denmark have their roles codified in constitutions, which is something to which we could look.

Jamie Hepburn: I absolutely agree that we should do that. In everything that we do in our provisions and proposals for a written constitution, we should be learning from other progressive countries that have considered such matters. I can say that it will be essential that, in taking forward our considerations on these matters and having a proposal for a constitutional convention to consider a permanent constitution, the voices of

Scotland's island communities are heard, as part of the process.

“Building a New Scotland” Papers (Cost)

8. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government whether it will provide an update on the total cost of its “Building a New Scotland” papers, including civil servants’ time and printing costs. (S6O-02431)

The Minister for Independence (Jamie Hepburn): The costs of the first three papers in the “Building a New Scotland” series have been published on the Scottish Government website. The cumulative total for the publication of those is £45,654.66, to be precise. At this time, the costs for the fourth publication are still to be received but, as with the previous publications, we will make those costs available in due course.

Edward Mountain: As usual, the Scottish Government does not answer the substantive question, which was about all the costs, including civil servants’ time.

The cabinet secretary will know that the main issues that are being addressed in my mailbox, from across the Highlands, are the dualling of the A9 and the A96, delivery of the ferries, the building of Inverness prison, resolution of the accident and emergency crisis at Raigmore hospital, and reduction of the long orthopaedic waiting lists. Funnily enough, our First Minister previously had responsibility for ensuring that some of those things were delivered, but failed to do so.

Given the current huge problems that the Highlands and Islands have, should the minister—surely—not be dealing with them before talking about independence and wasting time on a constitution?

Jamie Hepburn: Unlike Mr Mountain, this Government is well capable of dealing with more than one thing at a time. The issues that he has raised are important, of course—*[Interruption.]*

The Presiding Officer: Members!

Jamie Hepburn: —and we will work to address them.

However, given that the member’s question was about the cost of the activity that we are undertaking, will he reflect on the fact that Westminster’s self-titled union unit has spent nearly £1.5 million on spin doctors—communication staff—alone? If that is the standard that the UK Government is setting, I will happily reflect on the cost efficiency to which we are working.

Kenneth Gibson (Cunninghame North) (SNP): Scotland, and a majority of MSPs in all parties, voted overwhelmingly against Brexit,

which was subsequently imposed on us. That necessitated the recruitment of additional civil servants to deal with the impact. Can the minister provide an update on the total cost to this Parliament of Brexit, including civil servants’ time and printing costs?

Edward Mountain: That is not relevant.

The Presiding Officer: Under standing orders, it is important—standing orders require it—that questions relate to the substantive question that was lodged. I suggest that in this instance that is not the case, so we will move to the next portfolio.

Justice and Home Affairs

The Presiding Officer (Alison Johnstone): The next portfolio is justice and home affairs. I remind member that questions 2 and 8, and 4 and 7, are grouped, and any supplementaries on those questions will be taken after the grouped questions.

HMP Stirling (Rehabilitation of Female Prisoners)

1. Evelyn Tweed (Stirling) (SNP): To ask the Scottish Government what facilities the recently-opened HMP Stirling will provide to ensure the rehabilitation of female prisoners upon their release. (S6O-02432)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I have seen at first hand the new world-leading facility, which began bringing women into its care early last week. It is the third new facility that has been built for women in the past year. It will offer programmes to address offending behaviour, therapeutic interventions and wellbeing activities. It will also deliver a range of work and learning opportunities that will not only enhance literacy skills but improve the employability prospects for women.

That transformative and innovative approach to women in custody will address their specific needs to better prepare them for returning to their families and communities and will help to reduce reoffending.

Evelyn Tweed: Currently, female prisoners who require high secure mental health care need to be moved to facilities at a great distance from their families. How does the Scottish Government intend to support those individuals to maintain relationships with family and friends to break the cycle of generational trauma?

Angela Constance: Notwithstanding the significant improvements in the women’s custody estate, I make it clear that prisons are not hospitals for women with acute mental health needs. As a former hospital and prison social worker, I know the difference between the types of

appropriate care that can and should be delivered in each setting. I assure the member that the health ministers and I are focused on ensuring the right treatment at the right time in the right place.

The member may know that ministers have a role in authorising cross-border transfers. If there is a request for a patient to move from a hospital in Scotland to a hospital outwith Scotland, prior to its authorisation, specific consideration has to be given to the impact of the proposed transfer—for example, on family relationships—and to proposals for mitigating that impact. In addition, local health boards have to consider providing family members and carers with financial assistance for visits.

Katy Clark (West Scotland) (Lab): There are fewer alternatives to custody available for women than there are for men. What steps is the Scottish Government taking to develop alternatives to custody for women, including those with a rehabilitation focus, and more forms of supervised bail for women?

Angela Constance: Over the years, alternatives to custody services that are specific to the needs of women have improved. There is a much more sophisticated approach, shall we say, to unpaid labour. That is probably the most obvious example. It is important to remember that the supervision and support that can be built into a community payback order can be very individualised and tailor-made. However, the member makes a fair point, and we will continue to keep that in sharp focus.

“Recorded Crime in Scotland, 2022-23”

2. Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the Scottish Government what its response is to the publication, “Recorded Crime in Scotland, 2022-23”. (S6O-02433)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The latest statistics show that Scotland remains a safe place to live, with recorded crime remaining at one of the lowest levels since 1974—down 42 per cent since 2006-07. That includes reductions in crimes involving violence, damage and reckless behaviour. We recognise the impact on people who are victims of crime, and that although significant progress is being made, there is more that we need to do to reduce the harm that is caused. In particular, we are taking robust action to tackle sexual offending and are focusing on prevention, reducing reoffending and targeting the underlying causes of crime.

Alasdair Allan: It is very welcome to see recorded crime at one of its lowest levels in 50 years. We know that, despite the increasing confidence that people have about reporting

domestic abuse and sexual offences, those categories of crime remain seriously underreported. What can be done to increase the number of people who feel able to come forward with those complaints?

Angela Constance: I know that Dr Allan has been a big champion of tackling antisocial behaviour in his constituency. He makes the important point that we need to ensure that everyone has the confidence and ability to report incidents of criminal activity to the police. It is also necessary to fully understand the basis for not choosing to report an incident and to respond accordingly.

The figures that were published this week demonstrate that our approach to justice in Scotland is the right one, but it is clear that there is always more to do. We are always working, along with our justice partners, to enhance our relationships with the public and we will carefully consider what more we can and should be doing to respond to the local concerns of every community in Scotland.

“Recorded Crime in Scotland, 2022-23”

8. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government what its response is to the latest “Recorded Crime in Scotland” statistics, which show an increase in the overall level of crime in Scotland. (S6O-02439)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As I said in my answer to Dr Allan, the statistics show that Scotland remains a safe place to live, with recorded crime remaining at one of the lowest levels since 1974—down 42 per cent since 2006-07. Despite that progress, we need to do more, which is why we are taking robust action to tackle sexual offending and are redoubling our efforts on prevention, reducing offending and tackling the underlying causes of crime.

Alexander Stewart: When the recorded crime statistics were published, the cabinet secretary boasted that they

“show Scotland continues to be a safe place to live”.

Crimes under the Domestic Abuse (Scotland) Act 2018 are at their highest level since the law came into effect, and crimes of rape and attempted rape are at their highest level ever. Does the cabinet secretary think that victims of those crimes would say that Scotland is a safe place to live?

Angela Constance: I take issue with the member’s characterisation of a Government press release that was put out in my name—I am not known for boasting. It is reasonable for the Government to report on recorded crime and to be held to account not just on the short-term trends

but on the long-term trends. We take into account other sources of information, not just recorded crime, such as the crime and justice survey, which looks at non-reported crimes, as well as the reduction in hospital admissions and the reduction in homicide.

Much has improved to make Scotland a safer place, and members of the public report feeling safer. Nonetheless, there are particular challenges in and around sexual offending, rape and domestic abuse.

I hope that we will march forward together, and I look forward to the member's scrutiny of and support for our Victims, Witnesses, and Justice Reform (Scotland) Bill.

Pam Gosal (West Scotland) (Con): The number of sexual crimes has increased by 70 per cent since 2013-14. The number of rapes, attempted rapes and crimes under the Domestic Abuse (Scotland) Act 2018 are all at the highest levels on record. Sickeningly, more than one third of sexual assault victims are under 18. That is the harsh reality of the SNP's soft-touch approach to criminal justice. Does the cabinet secretary agree that those figures point to complacency in the Government's approach to justice, and if not, to what does she ascribe that abhorrent rise?

Angela Constance: I regret that the member feels that it is appropriate to weaponise sexual offending, and with respect, although the member is very tough on rhetoric, her contribution today was very soft on substance.

Despite the very small reduction in sexual crime during the past year, we continue to see long-term growth in reported cases. That is against a backdrop of heavy underreporting: the latest crime survey suggests that just over one fifth of those who experience forced sexual activity report it to the police. Although the increasing numbers in our court systems might be attributed to a greater willingness of victims to come forward, we know that underreporting is still a huge issue.

It is imperative that victims have confidence in our justice system and that we build their confidence in it. That is why, first and foremost, we need to have a debate of substance and why the Government has been focused on improving our laws. For example, the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 enables victims to come forward to be examined and log the evidence while they get support through Government-supported advocacy services—perhaps through Rape Crisis Scotland, which is another organisation that we support—so that they can make their complaint when they choose to and when it is right for them.

However, there is always more to do, and I look forward to engaging with the member as we

embark on our journey—which I hope will be a shared one—with regard to the Victims, Witnesses, and Justice Reform (Scotland) Bill.

Justice (Support for Disabled Children and Young People)

3. **Pam Duncan-Glancy (Glasgow) (Lab):** To ask the Scottish Government what support is in place for disabled children and young people navigating the justice system. (S6O-02434)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): A range of support is available. That includes assistance with physical access to court, support with communication and procedural adjustments for giving evidence. We have also introduced advocacy in the children's hearings system, which means that support is available if requested.

Operational partners are exploring how to enhance the available support. For example, the Scottish Children's Reporter Administration is working with the disabled children child protection network to identify additional needs and vulnerabilities. The recently published bairns' hoose standards set out the inclusive access that children should have, including equitable access to services and a reduction in the barriers that disabled children face.

Pam Duncan-Glancy: Some children with autism and additional support needs find it quite difficult to be in varied environments, including child contact centres. What training is in place in contact centres and the justice system more broadly on autism and disabilities, so that staff can pick up when a child is in distress? What processes are in place for when children display significant distress in those circumstances?

Angela Constance: The member raises an exceptionally good point, because we know for sure that there is a high prevalence—and indeed overrepresentation—of children with a disability who have to engage with the justice system, whether as a victim, a witness or a person who has altercations with the law or interactions with our youth justice system. Our courts and contact services have a number of obligations, not least through the Equality Act 2010 and the getting it right for every child approach, and they need to acknowledge that disability comes in many forms other than physical disability.

I will write to the member on the specifics in and around neurodiversity. I assure her that the matter is very live in contact centres and the court system as a whole.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The introduction of the Children (Care and Justice) (Scotland) Bill is welcome in relation to the development of age-

appropriate care and justice that places the rights, safety and wellbeing of children at its core. What steps are being taken in the development of the legislation to include the voices of children and young people with disabilities who have navigated the justice system?

Angela Constance: The views of children and young people have been integral to shaping the legislation to which the member has referred. Engagement activities with individuals and groups with experience of the justice system and the hearings system, all of which took place ahead of the bill's introduction, involved the Our Hearings, Our Voice project; the STARR group; youth justice voices; the Promise team at North Lanarkshire Council; and the participation group today not tomorrow.

We have also worked with the Children and Young People's Centre for Justice and the Scottish Youth Parliament to carry out open and targeted sessions with children and young people. The SYP's #WhatsYourTake survey generated 243 responses from children and young people, and a full equality impact assessment was published alongside the bill.

Online Child Sexual Abuse

4. **Meghan Gallacher (Central Scotland) (Con):** To ask the Scottish Government what its response is to Police Scotland's latest quarterly performance report, which found that there were 1,928 recorded crimes of online child sexual abuse during 2022-23. (S6O-02435)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The Police Scotland report shows that it is vital to prevent and tackle that complex type of abuse. We are committed to securing the online safety of children and young people, which is why we are taking a range of actions, including funding third sector organisations that are involved in safeguarding; preventing and responding to child sexual abuse and exploitation; and delivering campaigns that are aimed at parents and carers to keep children and young people safe online. We have also revised the national child protection guidance to support local areas with the development of effective, evidence-based responses to child sexual abuse and exploitation.

Meghan Gallacher: Detective Chief Superintendent Sam Faulds, who is the head of public protection and Police Scotland's national child abuse investigation unit, has said:

"Behind every image of abuse shared online is a child. These images are viewed and shared thousands, if not potentially millions of times around the world. This is a horrific trade in trauma and misery."

That is an extremely powerful statement yet, all too often, such crimes are not punished severely enough. The Scottish Sentencing Council has confirmed that a person who is caught in possession of indecent images would likely attract a community sentence, despite public opinion favouring a lengthy prison sentence. Will the cabinet secretary commit to publishing data so that the public are aware of the reality of sentencing in such cases?

Angela Constance: Members are well aware of the role and function of the Scottish Sentencing Council, which has a statutory duty to publish guidance and advice to independent members of the judiciary regarding different types of offences. Considering the risk—in particular the risk to children—is core to that advice. I encourage the member to review the guidance and the work that the council does in the round, because further guidance will be coming out in relation to sexual offending, for example.

The member is right to articulate the seriousness of the matter. It is a growing issue, and she and other members are right to champion those affected and focus on it. I believe that the Scottish Government has successfully engaged with the United Kingdom Government on the Online Safety Bill.

The member makes an important point about public engagement. I point to the work that we do with the Parent Club Scotland website, because information for parents on the issue is critical, and to the important work that the Gartcosh Scottish crime campus does to detect such crime in the first place.

Online Child Sexual Abuse

7. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what discussions it has had with Police Scotland regarding action to tackle the reported rise of online child sex abuse. (S6O-02438)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As I set out in my answer to Meghan Gallacher, protecting children from online harm is a key priority. The Scottish Government is a member of Police Scotland's multi-agency group on preventing online child sexual abuse, which meets quarterly to discuss technological advancements in tackling abuse, data gathering, improvements in support for victims and other key activities that our partners deliver. We continue to work with Police Scotland and the Crown Office to identify opportunities to strengthen legislation in that area.

Pauline McNeill: A BBC investigation found that paedophiles are using artificial intelligence technology to create and sell lifelike child sexual

abuse material online and that, shockingly, they are accessing images by paying for subscriptions to accounts on mainstream content-sharing sites such as Patreon. An investigation found that Patreon accounts are offering AI-generated, photorealistic, obscene images of children for sale with different levels of pricing that depend on the type of material that is requested, which is shocking.

Will the cabinet secretary consider whether anything can be done within devolved competence to address that? What is being done to work alongside the UK Government to hold tech companies to account and ensure that the images that are found on their sites can be taken down and eradicated for good?

Angela Constance: I am aware that the Criminal Justice Committee has heard illuminating and interesting evidence on the matter, particularly in relation to what is described as non-real images. As a result of that, and as a result of the member's question to me three weeks ago, we have been engaging with the police and the Crown Office to ensure that there are no gaps in Scots law.

As for regulation of the internet, although the police cannot remove images from the internet, they can report illegal content to the Internet Watch Foundation. As I said to Ms Gallacher, we have worked well with the UK Government on the Online Safety Bill. I reassure Pauline McNeill that the issue is live, as it is a real and growing problem.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Online child sex abuse and exploitation requires the most serious response. The actions that the cabinet secretary has set out to tackle the problem are welcome. Will she say more about steps that are being taken to help children and young people to recognise the signs of online harms, including child sexual abuse and exploitation?

Angela Constance: The safety and wellbeing of our children and young people is of paramount importance. For all the reasons that have been outlined by the member and others, we are extremely concerned by the on-going rise in online child sexual abuse. In each of the past six years, £14 million in core funding has gone to the third sector to strengthen early intervention and prevention efforts in order to better protect children and young people from abuse, including sexual abuse. We will also continue our commitments across various policy areas to support action to tackle child sexual abuse and exploitation, including work to engage with the public and raise awareness about the dangers of online abuse.

Crown Office and Procurator Fiscal Service (Budget)

5. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government what its response is to reports that the Crown Office and Procurator Fiscal Service faces "insufficient resource to meet statutory and policy obligations" due to budget cuts. (S6O-02436)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As a Government, we have a strong track record of investment in the Crown Office and Procurator Fiscal Service, with £13 million of additional funding provided in 2023-24 in recognition of the pressures of increased case workloads and complexity, pay parity and Covid recovery costs. Its budget is now more than 50 per cent higher than at the start of the previous parliamentary session.

Martin Whitfield: The recently reviewed executive board minutes state that the current risk score is at red level 16. The money that the Government has placed in the hands of the Crown Office is clearly inadequate. What does the Government say to those victims, witnesses and next of kin who have been waiting longer for cases and who have experienced more miscarriages of justice, errors and failed cases because suspected criminals have not been prosecuted in time? Is that the responsibility of the Crown Office or the Government?

Angela Constance: I am quite sure that it has not escaped the member that, although the block grant to the Scottish Government has reduced in real terms by 5 per cent, as I indicated in my original answer, there has been a long-term increase in funding to the Crown Office under this Government. In 2014-15, £105 million was invested, but the budget of the Crown Office now sits at £196 million.

The Crown Office has had a 10 per cent uplift in the current financial year. I certainly appreciate the impact of inflation and the rising complexity of needs, but the additional resource that the Government has provided has enabled the Crown Office to increase the number of full-time equivalent staff working under it. This is obviously an important matter, and I appreciate the member's interest in it. He will of course be aware of the usual means by which all portfolios and the Parliament come together to scrutinise the priorities and the choices that we all collectively must make.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I have been making representations to the Crown Office, directly to the Lord Advocate, to raise concerns over the handling of a Crown case against my constituent's daughter, which was finally dropped after 30

months. I wish to see an independent review of the entire case, and I have written to the cabinet secretary about this. Will the cabinet secretary meet me to discuss those concerns and my suggestion?

The Presiding Officer: I suggest that, given the requirements of standing orders, that question is at odds with the substantive question.

Russell Findlay (West Scotland) (Con): Taxpayers have been hit with a £51 million compensation bill for the Crown Office's malicious prosecutions linked to Rangers Football Club, with the Crown being bailed out for that by the Scottish Government. I have since established that those cases have cost another £6 million in legal fees. Given the Crown's perilous financial predicament, can the cabinet secretary confirm whether that money came from the Government or from the Crown's regular budget?

Angela Constance: I will perhaps ask Mr Findlay to submit that question to the Crown Office—I will perhaps even do that on his behalf. Ultimately, the funding that comes to my justice portfolio and the funding that goes to the Crown Office as a separate portfolio are all taxpayers' money.

Legal Age of Marriage

6. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government whether it will provide an update on any meetings that it has had with stakeholders regarding the legal age of marriage. (S6O-02437)

The Minister for Victims and Community Safety (Siobhian Brown): We have now spoken to around 25 organisations representing a number of interests including ending forced marriage and violence against women and girls. There is a range of views. Increasing the minimum age could be argued to increase safeguards, but it could also be seen as removing young people's right to marry or to enter into a civil partnership. We also need to consider the fact that young people acquire a number of important rights at the age of 16. I am meeting Pauline Latham MP after the summer. As Claire Baker may know, she promoted legislation at Westminster to raise the age of marriage in England and Wales.

Claire Baker: I thank the minister for that response, and I welcome the meetings that are taking place, but I am unclear as to why the Scottish Government is not prepared to undertake a full public consultation on the issue. The United Nations Committee on the Rights of the Child is clear that the age of marriage should be raised to 18. Under the UN sustainable development goals, member states around the world, including the United Kingdom, have pledged to end all marriage

under 18 by 2030. As the minister has recognised, the change in the law in England and Wales came into force in February. In Northern Ireland, following a public consultation, the overwhelming majority of respondents were in favour of raising the age to 18, and the intention is to introduce legislation there once Stormont is fully operational. Is the Scottish Government really willing to remain out of step with other western countries and to ignore the international conventions on women's rights and on children by failing to take action on raising the age in Scotland to 18?

Siobhian Brown: The UN committee's recommendation will be fully taken into account as we gather views from stakeholders and consider our next steps. Our approach will help ensure that we properly assess the potential impacts of any changes, as the Parliament would expect. If we proceed with a full public consultation, we want that to include robust evidence. If we decide to issue a public consultation, the earliest that that could be done is 2024. Clearly, any legislation after that would depend on the results of the consultation and the availability of time in the Parliament.

Ruth Maguire (Cunninghame South) (SNP): One concern with the legal age of marriage is around the potential vulnerability of young people to forced marriage. What protections and safeguards are currently in place for those who may be vulnerable to or at risk of forced marriage?

Siobhian Brown: Forced marriage has a devastating impact on people who are affected by it and can be a form of honour-based violence. There are protections in both criminal and civil law, and forcing someone into marriage is a criminal offence. Forced marriage protection orders can also be sought from the civil court, and breach of an order is a criminal offence. From 30 November, those protections will extend to forced civil partnerships. No one should have to endure forced marriage. We fund the national Scottish domestic abuse and forced marriage helpline to provide advice and support, and help is available 24 hours a day on 0800 027 1234.

The Presiding Officer: That concludes portfolio questions on justice and home affairs. Before we move on to the next portfolio, I will allow a moment for members on the front benches to reorganise.

Education and Skills

Education and Skills (Role of Third Sector)

1. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what its position is on the role that the third sector plays in supporting education and developing skills. (S6O-02440)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government recognises that the third sector plays a vitally important role in supporting the delivery of education and skills provision at the local, regional and national levels. We continue to provide direct financial support to a wide range of third sector organisations that provide those services, many of which support individuals with additional barriers to positive destinations.

Brian Whittle: The cabinet secretary will be aware that some lessons that are best learned outside the classroom can have a huge impact inside the classroom, specifically on developing confidence, resilience and aspiration, especially for pupils who find the standard education environment difficult. With that in mind, does the cabinet secretary agree that underfunding the third sector is a false economy? What will she do to ensure that the third sector is adequately funded in order to ensure a full and broad educational offer?

Jenny Gilruth: I know that Mr Whittle takes a keen interest in the role that sport plays in education, and I agree with a number of the points that he has made in relation to learning outside the classroom.

It is important to say that we provide a wide range of funding to a number of third sector organisations that provide services in the education sector. We also—through pupil equity funding, for example—allow headteachers to use funding directly to include the third sector in the provision of education.

More broadly, Mr Whittle's point about the opportunities for working with the third sector is important. I will seek to build on that as we move forward with our wider school reforms.

Learning Estate Investment Programme (Dundee)

2. Michael Marra (North East Scotland) (Lab): To ask the Scottish Government what its response is to reported concerns that prolonging phase 3 of the learning estate investment programme will further delay the delivery of a primary school in the Western Gateway area of Dundee. (S6O-02441)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I understand that local authorities are keen to get clarity on phase 3 of the learning estate investment programme. Last week, I visited the east end community campus project in Dundee, and I know about the difference that LEIP funding will make in that area, particularly in relation to the amalgamation of two schools in that community.

Scottish Government officials wrote to all councils in March to explain that consideration of those projects would form part of phase 3, which

was still on-going at that time. It was set out that further time was needed to look at the scope of phase 3, and particularly to take account of the impact of market volatility on current projects and, accordingly, price increases. Since then, our medium-term financial strategy, which was published in May, has also highlighted that our top priority needs to be to ensure that Scottish finances remain on a sustainable trajectory. Those are big decisions, and it is important that we get them right. However, I am committed to announcing the successful phase 3 projects as soon as possible.

Michael Marra: The Western Gateway primary school is scheduled to open in August 2026, by which time families will have been waiting for over a decade. The project requires 50 per cent funding from the Scottish Government. I know that the cabinet secretary has highlighted the difference that LEIP projects will make to their local areas, but does she appreciate the real concern in that community that the further delays that she announced on 1 June—and which she has reannounced today—might put at risk that opening date and, as a result, the plans that young people and their families have to make for their futures?

Jenny Gilruth: I very much do not want those plans to be put at risk. I recognise Michael Marra's interest in the matter. It is worth while pointing out that, in December 2020, we announced LEIP phase 2 projects in Dundee, which included in Dundee City Council's priority project a new east end community campus, as I outlined, to replace Braeview academy and Craigie high school.

Dundee City Council has also put forward a new Western Gateway primary school, as Michael Marra alluded to, as its priority project for the LEIP phase 3 funding.

We will announce the phase 3 projects very soon. I recognise some of the challenges that that presents in relation to uncertainty, but I hope to provide certainty very soon to a number of local authorities that have also submitted bids.

Michael Marra will understand some of the real financial pressure that the Government is struggling with at the current time, but I want to be absolutely certain that we are delivering on as many schools as possible to ensure that we can improve the learning environments for our young people.

The LEIP project and our approach to school funding have been innovative. We are working with local authorities, but we recognise that they have statutory responsibility for the delivery of education locally.

The Presiding Officer: Question 3 has not been lodged.

Skills Review

4. Ivan McKee (Glasgow Provan) (SNP): To ask the Scottish Government which parts of the independent review of the skills delivery landscape it plans to implement. (S6O-02443)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): Through our engagement on “Purpose and Principles for Post-School Education, Research and Skills”, which was published today, it is evident that there is a necessity for the reforms that James Withers has outlined. The initial priorities document, which was published alongside the purpose and principles, is clear that we accept the basis of his recommendations on language, skills planning, employer engagement, funding and pathways reform. How we implement reform across the education system, including in the context of “It’s Our Future: Report of the Independent Review of Qualifications and Assessment”, which was published last week, will be determined by our further discussions with stakeholders over the coming weeks and months.

Ivan McKee: The Withers review highlights the need for industry engagement and the critical importance of work-based learning apprenticeships. However, the minister will have seen commentary from the chief executive of Scottish Engineering, Paul Sheerin, that the proposals in the review run the risk of taking us further away from those goals. How will the Government ensure that employers and businesses are fully engaged and that work-based learning is given the importance that it deserves to ensure that Scotland has the skills that it needs to take maximum advantage of the enormous industrial opportunities that are before us?

Graeme Dey: I noted Paul Sheerin’s comments, but I believe that the Withers proposals, when linked in with the work that is taking place on educational reform, will take us forward. I absolutely recognise the importance of employer engagement, and I am committed to ensuring that our reformed learning system meets the needs of employers of all sizes across Scotland. That is why the Government will be working with a range of employers and representatives to understand their views and perspectives as we consider next steps towards implementing change. How we implement reform across the education sector will be determined by that engagement.

Pam Gosal (West Scotland) (Con): Key to the establishment of a successful post-school learning system will be measuring progress towards achieving it. Measuring progress is something that the Scottish National Party has often struggled with. It has preferred to mask its failures under the guise of spin. However, we need an honest assessment so that problems can be addressed

before they spiral into the administrative quagmire that we see before us today. Will the minister explain how progress will be measured?

Graeme Dey: That is a disappointingly negative contribution to an incredibly important debate. Of course progress towards achieving what we set out to achieve will be important but, right now, the focus of everyone is—or should be—on shaping a skills and post-school education landscape that meets the needs of our learners for the future. That is what the Government is focused on.

Daniel Johnson (Edinburgh Southern) (Lab): I echo Ivan McKee’s comments. The Withers review was important in terms of the functional outcomes, such as parity of esteem, embedding the Scottish credit and qualifications framework, and providing flexibility through measures such as digital skills, but the documents that were released today focus more on structure. The removal of funding and skills planning raised big questions about the future of Skills Development Scotland and what its status will be.

Given that 1,500 people are employed by SDS, when will we get clarity about whether SDS, and those jobs, will continue? Given the scale and impact of what is being proposed, would it not have been better to have a statement or even a debate on the matter, rather than releasing the details through correspondence with the committee convener?

Graeme Dey: I should say that we also met Opposition spokespersons on that very subject yesterday.

I recognise Daniel Johnson’s interest in the issue. With regard to the recommendations, we have tried today to give a degree of certainty where we can. In relation to SDS, we have provided a degree of that. We are also very much aware of the concerns of employees. That is why we will move as quickly as we can to provide them with the certainty that they will require.

I think that members, if they read both documents together, will see a direction of travel. We will provide more detail after the summer recess.

Recruitment of Teachers

5. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government whether it will provide an update on what it is doing to assist local authorities with the recruitment of teachers. (S6O-02444)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Local councils are responsible for the recruitment and deployment of their staff, and they have autonomy to provide incentives to their area as it is they, not central

Government, that employ our teachers. I will continue to engage directly with the Convention of Scottish Local Authorities on the issue.

However, the Scottish Government is committed to supporting recruitment of more teachers and is providing £145.5 million in this year's budget to protect increased teacher numbers and to support staff across all local authorities.

Retention of teachers is key. Undoubtedly, the historic pay settlement that was reached earlier this year will go some way towards achieving that aspiration and underlining this Government's commitment to our teachers.

Rona Mackay: A constituent of mine is concerned about the prospects for probationary teachers, including her son who completed his probationary period at a school in East Dunbartonshire and received an excellent report from the headteacher. However, when it came to interviewing for a vacant post, he was competing with newly qualified teachers with no probationary experience, yet he and other colleagues who were in similar positions lost out on jobs.

I understand that some councils have in place positive discrimination to benefit teachers who have successfully completed their probationary year within that authority. Does the minister agree that experience as a probationary teacher should be taken into account, and that lack of security is turning away many people who are desperate to take up the vocation of teaching?

Jenny Gilruth: Teaching is a really attractive career choice for many people. Scottish teachers are, as we know, following the pay deal that I outlined in my original response, which is the best in the United Kingdom.

I expect local councils that employ our teachers to recruit teaching staff in an open, fair and transparent manner. I discussed that matter with the Convention of Scottish Local Authorities only this morning.

The teacher induction scheme is, of course, funded by the Scottish Government. It gives a one-year probationary replacement to allow teachers the opportunity to meet the standard for full registration. However, we have never provided a guarantee of future employment with a specific local authority. It has always been the responsibility of councils to recruit and employ their teachers based on local needs and circumstances.

I know that when I completed my probationary year—many years ago now—the job market was deeply competitive and people had to move to find work. I accept that not everyone is able to do that, including people who have young families. To that end, as I mentioned in my original response, we

are, in this year's budget, providing councils with additional funding, which is particularly focused on protecting increased teacher numbers. I mentioned that I discussed that with COSLA earlier today; I have also discussed it with the General Teaching Council for Scotland. I look forward to working with COSLA on the issue in recognition of the national challenge at the current time.

Pam Duncan-Glancy (Glasgow) (Lab): In any job, promoting a safe and secure work environment with good and fair working conditions is undoubtedly a pull factor in recruitment. Teachers and trade unions have told us that heavy workloads and lack of non-contact time are impacting on wellbeing, and the national discussion was crystal clear that the Government must implement its commitment to increasing non-contact time. I welcome the cabinet secretary's confirmation that the Government remains committed to doing that. Will she update Parliament today with a timetable for implementation?

Jenny Gilruth: I thank Pam Duncan-Glancy for that question. She raised the issue with me a number of weeks ago during one of our education debates or statements, although I cannot recall exactly which one. I remain very committed to considering the issue with—of course—our partners in the Scottish Negotiating Committee for Teachers.

The member mentioned workload and class contact. Both factors play into how we will take forward some of the key reforms that are coming not only from the national discussion but from the outputs of the Hayward review.

I will be commissioning an external piece of work that will consider and bring together a range of factors—including effective local and national teacher workforce planning, pupil to teacher ratios and the projected decline in the number of school-aged children in Scotland—to inform effective evidence-based workforce planning, which is hugely important.

We need to look at the issues holistically, because issues in some local authorities will not exist everywhere. We must ensure that we have in place an education workforce that enables us to progress our commitments on reducing class teachers' contact time, on raising attainment overall, on closing the poverty-related attainment gap and on improving additional support for learning, while delivering maximum value for money.

Willie Rennie (North East Fife) (LD): The cabinet secretary knows that, across the country, there is a significant problem with unemployment and underemployment of, in particular, primary

teachers. Now that she has been in post for a few weeks, has she got any understanding of how we can tackle that, including through dealing with supply? In other words, are we training too many teachers into the system? If so, how will we tackle the high level of unemployment in teaching?

Jenny Gilruth: Mr Rennie highlights issues that we face in relation to primary school teacher recruitment, on which I am well sighted. I have discussed the matter with the Scottish Education Council, and School Leaders Scotland has been taking forward work on the matter, which it presented to the Scottish Education Council a number of weeks ago. I am very keen to work more broadly with the General Teaching Council for Scotland on the issue, recognising the issues that Mr Rennie has spoken to.

It is hugely important that we have a better understanding of the national picture, because some of the issues that exist in the local authority that he and I represent will not exist, for example, in Dundee City Council, which takes a very different approach to teacher recruitment.

I am really keen to work with COSLA on the matter. I have met COSLA, as I mentioned in my response to, I think, Pam Duncan-Glancy. We will take that work forward in partnership—although of course I acknowledge that local authorities are, fundamentally, the employers of our teachers.

Dargavel Primary School

6. Russell Findlay (West Scotland) (Con): To ask the Scottish Government what its response is to the independent review into the planning for Dargavel primary school. (S6O-02445)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government is taking the capacity issues at Dargavel primary school very seriously. Officials met Renfrewshire Council very recently to discuss the independent review report that was published earlier this month.

I am advised that Renfrewshire Council has accepted all the report's recommendations. The council has issued an unreserved apology to parents and carers, and has committed to working with them to deliver on the report's recommendations and—which I think is important—to restore public trust. Although it is a matter for Renfrewshire Council, I also yesterday met a representative of the primary school's parent council and I met Neil Bibby MSP to hear their concerns directly.

Russell Findlay: The report is damning. It describes Renfrewshire Council's planning of Dargavel as

"woefully inadequate and grossly incompetent".

For years, parents have voiced concerns that the school was too small, yet the report confirms that not a single complaint was ever given proper scrutiny, and the council's approach was

"the complainants are wrong, the Council is right".

It turns out that the council was wrong and the parents were right.

Will the Scottish Government now step in, start from scratch and ensure that local pupils do not pay the price for the Dargavel debacle?

Jenny Gilruth: Russell Findlay has raised a number of really important points. I discussed the matter at length yesterday in my meetings with Mr Bibby and the representative from the parent council.

The issue partly relates to accountability, to which the member has alluded, and that accountability is ultimately for the local authority. He asked whether I am able, as cabinet secretary, to step in. I have asked my officials to raise the issue directly with the chief planner, in case there is any evidence that she can offer the council on the matter. More broadly, I have asked for advice from officials on any support that we might be able to give the local authority as it moves forward on the challenges that are inherent in the results of what I have to say was poor decision making in relation to the school build. I commit to working closely with any interested MSPs on the issue, because it is a huge issue locally. It has been very difficult for parents in particular, who have been expressing concerns for a number of months—if not years.

It is important, though, that the local council, which has statutory responsibility for delivery of education, now works to rebuild trust. I have committed to working with the council on the matter during the summer recess. I will talk to the council directly about what more support the Scottish Government might be able to provide.

I recognise that it is a very challenging issue locally. I will do all that I can, as cabinet secretary, to provide support but, fundamentally, the matter is for Renfrewshire Council.

Neil Bibby (West Scotland) (Lab): Renfrewshire Council has been found to be incompetent, arrogant and amateur. The cabinet secretary has heard from parents directly that they have lost all confidence in the council. Some £160 million has been wasted, but nobody has been held accountable.

Does the cabinet secretary agree that there must be accountability for the Dargavel debacle and that only a full and independent investigation of it will command public confidence? Will the minister also seriously consider the request from parents to consider fully the case for independent

and robust oversight of Renfrewshire Council's future delivery of Dargavel education provision?

Jenny Gilruth: Mr Bibby and I had a really productive and helpful meeting yesterday. I think that the points that he makes about lack of confidence in the council are very important.

On accountability, there has, of course, been an independent inquiry, although I know that there are a number of potential challenges in respect of how it has landed with local parents. It is important now that I, as cabinet secretary, meet the council. I have agreed to do so with Mr Bibby during the summer recess to hear from the council directly.

On the call from parents for an independent and robust approach to governance, I give Neil Bibby the absolute assurance that, within the confines of being Cabinet Secretary for Education and Skills, I will provide whatever support I can through Scottish Government officials. As I said in my response to Mr Findlay, I recognise that it is ultimately a matter for the local authority, but Mr Bibby will have my support and I will do all that I can within the powers that are at my disposal.

Widening Access to University

7. Roz McCall (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on its progress towards meeting its 2030 target for widening access to university admission. (S6O-02446)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): We are committed to ensuring that learners from our most disadvantaged areas are supported into universities. Last year, more than 16 per cent of first-degree entrants studying full-time were from deprived areas, which means that we have fulfilled the first target that was set by the commission on widening access, and we give credit to our universities for that. We should be immensely proud of the progress that we have made collectively on widening participation, but of course we recognise that there is more work to do. We will continue to work with the sectors and the commissioner for fair access to make further progress towards our targets.

Roz McCall (Mid Scotland and Fife) (Con): Recommendation 31 of the commission on widening access report, which was published in 2016, stated:

"The Scottish Government and the Scottish Funding Council ... should develop a consistent and robust set of measures to identify access students by 2018."

Seven years later, universities are still using the Scottish index of multiple deprivation, which only identifies neighbourhood areas, resulting in a postcode lottery. Stakeholders are extremely

concerned that, if action is not taken now, the 2030 target will not be met. Why has the Scottish Government so far failed to deliver on the promise for robust measures from 2016, and how will that failure impact the 2030 target?

Graeme Dey: Roz McCall asks a legitimate question, although I refer her to the fact that we have met the initial target. I accept that, to create a truly fair system, it is important for us to fully identify the people who face the greatest barriers to entering university. The commission's final report made it clear that the SIMD is the best measure that we currently have to support our work on access. However, we recognise the importance of identifying all those who face socioeconomic disadvantages, including in rural areas. That is why we have established a working group to consider what other measures could be used alongside the SIMD to support our work on fair access. The access data short-life working group is currently due to report its recommendations to ministers in September this year. We will continue to work with the sectors and the commissioner to ensure that we best support the people who need it.

Keith Brown (Clackmannanshire and Dunblane) (SNP): We should never be complacent when it comes to widening access, but the numbers do not lie. Higher education student statistics show that, since 2006-07, there has been an increase of 31.4 per cent in the number of Scotland-domiciled full-time first-degree entrants to our universities, and we are seeing more people from the most deprived areas going to our universities. Does the minister agree that the party that introduced free university education by scrapping the graduate endowment needs no lessons from the Tories when it comes to widening access?

Graeme Dey: I agree that we should be proud of the progress that we have made. Again, I pay tribute to the universities for the work that they have done. We have seen an impressive 41 per cent increase in the number of students from the most deprived areas entering university since we accepted the recommendations of the commission. Access to university should be based on the ability to learn, not the ability to pay, and that is what the Government continues to deliver.

Universities (Marking and Assessment Boycott)

8. Sandesh Gulhane (Glasgow) (Con): To ask the Scottish Government what action it is taking to end the marking and assessment boycott in Scottish universities. (S6O-02447)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): Although the Scottish Government has no

direct role in resolving industrial disputes in the further and higher education sectors, we are clear that we expect trade unions and employers to work together to resolve issues around pay and terms and conditions. In recent weeks, I have met the trade unions and employers and have urged them to engage in constructive and meaningful dialogue in pursuit of a resolution of the disputes.

Sandesh Gulhane: Students from universities across Scotland and, in particular, the University of Glasgow, through no fault of their own, are graduating with unclassified degrees. I have constituents writing to me worried about their futures. Students feel let down and betrayed, as they are becoming collateral damage in a dispute between lecturers and universities. The minister must stand up for students who have been abandoned in this dispute. What guarantees can the minister make to ensure that every university student will receive fully marked coursework and an accurate degree classification by the end of the summer?

Graeme Dey: I agree that students find themselves in a situation that is no fault of their own. I also know that universities are working extremely hard to resolve matters. It is deeply regrettable that individuals are suffering as a result of the boycott in the context of the industrial dispute. That is why I pressed Scottish universities to push the Universities and Colleges Employers Association to get back around the table for progress to be made not only on pay but on issues such as the gender pay gap and casualisation.

I understand that the Scottish committee of UCEA met the unions this week. Although that was not part of the formal negotiation process, I welcome the fact that they are, at the very least, talking.

If Sandesh Gulhane is as keen as I am to have matters resolved, perhaps he will encourage his colleagues in the United Kingdom Government to ask English universities to direct UCEA to reopen talks with no preconditions, because these are UK-wide negotiations.

John Mason (Glasgow Shettleston) (SNP): As I understand it, universities are independent institutions. Of course, we all want to see a fair settlement, but does the minister agree that it would be damaging for our universities' worldwide reputation if the Government started interfering in day-to-day matters?

Graeme Dey: The role of Government is to work constructively with the institutions and trade unions to encourage resolution. Sandesh Gulhane is correct that none of us want to see our students adversely affected in this way.

Northern Ireland Troubles (Legacy and Reconciliation) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-09722, in the name of Angela Constance, on the Northern Ireland Troubles (Legacy and Reconciliation) Bill, which is United Kingdom legislation. I invite members who wish to participate to press their request-to-speak button now or as soon as possible. I invite Angela Constance to speak to and move the motion for around eight minutes.

15:17

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): This is an opportunity for the Parliament to consider a supplementary legislative consent motion on the UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill.

The UK Government first introduced the bill on 17 May 2022, saying that its proposals were to implement a range of measures that sought to address the legacy of the Northern Ireland troubles. The bill includes provisions to establish a new independent body—the independent commission for reconciliation and information recovery—limit criminal investigations, legal proceedings, inquests and police complaints; extend the prisoner release scheme in the Northern Ireland (Sentences) Act 1998; and provide for experiences to be recorded and preserved and for events to be studied and memorialised.

After consideration of the bill, the Scottish Government concluded that a legislative consent memorandum should be lodged in the Scottish Parliament due to the impact that the bill would have on devolved areas of competence, with the recommendation that consent be refused.

Maggie Chapman (North East Scotland) (Green): The cabinet secretary has outlined the principles of the bill. What conversations did the Scottish Government manage to have with those on the ground in Northern Ireland about their views of the bill and how they think that it will affect things on the ground there?

Angela Constance: I am aware that the bill has been opposed by every political party in Northern Ireland, including the Democratic Unionist Party, and key stakeholders such as Amnesty International, Relatives for Justice and WAVE—Widows Against Violence Empower—Trauma Centre, the latter being the largest cross-community victim group in Northern Ireland.

The Scottish Government advised the Scottish Parliament to refuse consent on the bill on 20 October 2022 when the first legislative consent memorandum was lodged. The majority of the Criminal Justice Committee voted to support that position when the committee published its first report on the bill on 10 January 2023, with two members voting against the Scottish Government's recommendation.

Since then, the UK Government has proposed further amendments to the bill, the most recent of which it published and provided in full to the Scottish Government only on 8 June. We have considered those new amendments, and it is the position of the Scottish Government—which includes the Lord Advocate and the Solicitor General for Scotland—that the recent amendments do not resolve the concerns that resulted in the recommendation that the Parliament should not pass a legislative consent motion on the bill.

In its current form, despite the amendments that were tabled by the UK Government, the bill still gives rise to three key areas of concern for the Scottish Government, of which I apprised the Criminal Justice Committee on 21 June. First, it will limit the ability of victims of the troubles to seek justice through Scottish courts if required. Secondly, it does not respect devolution and provides power to the Secretary of State for Northern Ireland to amend devolved legislation without first discussing the matter with, or obtaining consent from, this Parliament. Thirdly, it has the potential to impact on the powers of the Lord Advocate as independent head of the systems of criminal prosecution and the investigation of deaths in Scotland. The Criminal Justice Committee published its final report on the bill on 23 June, with no members voting against the Scottish Government's recommendation to withhold consent.

In its current form, the bill still allows the granting of immunity to people who apply for it, even though they might have committed serious offences during the troubles. In effect, it could mean an amnesty for those who have committed offences such as murder or crimes involving abuse and torture, including crimes that were conducted by agents of the state. The amendments will not increase the opportunity for people who have been directly affected by the troubles and are seeking justice to obtain justice or ensure that people who committed offences during the troubles are appropriately held to account.

In its current form, the bill provides the Secretary of State for Northern Ireland with the ability to amend devolved legislation without having to make the Scottish Government aware of that, let alone seek the Scottish Parliament's

agreement to do so. If the UK Government respects devolution, it should not exercise powers within the legislative competence of the Scottish Parliament unless doing so is specifically agreed.

Even with the concessions that have been made by the UK Government, the bill continues to encroach on the role of the Lord Advocate as the independent head of the systems of criminal prosecution and the investigation of deaths in Scotland. The principle that the Lord Advocate takes decisions in their capacity as head of the systems of prosecution and the investigation of deaths independently of any other body predates devolution and is protected by section 48(5) of the Scotland Act 1998. The power to grant immunity that is proposed for the independent commission that will be created by the UK Government's bill potentially undermines that principle by adversely impacting on the Lord Advocate's ability to take decisions on whether to commence prosecutions.

As I laid out to the Criminal Justice Committee last week, under previous iterations of the bill, it was the case that, even when immunity was not granted, the Lord Advocate would not be able to commence a prosecution unless and until the commission decided to formally refer the cases to the Lord Advocate's office. Therefore, I welcome the amendment that has been proposed by the UK Government, which will mean that the Lord Advocate can direct the commission to refer such a case to the Lord Advocate's office when it is considered appropriate. I understand that the Solicitor General met Lord Caine to discuss that amendment. However, as I already stated to the Criminal Justice Committee, at the heart of the bill is the power given to the commission to grant immunity from prosecution for the most serious of offences.

In Scotland, we would expect the power to make decisions on which individuals should be prosecuted to be exercised by the Lord Advocate acting independently in the public interest. Despite the recent amendments to the bill, the commission's power to grant immunity still has the potential to cut across the independent decision making of the Lord Advocate. In effect, the commission, and not the Lord Advocate, will have the discretion to decide whether a prosecution can be raised. The Scottish Government does not think that it is wise or appropriate for the UK Government to alter the Lord Advocate's constitutional position in that way and, in my view, it is not something that the Scottish Parliament should consent to.

The Scottish Government has a responsibility to review UK Government legislation that will impact on the devolved powers of this Parliament and to review any amendments that are made to it. We have done so, and it is our recommendation that

the Parliament maintains its position of withholding legislative consent to the amended Northern Ireland Troubles (Legacy and Reconciliation) Bill. Therefore, I urge all members to support that position, which is backed by the Scottish Parliament's Criminal Justice Committee.

I move,

That the Parliament agrees with the recommendation in the Scottish Government's supplementary legislative consent memorandum to withhold consent for the UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill.

15:25

Russell Findlay (West Scotland) (Con): I grew up with the troubles on my television screen. For families in Northern Ireland, it was their lives. Today, it can be easy for us to forget the daily backdrop of terror, devastation and death. I commend the recent five-part BBC documentary, "Once Upon a Time in Northern Ireland", which expertly tells the stories of some of those people who suffered and also of some of those who inflicted the suffering. The series is a timely reminder that, for many individuals and families, memories remain fresh and losses remain raw.

The legislative consent motion before us today relates to an independent commission for reconciliation and information recovery, which will investigate deaths and serious injuries relating to the troubles. Individuals who were involved in the troubles will be able to come forward and be provided with immunity—under certain strictly defined conditions—if they provide information relating to an event that took place that led to death or serious injury. That could be information that would help to identify the location of remains of people who were taken away to be tortured and executed by terrorists, or it could be knowledge that is harboured about one of the many bomb plots that claimed the lives of civilians or military personnel.

Edward Mountain (Highlands and Islands) (Con): We all need to be very careful in how we talk about and consider this issue. I want to make the following point.

On 20 July 1982, four soldiers from my regiment who were riding horses down the south carriageway at Hyde park were blown up by a man who had planted a bomb surrounded by nails in a car next to their route. Mr Downey was accused and found guilty of that but has never been brought to justice, because he has a way of avoiding it.

At the same time, just two years ago, one of my colleagues, Dennis Hutchings, was charged in Northern Ireland for murder—in 1974, he shot somebody. The argument about whether that is

correct is neither here nor there. He was dragged to Northern Ireland, where he was prosecuted. He subsequently died during the trial.

I put to Russell Findlay a question that I would like the Government to reflect on: will the commission bring peace to those people who are left behind? We need to do that.

Russell Findlay: I thank Edward Mountain for his intervention. I know that, as a former soldier, he knows more than most the extent of the troubles and the horrors that they involved.

That is indeed the sentiment behind the Northern Ireland Troubles (Legacy and Reconciliation) Bill. It is about truth, reconciliation and closure for families who remain badly affected. It is modelled on the truth and reconciliation approach that has worked very successfully in post-apartheid South Africa, albeit under different circumstances. It is a sensible bill with a legitimate aim and, crucially, it takes a consistent approach across the United Kingdom.

That is why I find it concerning that the Scottish National Party Government is seeking to interfere on an issue that primarily, if not exclusively, affects Northern Ireland. There would be an outcry from the SNP if, for example, Stormont decided to deny consent to a bill that had been produced here at Holyrood that was about Scotland. Northern Ireland's history is unique, and it should not be used for political purposes. It should certainly not be exploited to create any kind of constitutional grievance.

Keith Brown (Clackmannanshire and Dunblane) (SNP): I do not know whether Russell Findlay heard what the cabinet secretary said, but all the parties in Northern Ireland believe that the bill undermines the rights of victims to seek redress. It also undermines devolution and, crucially—this is the first time that I can remember this happening—it undermines the independent role of the Lord Advocate. Does none of that concern Mr Findlay?

Russell Findlay: There are many views about the legislation in Northern Ireland and across the United Kingdom, but it is vitally important that a UK-wide approach is taken. Thousands of lives were lost during the troubles and thousands more were damaged due to the crushing impacts of the violence, and everybody wants to move on from that time. The Northern Ireland of today is nothing like the Northern Ireland of the 1970s, 1980s or 1990s. Quite why we would want to get involved in what is, really, an internal issue for the people of Northern Ireland is beyond me, and it would be wrong if this were simply another chance to pick a fight with the UK Government. The bill would play an important role in helping Northern Ireland to

further consign the violence of the past to the history books.

The UK Government has addressed some of the concerns that were raised by the Lord Advocate, and it is clear that it is willing to continue to address outstanding concerns. When I questioned the cabinet secretary about the concerns, it transpired that there are no live troubles-related police investigations in Scotland and there do not appear to be any troubles-related prisoners in Scotland. It is therefore a largely theoretical question. There appears to be a slim chance of the commission's work impinging on Scotland, but while there remains any chance, I believe that we should support the bill. Today, we will vote against the Scottish Government's LCM.

15:31

Pauline McNeill (Glasgow) (Lab): The Northern Ireland Troubles (Legacy and Reconciliation) Bill proposes an effective amnesty from prosecution for troubles-related offences in exchange for co-operation with a truth retrieval body. The bill would halt future civil cases and inquests linked to killings that took place during the conflict, and it would establish a new independent commission for reconciliation and information recovery, which would be responsible for reviewing deaths and other harmful conduct forming part of the troubles and publishing its findings.

The bill would seemingly effectively draw a line under offences in the troubles era across the UK by ensuring that long-running cases that have not been resolved are closed and closing avenues for justice in cases that did not involve death or serious injury. However, importantly, as Keith Brown said, that view is not shared by virtually any of the political parties and victims groups across the island of Ireland, north and south, which have slammed the substance of the bill. The Democratic Unionist Party is against it. In fact, one of the few issues that all sides of the political debate in Northern Ireland seem to agree on is that the proposal should not proceed. I agree with Edward Mountain that there are great sensitivities among the people of Northern Ireland about their history, but it is for that reason that we must recognise that the proposal does not have the people's consent.

On top of strong opposition in the north, the Republic of Ireland Government is also against the bill. In a press release, Irish foreign and defence minister Micheál Martin urged that the bill be paused, because it would potentially set back peace in Northern Ireland.

The families of victims of the troubles have also expressed deep concerns about the bill. Some have said that it is

“designed to cause pain and hurt to families seeking the truth about what happened to their loved ones.”

The Council of Europe warned that the bill will diminish rights and accountability in a country that has seen precious little of either. The Council of Europe Commissioner for Human Rights, Dunja Mijatović, stated that she has

“repeatedly warned”

Westminster

“that the Bill would undermine the human rights of victims, as well as truth seeking, reconciliation and justice efforts.”

Because of such opposition, I worry deeply that the bill, which is opposed by all political parties in Northern Ireland and by victims and survivors of the troubles across nationalist and unionist communities, will be a setback for Northern Ireland.

The bill threatens to undermine the powers of the Lord Advocate—or it did. I heard the cabinet secretary say that there has been a last-minute change regarding the Lord Advocate's powers. That is to be welcomed, although I would have preferred to have seen it a bit earlier, because the Criminal Justice Committee has scrutinised the bill over a large number of weeks and has made the point that a major objection to it concerns the removal of powers from the Lord Advocate.

I had the privilege of representing Scottish Labour on the British-Irish Parliamentary Assembly, which includes all political parties. This year, the British-Irish Parliamentary Assembly marked the 25 years since the Good Friday agreement, which largely ended bloodshed that left 3,600 people dead. I had the privilege of listening to former Taoiseach Bertie Ahern, former senator George Mitchell, and former civil servants, who spoke of the incredible coming together of people to ensure the Good Friday agreement.

Paul O'Kane (West Scotland) (Lab): I am grateful to Pauline McNeill for giving way. She knows of my deep personal interest in the issue—indeed, she will note that I had the great honour of hosting in this Parliament three people who were deeply involved with the architecture of the Good Friday agreement, as we marked 25 years of the agreement. As we have heard, they were clear that the bill will not work in achieving the consensus on reconciliation that is required, and that it does not have the support of the people of Northern Ireland. Crucially, it is relevant to people in Scotland because of the strong diaspora links between Scotland and Northern Ireland. Would the member agree that we have to respect the people of Northern Ireland on this matter?

The Deputy Presiding Officer: I can give you the time back, Ms McNeill.

Pauline McNeill: I agree whole-heartedly with Paul O’Kane that, although the substance of the debate is about whether we give legislative consent to the bill because it cuts across devolved powers, it is also important to acknowledge that it does not have the political support of organisations and parties in Northern Ireland.

Britain’s exit from the European Union has further complicated the peace process, creating political tensions that have rattled the foundations of the Good Friday agreement. As of today, Northern Ireland has been without a sitting Assembly for nearly a year and a half. If the bill is passed, it threatens to further drive a wedge between all political parties in Northern Ireland. I, for one, think that we have a duty, as MSPs of a devolved Parliament, to collectively oppose anything that threatens the Northern Ireland peace process.

As I said earlier, I welcome the late change to the bill in relation to the Lord Advocate’s powers. However, the proposals do not, in principle, have the consent of the community. For those reasons, we will absolutely support the Government on the legislative consent motion and ask the Parliament not to recommend support for it this evening.

The Deputy Presiding Officer: I call the cabinet secretary to wind up the debate, for around five minutes.

15:36

Angela Constance: The Government recognises the great sensitivity of the matters that we are discussing today, and it has proceeded on that basis at all times. In essence, the proposed amendments from the UK Government have not gone far enough to remedy the issues that were raised by the Scottish Government and its committees when it was initially recommended, in October 2022, that the Scottish Parliament should not pass the legislative consent motion on the bill.

The amendments that the UK Government tabled on 8 June, although they are welcome, do not alleviate the three major concerns that we have about the bill. The Scottish Government cannot support a bill that reduces or eliminates the ability of victims of crime to seek justice through our court system, and that position is backed by the Scottish Parliament’s Criminal Justice Committee.

We should not forget that the bill will provide the commission with the power to grant immunity from prosecution for some of the most serious offences, including abuse, torture and murder. The decision on whether to prosecute someone for those offences should remain with the Lord Advocate, and to remove the decision-making process from that office and place it with another body—

Russell Findlay: Will the cabinet secretary give way?

Angela Constance: No, thank you.

In our view, that has the potential to adversely impact the long-standing position of the Lord Advocate.

The bill—

Edward Mountain: Will the cabinet secretary give way?

Angela Constance: No, I will not, Mr Mountain.

Okay—yes, I will.

Edward Mountain: I am very grateful. Some people who have already been prosecuted have got letters, known as “on the run” letters, from a previous UK Government, which allow them to avoid prosecution, so that already happens. Does the cabinet secretary think that that is right? Doing what she is doing and preventing the bill from going forward will not aid in resolving the problems that those letters have produced.

Angela Constance: Mr Mountain, I am trying very hard not to have a politicised debate, given the matters that we are discussing. I am aware of the sensitivity of the issues for many members across the political divide, but I have a duty, as a member of this Parliament, to point out issues regarding access to justice for people who reside in Scotland and who may wish to pursue civil or criminal action in Scotland. I have a duty to stand up to any legislation, irrespective of its purpose, if it interferes with the long-standing constitutional right of the Lord Advocate.

I will go on to reflect on some of the most sensitive matters, and on what we understand of the views of the political groups and community groups of interest in Northern Ireland.

The decision on whether to prosecute someone for those offences should always remain with the Lord Advocate. To remove the decision-making process from that office and place it with another body has the potential, in our view, to adversely impact the long-standing position of the Lord Advocate. It is also our view that the bill will not make it easier for victims who suffered during the troubles to obtain justice.

It is not only the Scottish Government that has serious concerns over the bill, which has been reflected on in the debate. There has been widespread opposition to the bill. As I said to Maggie Chapman, all the political parties in Northern Ireland oppose the bill, as do key stakeholders such as Amnesty International. Many victims groups have raised serious concerns about the bill and its ability to help deliver justice and reconciliation, including the Widows Against Violence Empower trauma centre, which is the

largest cross-community victims group in Northern Ireland.

Amnesty International conducted polling to gauge opinion about the bill and released results showing that 87 per cent of UK adults thought that people should still be prosecuted for serious crimes such as murder even if they were committed decades ago. Grainne Teggart, Amnesty International UK's Northern Ireland deputy director, has said that the UK Government's plans for the bill are

"an affront to decency, human rights and the rule of law and must be scrapped."

In addition, Mark Thompson, chief executive of Belfast-based Relatives for Justice has said that the bill is

"anti-rule of law, anti-victim, anti-Good Friday Agreement, anti-international human rights law."

He went further and said:

"It denies the right to a basic investigation and truth and accountability".

We have heard that the DUP strongly opposed the introduction of the bill, and Sir Jeffrey Donaldson wrote to the Prime Minister urging him to scrap the bill. Sir Jeffrey Donaldson said:

"Reconciliation will not be achieved by sacrificing justice. Access to justice must be preserved".

Micheál Martin, the Minister for Foreign Affairs and Minister for Defence in the Irish Government has said that he is deeply worried that

"the enactment of this bill, opposed by all political parties in Northern Ireland, and by victims and survivors of the Troubles across communities, will set back the essential work of reconciliation".

Presiding Officer, although I note the opposition to the bill, as a Government minister, it is for the reasons that I have already outlined that I urge all members of the Parliament to support the Scottish Government's recommendation that the Scottish Parliament does not pass a legislative consent motion in relation to the UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill.

Charities (Regulation and Administration) (Scotland) Bill: Stage 3

15:42

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Charities (Regulation and Administration) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 20A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons, or enter RTS in the chat function if they are joining us online, as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

Section 2—Inclusion of names of charity trustees on the Scottish Charity Register

The Deputy Presiding Officer: We start with group 1, which includes minor and technical amendments. Amendment 4, in the name of the Cabinet Secretary for Social Justice, is grouped with amendments 5 and 9.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): These are very minor amendments. Amendments 4 and 5 are self-explanatory and simply correct the language that is used in two places in the bill. Amendment 9 addresses a consequential amendment following on from stage 2. At stage 2, acting on a suggestion from the Law Society of Scotland, we removed the requirement for charities to give 42 days' notice of certain proposed changes.

All that will be required now is for charities to obtain consent before going ahead with those changes. As a result, we no longer need to make provision in paragraph 4 of the bill's schedule about how the 42-day period is to be calculated in a case in which the charity ends up agreeing a different name with the Office of the Scottish Charity Regulator from the name that it originally sought consent to.

I move amendment 4.

Jeremy Balfour (Lothian) (Con): Those of us on this side of the chamber welcome all of the

amendments in the name of the cabinet secretary, and we will support all of them as we go on this afternoon. We will not speak to them.

Amendment 4 agreed to.

Amendment 5 moved—[Shirley-Anne Somerville]—and agreed to.

After section 2

The Deputy Presiding Officer: Group 2 is on the register of persons holding a controlled interest in land. Amendment 3, in the name of Jeremy Balfour, is the only amendment in the group.

15:45

Jeremy Balfour: I suspect that this is the only slightly controversial point of this afternoon's debate, but I think that this is an important issue, and I hope that the chamber will take seriously the concerns raised by churches and faith groups across Scotland.

We are seeking to exempt Christian charities, churches and religious bodies from previous legislation passed by the Parliament. Of course, there is already precedent for that in that Scottish charitable incorporated organisations were excluded from that legislation. We seek to do this not because the churches and religious bodies do not want to be transparent, but because it comes down to whether it is reasonable and appropriate for them to be included in this.

Perhaps I can best illustrate the issue using a submission that was made by the Scottish Episcopal Church at stage 2 of the bill, which we had in committee. It used an example of a diocese in Scotland in which there are 50 congregations and five diocesan trustees, comprising 50 church buildings, 40 rectories and 25 church halls, which equals 115 properties in total. With each congregation having a minimum of three associates, the number of registrations required would be 5 times 115 times 3, which—I am sure the Deputy Presiding Officer will know—equals 1,725. If that is multiplied across the seven dioceses in Scotland, we are looking at a large number of transactions that have to take place.

That would have to happen every time someone stepped down and another person was reappointed in their place. A lawyer would have to be instructed to do the transaction, which would cost money. We were told during the stage 1 debate that it would cost the Church of Scotland more than £100,000 per year—money that could be used to fund social work, good causes and other activities of that denomination and of churches. Every trustee that will be part of this is already on a register under OSCR, so their name

will be there for people to see and to know, and nothing is being hidden.

I am deeply concerned that already limited resources will be taken away from those organisations and that it will not be used for what they are set up to do but will simply pay lawyers to do more legal work. I am also concerned that there is a liability issue, because, if they do not follow that process or if there is an oversight and somebody does not do it, the organisations will be open to legal action against them.

I think that I speak on behalf of all parties when I say that part of what we want to see from the bill is more people coming forward to take up these positions. So, I believe that it will be a major step forward if this amendment is passed by the chamber this afternoon, and I ask all members to consider it seriously.

I move amendment 3.

Paul O'Kane (West Scotland) (Lab): I wish to make a brief contribution on amendment 3. I am sure that that will not come as a surprise to the Government, given my interest in the bill at stages 1 and 2.

Indeed, my colleague Rhoda Grant raised issues around controlled interests in land in relation to religious organisations and churches during scrutiny of amending regulations earlier this year. I will refer to some of the points that she raised then, which the Government has not fully addressed.

Transparency, proportionality and accuracy are fundamental. We all want a register of charity trustees, which the bill is seeking to put in place, and a register of persons holding a controlled interest in land, both being transparent and accurate. As I have said, the bill firms up the register of trustees with OSCR, thereby making clear who is in control of the charity and who is responsible for it, which is, of course, very welcome. However, there is an opportunity to deal with the concerns that many churches and religious bodies have raised in relation to the register of persons holding a controlled interest in land.

I do not view amendment 3 as one that would make organisations exempt from the register of persons holding that controlled interest; instead, it seeks to record their interest more accurately, reducing the burden to individual office bearers. The Government has, of course, exempted Scottish charitable incorporated organisations, charitable incorporated organisations that are based in England, and charitable companies limited by guarantee, arguing that they are covered by alternative transparency regimes within OSCR. Why, then, would religious charities not be covered by the new transparency regime

that will list the trustees of individual charities, which we are considering in the bill? Those are the trustees whom we know will collectively make decisions on the assets of the charities, in line with the democratic structures of their organisations.

At a cursory glance, prior to coming to the chamber, I was able to access the financial income and expenditure of the churches in the community where I live and some 37 pages of entries from across the whole country just from the Church of Scotland. To further that example, the Church of Scotland contends that the regulations as they currently stand do not achieve the aim of transparency around who has a controlled interest in respect of the land that it owns. Indeed, it argues that the opposite is the case.

As members will know, the Church of Scotland will have to record individuals who hold congregational offices—the minister, the session clerk and the treasurer—who are deemed by the regulations to be the people who exercise control or have significant influence over the land although, actually, the governance of the Church of Scotland is designed to preclude individual control. I am sure that we remember from our history lessons that that was the whole point of the reformation. No single individual, including those named office bearers, has control over decision making in relation to land. The register would therefore be inaccurate and, we could argue, would not be wholly transparent or create the level of transparency that we all intended when the 2005 legislation was passed—although I was not a member of Parliament at the time.

Would it not make far more sense for the organisation to be registered as holding the controlled interest, in order to better reflect the accuracy of decision-making processes and the decisions that will be taken on the land in the organisation, given that the details of those organisations are publicly available and that trustees will, by virtue of the bill, be on the charity register?

I will finish where I started, with my colleague Rhoda Grant, who said during the scrutiny of an SSI that the

“legislation ... 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”.

It should not, however,

“put an unacceptable burden on Scottish churches.”—*[Official Report, 16 March 2023; c 114.]*

We must be able to find a solution that has balance, transparency, proportionality and accuracy.

Murdo Fraser (Mid Scotland and Fife) (Con): I wish to contribute briefly to the debate on amendment 3, which is in the name of Jeremy Balfour. I refer members to my entry in the register of interests as a member of the Church of Scotland.

I echo what Mr Balfour and Paul O’Kane have said in relation to the importance of amendment 3. The Land Reform (Scotland) Act 2016 provides that there should be transparency in respect of persons having a controlled interest in property in Scotland. That is a perfectly legitimate and credible policy outcome that Parliament sought at the time. The problem is that that legislation has had unintended consequences. I do not think that, when the legislation was introduced, it was ever intended that churches and religious charitable organisations would be caught in the way that they have been caught, as a result of it. We have all been approached by church groups that have raised their concerns about the issue.

The Church of Scotland has a presbyterian structure. Essentially, that means that decision making is devolved to the local level to local parishes and local kirk sessions, which are elected by the members of the individual churches. Therefore, the titles to the properties that are held at local level are in the names of individual kirk session members. The kirk sessions change regularly—sometimes as often as annually. There will be continual churn and cycle of the names of the people who are involved. As has already been pointed out, an enormous administrative burden will be put on local churches because they will have to comply with the regulations in relation to persons who hold a controlled interest in land.

The Church of Scotland says that it currently holds title for 5,000 properties across Scotland. They include church buildings, church halls, manses and other properties that local churches might own. Each of those 5,000 properties will require to be registered in the name of three office bearers every time, which is a huge burden to start with. Every time there is a change of office bearers, which might happen annually, the properties will need to be reregistered. Again, that will put a huge burden on the Church of Scotland and, indeed, other churches across the country.

As members will be aware, the Church of Scotland is currently going through a reorganisation and is amalgamating presbyteries and a number of parishes, and is reducing the number of places of worship because of the decline in the number of worshippers and ministers. It is already facing quite significant financial challenges. To put the additional financial burden to which Jeremy Balfour has referred on the Church of Scotland at this time seems to be entirely inappropriate.

I cannot see that there is any public policy interest in pursuing the requirement that churches and other religious charities comply with the regulations. It seems simply to be bureaucracy for bureaucracy's sake.

I support Jeremy Balfour's amendment 3 and say to the Government that if it is not minded to support the amendment, it needs to tell us what mitigations it might put in place to address the issues that have been identified. I know that it has been suggested that there might be a delay in the regulations being introduced, but that would merely postpone the inevitable. The additional burdens would still come in and will last for time immemorial, with an annual cost to churches and local kirk sessions. If the Government will not support amendment 3—I hope that it will—will it tell us, please, what else it will do to solve the problem?

Willie Rennie (North East Fife) (LD): I will make an appeal to the cabinet secretary. The arguments that have been set out in the debate are eminently sensible. We have heard that the Church of Scotland is designed to preclude individual control. However, the Government is going to require such organisations to state who has individual control when that does not exist. I do not understand why the Government is pursuing the matter when there is a perfectly practical solution, which is to avoid double registration and double reporting, reduce the burden, reduce cost and make sure that we do not discourage volunteers from coming forward to operate within such organisations.

Murdo Fraser's last point was incredibly sensible. I understand that the Government is probably going to push ahead with its proposals. Therefore, it has an obligation to make sure that that does not cause undue burden for organisations and that there are proper and meaningful mitigations in place. We cannot deal with the consequences when organisations are already going through significant turbulence. I hope that the minister will have a last-minute change of heart. If not, it will be necessary to put mitigations in place.

Miles Briggs (Lothian) (Con): From the outset, the bill has not all been controversial; however, section 2 certainly has been. The churches and faith groups that have great concerns about it have been quite clear. The Church of Scotland's briefing indicates that it has sought countless times to explain the points to the Scottish Government, and to offer constructive solutions. However, it asserts, quite clearly, that it has been disappointed that the Scottish Government has not recognised the church's willingness to work with it, and that the Government has been unable to appreciate the church's situation. As has been

stated in the debate, it is clear that there will be unintended consequences. I think that ministers accept that, because they have already said that a year's extension will be granted for churches and faith groups.

As has been stated by others, it is important that mitigations be put in place, whether or not the cabinet secretary will consider reviewing the provisions before they come into effect. I do not know where the Green and Scottish National Party whips are today, but I wonder whether amendment 3 could be supported.

16:00

It is not controversial to exclude from the bill, at this stage, the provisions that we have discussed. We have made arguments on the point throughout stages 1 and 2 on a cross-party basis, as have church and faith groups.

This is an important point. As Fergus Ewing stated at the stage 1 debate, it is clear that the measures will have financial impacts. None of us wants more money to be used by our charities for legal costs; rather, we want it to go towards their purposes and to churches doing good in our society. I hope that the cabinet secretary will take on board the cross-party concern on the matter, and that mitigation and review can be brought in early—especially given the one-year extension that I hope the cabinet secretary will be telling Parliament about soon.

Shirley-Anne Somerville: I am afraid that I cannot support amendment 3, which is in the name of Jeremy Balfour, for the same reasons why I could not support the equivalent amendment at stage 2. Charity regulation is, fundamentally, in place to ensure and maintain public trust in the operation of charities. The register of persons holding a controlled interest in land, known as the RCI, was an essential part of the Land Reform (Scotland) Act that was unanimously passed in 2016. The purpose of the RCI is to improve transparency in relation to land and property assets, irrespective of what type of legal entity owns them, and to ensure that there is a direct link between the property and whoever exercises a controlled interest in that property.

The bill seeks to increase transparency in relation to charities and is not about the RCI. All parties supported the introduction of the RCI, which is a key part of our land reform strategy. Much progress has been made by Parliament on delivering greater transparency in relation to individuals who have control over decision making in relation to land. The RCI regulations are complex legislation, and amendment 3 risks unintended consequences.

Rhoda Grant (Highlands and Islands) (Lab): I am sure that the cabinet secretary agrees that the provisions were put in place in order to find out who the beneficial owners are who offshore their companies, hide behind legislation and do not pay their taxes. At no point did anyone think that churches would be caught by the legislation. I appeal to the cabinet secretary to consider the matter again. The delay in acting on that part of the bill means that the people who seek to hide their companies offshore and who avoid scrutiny in Scotland are let off the hook, while people who volunteer for churches are being held to account in a way that was never intended.

Shirley-Anne Somerville: I appreciate the concern that has been shared by members today, but I still believe that it would be a backward step for land reform if members were to support amendment 3, which would reduce transparency of ownership and control for some of the largest organisations that come within the scope of the RCI because of the number of property titles that they hold.

Just last week Parliament debated the need for further changes to address the concentration and transparency of land ownership and to support more communities into land ownership. Amendment 3 would cut across the need for that transparency. The information that will be available on the Scottish charity register under section 2 of the bill is charity trustee names. The RCI relates to transparency in ownership and control of property and, as such, requires additional information, rather than simply being a list of names. The two registers require different information—they are not the same, and the people who own or tenant the land might not be the people who are the charity trustees. It is therefore not correct to say that the two registers will contain duplicate information, nor is it required that there will be a financial cost of submitting names to the register. That is one of the areas on which the Government and others are working carefully and closely with the churches, to see what more can be done to simplify the process and ensure that concerns about the need for legal representation are allayed.

To return to some of the points that Murdo Fraser raised, I note that addressing concerns is very important and I take it very seriously. That is why there is continuing engagement to ensure that we find an appropriate way to support stakeholders and to deal with the issues that members have raised today—but that will not be through a carve-out, as is being suggested in amendment 3.

The Scottish Government has already extended the transitional period for compliance by 12 months, to 1 April 2024, thereby providing more

time to those who need to register with the RCI. That is a move that gained unanimous support in Parliament.

Although I appreciate that religious organisations have raised concerns about the RCI, this bill—on charity regulation—is not the place to change the obligations of the RCI, so I urge members not to support amendment 3.

The Deputy Presiding Officer: I call Jeremy Balfour to press or withdraw amendment 3.

Jeremy Balfour: I thank all members for their contributions. I declare that I, too, am a member of the Church of Scotland.

I will respond to a few points that the cabinet secretary made. The issue that the Scottish Government is perhaps missing is with regard to who controls property. For example, when I, in a previous life, was a Baptist minister, the title deeds of the church and manse were always held in the name of the minister, the church secretary and the treasurer: they were the people who would sign the documentation. However, control over whether a church or manse could be sold was down to the church meeting and the local congregation. The trustees, or the people who sign their names, do not have the power to take such decisions, which are made by the church. When we are talking about who owns the land, it is not the three individuals whose names are on the title deed, it is a local congregation or denomination. It is really important to make that point.

The cost issue is big. Again, in its submission to the committee at stage 2, the Scottish Episcopal Church made it clear that its view is that the work will have to be done by lawyers. I welcome what the cabinet secretary has said today, but further progress must be made in this regard, or we will simply be lining the pockets of lawyers.

I understand that the transitional period has been extended by one year. If amendment 3 falls this afternoon, I hope that the Government will do more than just engage in conversation. Engagement in conversation is important, but unless it brings about change to what is happening on the ground, it is simply talking for talking's sake and does not get us anywhere. Although we have that 12-month period, I hope that there can be significant movement by the Scottish Government on the matter to ensure not only that there is transparency and openness, but that churches and religious organisations from all faiths can get on and do what they are about, which is helping people in their local communities.

I will press amendment 3.

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

As this is the first division at stage 3, I suspend Parliament for about five minutes to allow members to access the digital voting system.

16:08

Meeting suspended.

16:12

On resuming—

The Deputy Presiding Officer: We proceed to the division on amendment 3. Members should cast their votes now.

The vote is closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

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)
 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)
 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)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 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)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 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)
 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)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 63, Abstentions 0.

Amendment 3 disagreed to.

Section 12A—Endowments

The Deputy Presiding Officer: Group 3 is on reorganisations etc. Amendment 6, in the name of

the cabinet secretary, is grouped with amendments 7, 8 and 12.

Shirley-Anne Somerville: At stage 2, I highlighted that this area of the law is not a straightforward one and that there may be a need for some further technical refinement of section 12A at stage 3, once detailed feedback from charities, legal professionals and OSCR had been received. The amendments were lodged following those discussions, and they primarily refine and clarify the provisions added to the bill on the reorganisation of endowments at stage 2.

16:15

They do so in two specific ways. First, amendment 6 will remove charities that are established by royal charter or royal warrant from the scope of what will be new section 42(6)(b) of the Charities and Trustee Investment (Scotland) Act 2005. That will mean that those charities can reorganise their endowments but not the entire charity. That is being done to target the provisions more accurately at the charities that are most likely to hold only endowment property. No royal charter or royal warrant charity has ever tried to seek a reorganisation scheme, so this is most likely a theoretical change only, but we think that it is appropriate that the provisions do not go wider than is necessary or appropriate.

Secondly, amendments 7 and 8 will ensure that the income that is derived from an endowment is treated as part of the capital sum and may be included in a reorganisation scheme that is proposed by a charity under the new provisions. Without those changes, charities might have to apply for a second reorganisation scheme to reorganise the restricted funds that comprise the income or they might have to spend the income prematurely to dispose of it. Those are not consequences that we would want.

Finally, amendment 12 seeks to clarify that, where a charity of any type has varied its constitution—by way of reorganisation or other means—references in the 2005 act to the charity's constitution mean the constitution as varied. That reflects what we understand already happens in practice and what we believe was intended through the 2005 act, and simply ensures that there is no room for ambiguity.

I move amendment 6.

Amendment 6 agreed to.

Amendments 7 and 8 moved—[Shirley-Anne Somerville]—and agreed to.

Schedule—Further modification of the 2005 Act

The Deputy Presiding Officer: Group 4 is on OSCR's communication with charities. Amendment 1, in the name of Jeremy Balfour, is the only amendment in the group.

Jeremy Balfour: I lodged an amendment at stage 2 on this issue, and I am grateful to the cabinet secretary for helping me to lodge an amendment at stage 3 that is perhaps better and which I hope will get the support of the whole chamber.

The amendment will enhance OSCR's existing reporting duty. It will add a new requirement that the annual report must contain information about what action it has taken to raise awareness and understanding in charities about the steps that they need to take to comply with charity law.

During stage 1, we took quite a lot of evidence that many charities, irrespective of whether they are large or small, often just do not know what is being asked of them. A duty should be placed on OSCR to provide more information.

The amendment will require OSCR to produce a general annual report, which would be laid before Parliament. It will add to the existing duty, and allow for on-going scrutiny by Parliament of OSCR's communication with charities. That will allow committees and others to be involved in that.

The report will cover communications with charities about all the relevant legislation, not just the changes made by the bill. That should help to address the concerns that we heard during stage 1 about the lack of awareness in the sector about existing requirements and about the new requirements that will be introduced through the bill.

OSCR will be able to incorporate that communications reporting into its existing annual report process, which will ensure efficient use of its resources. That will give more clarity to the third sector. I hope that members will support the amendment.

I move amendment 1.

Paul O'Kane: Forgive me, Deputy Presiding Officer—in my previous contribution, I should have declared an interest as the chair of trustees of the Neilston War Memorial Association.

I rise to speak briefly in support of the amendment. As Jeremy Balfour has outlined, communication and understanding the obligations that are placed on charities were a key part of the evidence that was heard in committee. It is often the case that charity trustees feel anxiety, as they do not know whether they are being fully compliant with what is expected of them.

It is important that OSCR outlines clearly how it intends to do that and to review its communication strategies to ensure that no charity is left in the dark when we reflect on the changes that will come about thanks to the bill. Labour members will certainly support the amendment, and we encourage colleagues to do likewise.

Shirley-Anne Somerville: I am grateful to Jeremy Balfour for raising this issue at stage 2. We have worked with him on amendment 1, which enhances OSCR's existing reporting duties.

Adding a new requirement that the annual report must contain information about what actions OSCR has taken to raise awareness and increase the understanding of charities about the steps that they need to take to comply with the 2005 act will enable the Parliament and the public to scrutinise OSCR's communications with charities.

The report will cover communications with charities about the 2005 act as a whole, as well as the changes made by the bill. That will address the concerns about a lack of awareness within the sector with regard to some existing requirements, as well as concerns about the new requirements that are introduced by the bill. OSCR will be able to incorporate that communications reporting into its existing annual reporting processes, and ensure an efficient use of its resources. I therefore encourage members to support Jeremy Balfour's amendment.

The Deputy Presiding Officer: I call Jeremy Balfour to wind up and to press or withdraw amendment 1.

Jeremy Balfour: I press amendment 1.

Amendment 1 agreed to.

Amendment 9 moved—[Shirley-Anne Somerville]—and agreed to.

The Deputy Presiding Officer: Group 5 is on data protection. Amendment 10, in the name of the cabinet secretary, is grouped with amendment 11.

Shirley-Anne Somerville: The 2005 act already makes provision for information sharing between OSCR and others, and a slight expansion to that existing provision was made by amendment at stage 2.

The changes that were made at stage 2 tie into existing language in the 2005 act, which refers to being able to share information despite any restriction on disclosure. The type of restriction meant by that is, for example, the rule in section 29(4) of the 2005 act that restricts how OSCR can use information that is provided to it for the purpose of an inquiry.

Amendments 10 and 11 make it clear, for the avoidance of doubt, that the provision in section

25(1) of the 2005 act, as amended at stage 2, relating to information sharing is not intended to override data protection legislation.

Although amendment 10 does not make a change of substance, we consider it appropriate and helpful for the avoidance of doubt in the case of this specific reference. The amendment aims to ensure clarity, and draws on the approach that has been taken in some other UK statutes.

I move amendment 10.

Amendment 10 agreed to.

Amendments 11 and 12 moved—[Shirley-Anne Somerville]—and agreed to.

The Deputy Presiding Officer: That ends the consideration of amendments. There will be a brief pause before we move to the next item of business.

Charities (Regulation and Administration) (Scotland) Bill

16:23

The Deputy Presiding Officer (Liam McArthur): As members will be aware, at this point in the proceedings the Presiding Officer is required, under standing orders, to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Charities (Regulation and Administration) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

The next item of business is a stage 3 debate on motion S6M-09725, in the name of Shirley-Anne Somerville, on the Charities (Regulation and Administration) (Scotland) Bill. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

16:24

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): I am pleased to open this stage 3 debate on the Charities (Regulation and Administration) (Scotland) Bill. I thank all the members of the Social Justice and Social Security Committee, past and present, for their diligent scrutiny of the bill during stages 1 and 2 and for their support for its measures and the amendments that have been made. I also thank the committee clerks and other staff of the Parliament, who, as always, have provided support to MSPs throughout the passage of the bill. I thank my bill team for all the hard work that they have done both for my predecessor, Shona Robison, and for me.

I also want to highlight my gratitude to all the stakeholders who have taken the time to express their views on the bill through oral and written evidence to the committee, and through discussions with the Scottish Government. That evidence provided us with a clear understanding of the day-to-day experiences that are faced by charities across the country. As the bill is a technical one, the contributions of legal professionals have also been invaluable to the refinement of the provisions.

I am grateful to the Office of the Scottish Charity Regulator for its work over a number of years with the Scottish Government to get the bill to this point. OSCR has been key to identifying the changes that are needed to modernise charity

regulation to ensure that public trust and confidence in charities remain high. I specifically thank OSCR's legal and policy advisers for their expertise and input through the process.

It is not often that we get a bill with as few amendments as this bill has had at stages 2 and 3. On behalf of the Government, I wish that all stage 3 processes were as quick as this one has been. On reflection, that is partly because of the cross-party support for the bill as well as its technical nature. I thank members for their contributions and I am grateful for the way in which we have all attempted to improve the legislation as it moved through the parliamentary process. That is based on the fact that we recognise that the charity sector is a vital partner to all of us in society, and it certainly is a vital partner to Government in supporting our communities.

Many of us, right across the chamber and across the country, are involved with charities in a personal capacity, either as trustees or volunteers, and are very aware of their work in our constituencies and just how much they contribute, day in and day out. I take this opportunity to thank all the volunteers and staff who give their valuable time and energy to this essential sector—you are all critical to the health and wellbeing of our people, places and communities.

Of course, I would also like to thank all the people who support charities through donations, in whatever form they take. The latest sector overview report from OSCR sets out that Scottish charities have a combined income of more than £14 billion each year. That clearly demonstrates how widely they are supported by the public, which in turn can happen only if the public trust charities. Research shows that trust in charities and what they deliver is high, and we all want to keep it that way.

On Friday, I had the pleasure of attending the Scottish charity awards, which are organised by the Scottish Council for Voluntary Organisations. I was genuinely humbled by the passion and innovation in that room, which were exemplified by the winners of the charity of the year award, Diversified. Established in Livingston, Diversified is Scotland's first autistic and neurodivergent youth-led charity. People involved in the charity use their own lived experience to help to design and lead services for neurodivergent young people. It was a real pleasure to meet people from that charity at the awards on Friday, and it was a pleasure to see all the finalists receive their awards. We did not talk much about charity regulation and charity law on the night, but I hope that it forms the basis of the trust that people can have in charities to allow all those individuals to carry out the good work that they do.

I am sure that members will all agree when I say that the talent and breadth of experience in Scotland's charity sector are truly exemplary and something that we can all be proud of. The Government's focus is to ensure the best possible conditions for the charity sector to thrive and support our communities, and that is the aim of the bill.

Members will be aware that there is significant support for the reform and modernisation of Scottish charity law. There is also a desire from many who work in and with charities for a broader review of the future of charity regulation. I recognise that, which is why I have agreed that, following the passage of the bill, the Scottish Government will initiate a wider review of charity regulation. I repeat that commitment here today and make clear that we will start conversations with the sector, including the SCVO, this year on the scope of that review.

Moving on to the details of the bill, it makes practical improvements and updates to existing charity regulation—namely, the Charities and Trustee Investment (Scotland) Act 2005. The bill is built around proposals put forward by OSCR, based on its operational experience since the 2005 act came into force. In addition, following engagement with OSCR and the Law Society of Scotland, the record of charity mergers at section 12 of the bill was added, as was a list of minor or technical amendments included in the schedule.

The bill has a range of different provisions designed to enhance the existing framework. Each of the provisions falls under one of three primary aims. The first aim is to increase transparency and accountability in charities by improving public access to information about a charity's operations. The second aim is to provide stronger powers for OSCR, including the power to issue positive directions to help charities address regulatory issues. The third aim is to bring Scottish charity law up to date with some key aspects of charity regulation in England, Wales and Northern Ireland, enhancing public trust in charities and further protecting charitable assets.

I valued the committee's positive conclusions and constructive recommendations in its stage 1 report—in particular, the recommendation to include a review and appeal process for any disputes in relation to OSCR's ability to appoint interim trustees, which resulted in the Government amendment at stage 2.

I have also listened to members' and the committee's views and recommendations around communicating these legislative changes. I wrote to the committee to set out the Government's plans for commencement of the bill, as has OSCR, which has confirmed that it will share its draft communication plan with the committee for its

consideration in advance of engaging with the sector.

In addition, amendment 1—with Jeremy Balfour's assistance—will enhance OSCR's reporting duties, ensuring that it sets out in its annual report to Parliament the work carried out that year to promote awareness and understanding among the sector of the requirements of charity law.

I was also pleased that, at stage 2, we were able to bring forward some clarifications to the rules around reorganisation of endowments held by statutory charities. Although impacting only a small number of charities, the costs involved in such reorganisations can be substantial for the organisations involved.

The bill makes practical improvements and updates to existing charity regulation and the role of OSCR. It is intended to sustain the effective and supportive regulation of charities during what we know are challenging times for the sector. There is broad agreement from members and stakeholders on the general principles of the bill and its importance in helping us deliver continued support to Scotland's charities.

I therefore move,

That the Parliament agrees that the Charities (Regulation and Administration) (Scotland) Bill be passed.

The Presiding Officer (Alison Johnstone): I call Jeremy Balfour, for up to six minutes. We have time in hand.

16:32

Jeremy Balfour (Lothian) (Con): I welcome the debate and look forward to the bill becoming an act. I add to those of the cabinet secretary my thanks to the bill team, clerks and staff in the Parliament, and to all those who gave evidence to the committee at stage 1.

As we took evidence, I think it is fair to say that it became clear that this is an OSCR bill rather than a third sector bill. It is very technical in many ways, and its being brought forward has clearly been driven by OSCR.

Everyone in the chamber agrees on the importance of the third sector and the role that it plays in Scotland, whether that is in regard to volunteering, giving to or being a trustee of a charity. However, we have to be aware that society is changing. I say this as one of the conveners of the cross-party group on volunteering: volunteering is becoming harder for people to do post pandemic, and many organisations are struggling to find volunteers to come on board. That is perhaps more true with regard to their being asked to be a trustee, with all

the legal responsibility that comes with that appointment.

Over the next months and years as the Scottish Government consults, we must have a wider conversation as to what role the third sector has to play within our society, how we encourage more people to volunteer and how we make sure that charities are able to do what they want to do locally and nationally. That will pose some interesting questions.

The other overwhelming remark that we heard as we took evidence was that there is a desire within charities and the third sector for reform, and for greater reform than the bill represents. I hope that the consultation to which the cabinet secretary referred in her opening speech will not be overly time consuming. Yes, we need to speak and to consult, but we also need to be able to introduce legislation in the next session.

The bill as amended is good. It could have been better if my amendment 3 had been accepted, but we still have a bill that will provide not only transparency and openness but a bit more clarity in regard to the role of trustees, what they can do and what they should do. I am pleased that members accepted my amendment 1 because there was some criticism that OSCR has not been communicating in such a way that the information that it wants to get to charities is getting through.

The Conservatives welcome the bill and look forward to it being implemented. Most importantly, we look forward to seeing the third sector grow and flourish over the next number of years.

16:36

Paul O’Kane (West Scotland) (Lab): I am pleased to have the opportunity to speak in this stage 3 debate. I have previously referred members to my entry in the register of interests as a charity trustee. It is a great joy and honour to be a charity trustee. I am sure that many other members of the Parliament and many people across Scotland feel a sense of pride in the charities that they work for. It is important that we bear that in mind today as we discuss issues that will directly impact them and the charities for which they do so much good work.

I also put on record my thanks to everyone who has been involved in bringing the bill to its conclusion. In the classic style of the Parliament, I came to it late in the day. I joined the committee just in time to approve the stage 1 report and then to take part in the stage 2 proceedings, so all the hard work was done by my colleague Pam Duncan-Glancy, who worked with her committee colleagues to take the bill through its various evidence-taking sessions and challenged the Government robustly at various points to ensure

that we have the best bill possible today. I thank her for that. I also thank everyone involved from the clerking team, the bill team and everyone who has worked to improve the bill.

As I said at the outset of my speech, we should take the opportunity to thank all those who are involved in charities across Scotland. We heard from the cabinet secretary some of the impressive statistics about the work that charities in Scotland do and the money that they raise for a range of charitable causes. It is important that we put on record our thanks to them.

Scottish Labour will support the passage of the bill at decision time. We believe the bill to be a welcome and overdue step to reform charity legislation. It will increase the transparency and accountability of charities, which is important in progressing charity law and bringing its key aspects into line with other regulatory frameworks in the United Kingdom—those in England, Wales and Northern Ireland.

I will take some time to focus on where we can go further. I am heartened again to hear the cabinet secretary’s commitment to the wider review of charity regulation and law and to engagement with the SCVO. However, the review cannot just be about the structures; we have to take a fundamental look at how we can better support charities and the work that they do.

I highlighted in my speech in the stage 1 debate the importance of ensuring that we consider issues such as the funding cycle for charities. Many charities live year to year in terms of the funding that they receive from the Government or local authorities. That can prove challenging when trying to plan for the future or to make projects go beyond just the one-year phase.

Approaches such as three-year funding cycles have been talked about for a long time in the Parliament, but we never seem to have got to a place where we are offering charities a three-year deal. It is important that, in the conversations that the cabinet secretary has with the SCVO, she listens to its asks on behalf of the wider sector and tries to bring them into the scope of the broader work that she is keen to do on charity regulation and the advancement of charities in Scotland.

I want to briefly say something about Jeremy Balfour’s amendment 3, which was not agreed to. I outlined my concerns about the burdens that the register of controlled interests in land has placed on churches. I think that we need to look at that issue again. I will not rehearse the arguments that I made during our consideration of amendment 3, but I ask the cabinet secretary to reflect on what she has heard today, as well as on what she has heard from churches and other religious organisations over the course of the bill’s passage

through Parliament, and to tell Parliament what more she thinks can be done to engage properly with the churches to give them the comfort and support that they need in order to be compliant with the law. The last thing that we want to see is anyone who is involved in those organisations in good faith facing any kind of challenges because they have not complied.

I reiterate our support for the bill, which we will support at decision time. However, we feel that we can go further to support our charities in Scotland, and we are open and willing to work with anyone—especially the cabinet secretary—in that vein to ensure that the review covers all the issues that I have mentioned and supports a good, thriving third and voluntary sector here in Scotland.

Murdo Fraser (Mid Scotland and Fife) (Con):

On a point of order, Presiding Officer. When I made a contribution in the debate on Mr Balfour's amendment 3, I referred to my entry in the register of interests. It occurs to me that I should probably have clarified that I am a trustee of two Scottish registered charities. I omitted to do so at that point, and I want to correct the record.

The Presiding Officer: Thank you, Mr Fraser. Although that is not a point of order, your comments are now on the record.

16:41

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Greens, I welcome the Charities (Regulation and Administration) (Scotland) Bill, and I am pleased to be able to say a few words in this afternoon's debate. I refer members to my entry in the register of interests.

As someone who was not directly involved in the committee scrutiny of the bill, I would like to thank the Social Justice and Social Security Committee for its detailed work on what is a somewhat technical bill. I would also like to thank the bill team and all those organisations—including charities and legal organisations—that have contributed in various ways to the work of the committee, and for providing information and briefings to us as MSPs.

Charities—the third sector—play a vital role in our communities and our lives. As I said at stage 1, they often support us at some of the most difficult or challenging times in our lives. They provide life-saving services, advocacy, constructive critique, resilience, fundraising and so much more. The hard work of staff and volunteers often goes unseen and, sadly, is often undervalued, but our society would not function without those services and supports, and the often

selfless and unrecognised work that so many contribute to our collective wellbeing.

Therefore, I would like to place on record my thanks to all those charities—particularly those in the north-east—that seek to do that work, every day, in circumstances that are becoming increasingly challenging.

We have a responsibility to ensure that the regulatory framework within which charities operate is up to date and fit for purpose. Scotland's charity law has not been significantly amended since 2005 and, as we have heard, the bill aims to update the current system of charity regulation by improving transparency and accountability, enhancing public trust and improving the efficiency of OSCR's operations.

Although the bill does not represent a full review of charity law in Scotland—like Paul O'Kane and others, I wish that it went further—I welcome the cabinet secretary's comments about the Government's plans for a review that takes all charity regulation and legislation into account. I look forward to that. Collectively, we must ensure that that review is wide ranging and that it considers how we can support the sector in a future that will be very different from the world that we inhabited in 2005.

I have spoken previously about the need for charitable concessions for a wider range of activities that are goods in and of themselves—a range of activities that goes wider than the current definition of charitable purposes. Greens would also want to see explicit inclusion of each of the protected characteristics as described in our current equality legislation. However, that is for the review that is to come.

I would like to highlight that we all share responsibility for the provision of clearer information to ensure that the sector as a whole is aware of the provisions in the legislation that we will pass later today. There must be a shared understanding of the implications of the bill for charities and regulators alike. Given the nature of the discussions and debates on the bill to date, I have no doubt that we will all work together to make that a reality, and I look forward to doing that with colleagues from across the chamber.

16:45

Collette Stevenson (East Kilbride) (SNP): I am grateful to have the opportunity to speak in the debate and I want to reflect on some points, drawing on my role as convener of the Social Justice and Social Security Committee. I want to thank my colleagues on the committee and the clerks for their support and effort in scrutinising the bill, as well as the organisations that have

engaged with us and provided evidence to inform the committee's scrutiny.

The Charities (Regulation and Administration) (Scotland) Bill is long awaited. There have been calls from charities for reform, as well as calls from OSCR. Indeed, the bill is based on practical proposals put forward by OSCR, based on its experience as regulator. The bill has also been shaped by a lot of valuable input that had been provided by other stakeholders.

The bill represents a significant step forward in enhancing transparency, accountability and good governance in charitable organisations. Charities have said that they want the changes to help strengthen and update existing charity law. Current laws are now almost 20 years old, and the charity landscape has changed significantly in the intervening years since those laws were introduced, so it is right that the bill has been brought forward to update the current system of charity regulation in Scotland.

The Scottish Government's focus is to ensure the best possible conditions for the charity sector to thrive and support communities, and I appreciate that the Scottish Government intends to bring forward further reform for charities, which will definitely be a very positive step for the third sector.

Meanwhile, the bill will improve OSCR's powers and allow it to publish annual accounts for every charity, include the names of all charity trustees in the Scottish charity register, remove charities that fail to provide accounts and do not respond to its communications, and create a publicly searchable record of removed charity trustees. The bill will also give OSCR new powers to issue positive directions to a charity to take action, such as managing a conflict of interest, where a risk has been identified by the regulator.

As I mentioned in my speech during the stage 1 debate, CHAS put it well, saying:

"charities are in a privileged position with regard to handling donations from the public ... those are things in relation to which public accountability is important."

Therefore, the Scottish Government's proposed changes are important in order to maintain public trust and confidence in this important sector and its regulator in the years ahead.

If the bill is passed today, there must be an awareness-raising campaign in due course to ensure that forthcoming changes are widely communicated to charities and that there is no onus on charities in terms of the additional administration changes.

For charities to continue to add value, we must ensure that they are properly regulated and supported. The Charities (Regulation and

Administration) (Scotland) Bill is generally regulatory in nature as opposed to doing anything more fundamental about charities, and it is right that we update the elements of current legislation that the bill deals with. I support the bill and hope that other members will back it tonight.

The Presiding Officer: We move to winding-up speeches.

16:49

Paul O'Kane: I am grateful to rise on behalf of Scottish Labour to wind up on the bill.

There is a huge degree of consensus on the bill. As I said in my opening speech, the bill can go forward. However, it is vitally important to say that we could go further.

I will not rehash those points, because the cabinet secretary heard them quite clearly.

I do not know whether there is some slight heckling from members at the back, telling me to get on with it. No, there is not.

I want to add to what we have heard already. It really is a privilege, for me as a parliamentarian, and for us all, to interact with charities in our work. We all get to experience, in our constituencies and our regions, the huge breadth and depth of wonderful charities that are doing amazing work.

In this place, we host charities probably more often than many places in Scotland do—on a daily basis. Every lunch time or evening in the Parliament, the place is brimming with different organisations coming to talk to their parliamentarians. Those are very often charitable organisations, which do a range of important work. There are charities that provide food parcels for older people; health charities that raise money for our children's hospices and hospitals; and charities that support our armed forces and veterans community. As I said, it is a great honour to be able to engage with as many of them as we can.

Indeed, this evening, I will host a number of HIV charities from across Scotland to talk about how we progress the route towards the elimination of HIV in Scotland. Yes, Presiding Officer—that was a plug for my event this evening, so I hope that colleagues in the chamber will join me.

I am very happy, on behalf of Scottish Labour, to reiterate our support for the bill, and to reiterate the points that I have made previously about ensuring that we go further in the future. I also reiterate the point about how we deal with religious charities more broadly. I am keen to have further dialogue and discussion on that with the cabinet secretary—I know that she has made that offer

previously, and I am sure that she will do so again in summing up.

I do not intend to detain the chamber for much longer than I need to, other than to say that I think that the bill commands support from members on all sides of the chamber, and it certainly commands the support of the regulator. The crucial test, however, will be whether it commands support for its provisions among charities across Scotland—those charities that we all know from our communities. That will be the next test, which is why it is vitally important that we get the monitoring and the post-legislative scrutiny right before we move on to the next phase of the review.

I am grateful for the opportunity to speak in the debate, and Scottish Labour will support the bill.

16:52

Miles Briggs (Lothian) (Con): I declare an interest as chair of Heart Research UK's heart of Scotland appeal board.

As other members did at the start of the debate, I thank our clerks on the Social Justice and Social Security Committee, who have helped us with the passage of the bill. I also thank those who have given evidence to the committee. It is often humbling, when I meet with charities and the third sector across Scotland, to see the work that they are undertaking in our communities and how vital that work is. As a country, we would not be who we are without them.

Our charities have a combined income of more than £15 billion and employ more than 200,000 people, which shows us why the bill is so important. Parts of it are concerning, however—I refer especially to the points that have been raised with regard to our churches and faith groups and the potential unintended consequences of the bill. I hope that, as other members have said, the cabinet secretary will be mindful of those.

Although we have welcomed the one-year delay, the concerns about bureaucracy and additional costs are still very much there. I hope that we will see those issues taken on board, and any necessary amendments lodged in the future, in order to prevent such issues costing our charities any money, because that money needs to go to the front line during difficult times. The arguments put forward at stages 1, 2 and 3 still stand.

The Charities and Trustee Investment (Scotland) Act 2005 has been in place for some 18 years, so it has been necessary to modernise it in order to ensure that our charities operate more transparently. We welcome that, and the fact that the bill brings our charities law in line with reforms

in England, Wales and Northern Ireland. However, as my colleague Jeremy Balfour said, it has felt as if the bill has been inspired by OSCR.

There is now an opportunity, with regard to potential reforms coming forward, to do something radically different, and I welcome the fact that the cabinet secretary will now work to put together a proposed review during the rest of the current session of Parliament. That is important, given what it could mean; Paul O'Kane outlined some potential reforms that the Labour Party would like to see around the regulation of charities. However, we also need to look at the overregulation of charities in Scotland.

During the stage 1 debate, John Mason, who I do not think is in the chamber, made some important points that could be taken forward for the fully volunteer-run charities that we have in Scotland. Charities that have an income of less than £25,000 face the same bureaucracy and regulation as charities with thousands of employees and millions of pounds of income. I do not think that that is fair, and I hope that in future parliamentary sessions we have the opportunity to look at the deregulation of how charities in Scotland operate and the opportunities that that could present for resources to go to the issues that charities want to campaign and make a difference on.

That is why the consultation did not attract as much engagement from those charities. They are looking after village halls and church halls across our country. They are small charities and do not have the individuals to take on those roles. I hope that, in the future, a potential consultation, or the proposed review, will look at that issue, which could realise the potential of many small charities across our country.

We will support the bill at decision time, as we have outlined. At this stage, we are content with what the bill will do, but it has to present an opportunity for us all to look at how we support our charities. The third sector in Scotland has done so much that we can be proud of, especially during the pandemic. I hope that that is the learning that we can take forward from the bill, so that we as a Parliament look at how we can do more to help our third sector in the future.

16:56

Shirley-Anne Somerville: I thank all the members who contributed to this small but perfectly formed debate, and I again thank OSCR, which will undertake the work to ensure that the bill is implemented successfully, for its close and helpful co-operation with officials in the Scottish Government during the development and passage of the bill.

The bill aims to enhance transparency and accountability in charities, improve OSCR's powers and maintain public trust in charities. Although it is a small and technical bill, it is nevertheless vital to the sector. Many colleagues have rightly begun to turn their attention to the wider review that was promised once the bill has been passed. The discussions that we have had as the bill has progressed will assist the Government as it looks to scope out the wider review. I thank colleagues for their remarks about the wider review. I agree with them on the importance of that, particularly as I accept that the bill is technical in nature.

We are all aware that the nature of the charity sector is changing rapidly, just as the sector has to deal with rapid changes in society. Today's landscape, with the growth of enterprising charities, makes for a different context from 2005, when the original act was passed.

Although it is right to ensure that the rules surrounding the regulation and administration of charities remain fit for purpose, as the bill does, we recognise that there is more to do, whether that is around the role of charities, as Jeremy Balfour mentioned, or around the importance of recognising the needs of smaller charities, as Miles Briggs mentioned. I point out that charities with incomes under £25,000 can already, for example, produce simpler accounts. We take that into account, but I recognise that there is more that we need to do.

We will initiate a wider conversation on the longer-term future of charity regulation. It is very important that as part of that we address the concept of what a charity is in modern Scotland. We will require extensive consultation and stakeholder engagement with the charity sector so that we can define what the sector feels are the problems in the existing regime before we decide how to design the solutions. I will always welcome the contribution of members from across the chamber as we scope the review out.

It is clear to us that we must be conscious of the challenges that charities face, whether they come out of Covid or the impact of the cost of living on charities' operations and funding streams, at the same time that many charities have an increase in demand for services. Witnesses at the committee spoke about the current lack of capacity in the sector to engage with and respond to consultations, so we need to be mindful of that in approaching the review.

Members have also, quite rightly, highlighted the concerns that many charities have around funding, and I recognise that the third sector needs stability and the opportunity for longer-term planning and development. Once again, I reiterate that the Government is committed to progressing a fairer

funding approach to the third sector. Unfortunately, the volatile economic circumstances at the moment have presented real, additional challenges that have made it difficult to move forward with multiyear funding to the extent that we wished to during the coming financial year, but we are keen to move forward with that and with the wider fairer funding approach—including prompt notification of funding, outcome-based flexible funding and proportionate administration around applications and reporting.

The bill has been improved and strengthened as a result of the parliamentary process, and I am very grateful to the members of the committee and other members in the chamber for their contributions to the debate. I believe that we now have a bill that will help to strengthen the existing legislation, enhance transparency and accountability in charities, improve OSCR's powers and maintain public trust in the charity sector.

I stress the importance of the charity sector in Scotland. People up and down the country volunteer and give their time, energy and money to truly commit and contribute to society, usually in an altruistic way, as they want to make a real and genuine difference to the community and the world we live in. It is important that my last words are my thanks to them for all that they do for all of us.

The Presiding Officer: That concludes the stage 3 debate on the Charities (Regulation and Administration) (Scotland) Bill.

Economic Crime and Corporate Transparency Bill

17:01

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-09723, in the name of Tom Arthur, on the Economic Crime and Corporate Transparency Bill, which is United Kingdom legislation. I call Tom Arthur to move the motion.

Motion moved,

That the Parliament agrees that the relevant provisions of the Economic Crime and Corporate Transparency Bill, introduced in the House of Commons on 22 September 2022, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[Tom Arthur]

The Presiding Officer: The question on the motion will be put at decision time.

Scottish Information Commissioner

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-09727, in the name of Martin Whitfield, on the appointment of a new Scottish Information Commissioner. I call Martin Whitfield to speak to and move the motion on behalf of the selection panel.

17:02

Martin Whitfield (South Scotland) (Lab): As a member of the cross-party selection panel that was established by the Presiding Officer under our standing orders, I am delighted to speak to the motion in my name, which invites members of the Parliament to nominate David Hamilton to His Majesty the King for appointment as the new Scottish Information Commissioner. Mr Hamilton would take up his appointment on 16 October 2023.

The Presiding Officer chaired the selection panel, and the other members were Jim Fairlie, Murdo Fraser, Gillian Mackay and Evelyn Tweed. This is an important appointment. The Scottish Information Commissioner is an independent office holder who is responsible for promoting and enforcing Scotland's freedom of information regime. Freedom of information gives everyone the right to access information that is held by Scottish public authorities. It supports openness, transparency and accountability in the bodies that provide us with public services.

Freedom of information has been in place for 20 years, and two consultations are being undertaken to reform the current regime, so the new commissioner will therefore be starting at an exciting and important time for FOI in Scotland.

Let me turn to the nominee, who joins us with his family in the chamber. David Hamilton is a retired police officer who latterly served as the chair of the Scottish Police Federation. David has held a number of non-executive roles and is currently the chair of his local community council. David is also an experienced aid worker who recently returned from Ukraine, where he volunteered for Edinburgh Direct Aid. The panel believes that David's skills and experience will make him an excellent commissioner.

I would also like to mention the outgoing commissioner, Daren Fitzhenry, who will demit office later this year. On a personal note, I would like to thank him for the work that he has done, and I am sure that members across the chamber would like to join me in thanking him and wishing him all the very best for the future.

I move,

That the Parliament nominates David Hamilton to His Majesty The King for appointment as the Scottish Information Commissioner under section 42 of the Freedom of Information (Scotland) Act 2002.

The Presiding Officer: The question on the motion will be put at decision time.

Business Motions

17:04

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-09753, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 5 September 2023

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Committee Announcements
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Wednesday 6 September 2023

2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Wellbeing Economy, Fair Work and Energy; Finance and Parliamentary Business
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Approval of SSIs (if required)
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 7 September 2023

11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
<i>followed by</i>	Members' Business
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Portfolio Questions: Transport, Net Zero and Just Transition
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time

Tuesday 12 September 2023

2.00 pm	Time for Reflection
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<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Committee Announcements
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Wednesday 13 September 2023	
2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Rural Affairs, Land Reform and Islands; NHS Recovery, Health and Social Care
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Approval of SSIs (if required)
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Thursday 14 September 2023	
11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
<i>followed by</i>	Members' Business
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Portfolio Questions: Social Justice
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 4 September 2023, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motions S6M-09754 and S6M-09755, on stage 1 timetables for bills.

Motions moved,

That the Parliament agrees that consideration of the Circular Economy (Scotland) Bill at stage 1 be completed by 26 January 2024.

That the Parliament agrees that consideration of the Victims, Witnesses, and Justice Reform (Scotland) Bill at stage 1 be completed by 29 March 2024.—[George Adam]

Motions agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of Parliamentary Bureau motion S6M-09756, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Deposit and Return Scheme for Scotland Amendment Regulations 2023 [draft] be approved.—[George Adam]

17:05

Sarah Boyack (Lothian) (Lab): I confirm that Scottish Labour will support this SSI today, out of necessity. However, I want to speak to it, given the unusual circumstances that we are in. The Minister for Green Skills, Circular Economy and Biodiversity admitted to the Net Zero, Energy and Transport Committee that "further regulations" will need to be laid after the summer recess to—again—delay the date on which the deposit return scheme goes live in Scotland. We do not need to have another debate on how we got here—we have had plenty of discussion on that point.

However, I raise the point that, at this moment, MSPs and, more importantly, producers, companies and the industry are still waiting to find out what the next steps will be, despite the hundreds of millions of pounds that has been invested. I was told that the minister was due to meet MSPs from all parties to discuss the DRS, but the minister cancelled that meeting.

I am very keen for us to hear what happens next and what on-going discussions are taking place, because we do not know what action the Scottish Government is now taking, what policy position it has or what it wants to see the United Kingdom Government do around the roll-out of the UK-wide scheme, which we understand is some time off. There has always been a policy position of finding alignment where possible, but we need to know the position so that Parliament has an opportunity to help to shape that alignment.

As I said at the beginning, we will support the SSI out of necessity. It would, however, be helpful to get an assurance from the Government today that the minister in charge of the deposit return scheme will set out the next steps and inform Parliament of its view on UK-wide implementation. What opportunities did the minister, Lorna Slater, take to work with other devolved Governments and the UK Government to design a UK-wide deposit return scheme that works for us, in Scotland, and for other parts of the UK?

It would be helpful if the minister would agree to meet Opposition spokespeople, as that would be a way for us to keep involved on a cross-party basis

and know what is happening with next steps in the scheme.

17:08

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): The regulations that we are discussing today were laid on 17 May, before the UK Government's last-minute decision on the United Kingdom Internal Market Act 2020 after almost two years of talks, which imposed unworkable conditions on our deposit return scheme, leaving it fatally undermined.

Without approval of the changes that the regulations make, the go-live date would remain 16 August this year, which nobody in the chamber wants to see happen. The regulations change the go-live date to March next year. As I have previously explained, the UK Government's intervention means that that date, in turn, is no longer possible. I have committed to bring before Parliament further amending regulations in line with parliamentary procedures and timelines to change the date to 1 October 2025, reflecting the decision that the Government was forced to take on 7 June to delay the start of the DRS and align with England.

Although that process is imperfect, it should be noted that options were extremely limited, given the last-minute, unexpected nature of the UK Government's intervention, which meant that the regulations that Parliament previously passed were no longer deliverable. If the Scottish Government had withdrawn those regulations and laid a new set, it would have meant seeking the agreement of Parliament to an expedited scrutiny process before the summer recess, removing all normal committee and parliamentary scrutiny time, or suggesting that Parliament should be recalled. Neither of those options was felt to be appropriate.

As well as changing the start date, the regulations simplify the scheme for small businesses, in particular. Those changes came from constructive dialogue with businesses. The UK Government has indicated that similar provisions are likely to be made in the English scheme. Although we may need to adjust the regulations again eventually, in order to align with the UK Government once it has decided its scheme, I believe that it is important not to lose the progress that we have made in Scotland through positive, constructive engagement with business.

Sarah Boyack: I clarify that we totally accept that we need to pass the regulations today. However, in the spirit of trying to get us to a better place so that we can have regulations that we can all live with, will the minister meet Opposition

spokespeople and those of us who are interested in getting it right to make sure that we can come together to get the right scheme?

Lorna Slater: We are absolutely committed to getting the right scheme. Last week, I met the minister Rebecca Pow to discuss how we want to move forward collaboratively and collectively. The issue is that the matter is currently with the Department for Environment, Food and Rural Affairs, which is developing its scheme.

This week, DEFRA officials have come to Scotland to look at what we have been doing and to understand our plans going forward. We are in a situation in which we are having to wait for the UK Government to define the English scheme before we even have anything to discuss. Through the SSI, our scheme is now completely defined, with only a further amendment to come that will confirm the October 2025 date. I will bring that regulation to Parliament shortly. We are committed to working together going forward. As soon as we have something from DEFRA to discuss, I would be delighted to discuss it with Opposition members so that we can move forward.

We are committed to working to deliver the deposit return scheme in Scotland, given the many positive environmental and economic benefits that it will bring. The title of the scheme depends on what is developed by DEFRA. In the meantime, we are providing businesses with absolute clarity that the deposit return scheme regulations will not apply from August 2023 and that the measures that the Scottish Government developed and agreed with business in recent months will help to form the basis of the development of our new scheme.

The Presiding Officer: The question on the motion will be put at decision time.

The next item of business is consideration of nine Parliamentary Bureau motions. I call George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-09720, on committee duration; S6M-09757, on approval of an SSI; S6M-09758 to S6M-09760, on designation of lead committees; S6M-09787, on approval of an SSI; S6M-09761 and S6M-09790, on committee membership; and S6M-09791, on committee substitutes.

Motions moved,

That the Parliament agrees, further to motion S6M-00393, that the duration of the COVID-19 Recovery Committee be revised from "For the whole session of the Parliament" to "Until Friday 14 July 2023".

That the Parliament agrees that the First-tier Tribunal for Scotland Local Taxation Chamber and Upper Tribunal for Scotland (Composition and Procedure) (Miscellaneous Amendment) Regulations 2023 [draft] be approved.

That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in

consideration of the legislative consent memorandum on the Economic Crime and Corporate Transparency Bill.

That the Parliament agrees that the Social Justice and Social Security Committee be designated as the lead committee in consideration of the Scottish Employment Injuries Advisory Council Bill.

That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum on the Northern Ireland Troubles (Legacy and Reconciliation) Bill.

That the Parliament agrees that the Agriculture and Horticulture Development Board (Amendment) Order 2023 [draft] be approved.

That the Parliament agrees that the following changes to committee membership will apply from close of business on Thursday 29 June 2023—

Kate Forbes be appointed to replace Ben Macpherson as a member of the Constitution, Europe, External Affairs and Culture Committee;

Keith Brown be appointed to replace Alasdair Allan as a member of the Constitution, Europe, External Affairs and Culture Committee;

John Swinney be appointed to replace Collette Stevenson as a member of the Criminal Justice Committee;

Kevin Stewart be appointed to replace Fiona Hyslop as a member of the Economy and Fair Work Committee;

Ash Regan be appointed to replace Michelle Thomson as a member of the Economy and Fair Work Committee;

Michelle Thomson be appointed to replace Bob Doris as a member of the Education, Children and Young People Committee;

Ben Macpherson be appointed to replace Fiona Hyslop as a member of the Net Zero, Energy and Transport Committee;

Kate Forbes be appointed to replace Christine Grahame as a member of the Rural Affairs and Islands Committee;

Bob Doris be appointed to replace Gordon MacDonald as a member of the Social Justice and Social Security Committee;

Christine Grahame be appointed to replace Emma Harper as a member of the Standards, Procedures and Public Appointments Committee; and

Ivan McKee be appointed to replace Bob Doris as a member of the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that the following changes to committee membership will apply from close of business on Thursday 29 June 2023—

Jamie Halcro Johnston be appointed to replace Douglas Lumsden as a member of the Finance and Public Administration Committee;

Meghan Gallacher be appointed to replace Rachael Hamilton as a member of the Equalities, Human Rights and Civil Justice Committee;

Roz McCall be appointed to replace Miles Briggs as a member of the Social Justice and Social Security Committee;

Pam Gosal be appointed to replace Annie Wells as a member of the Local Government, Housing and Planning Committee;

Maurice Golden be appointed to replace Alexander Stewart as a member of the Citizen Participation and Public Petitions Committee;

Liam Kerr be appointed to replace Stephen Kerr as a member of the Education, Children and Young People Committee;

Sharon Dowey be appointed to replace Jamie Greene as a member of the Criminal Justice Committee;

Graham Simpson be appointed to replace Craig Hoy as a member of the Public Audit Committee;

Murdo Fraser be appointed to replace Jamie Halcro Johnston as a member of the Economy and Fair Work Committee;

Brian Whittle be appointed to replace Graham Simpson as a member of the Economy and Fair Work Committee;

Annie Wells be appointed to replace Alexander Stewart as a member of the Standards, Procedures and Public Appointments Committee;

Stephen Kerr be appointed to replace Edward Mountain as a member of the Standards, Procedures and Public Appointments Committee;

Alexander Stewart be appointed to replace Maurice Golden as a member of the Constitution, Europe, External Affairs and Culture Committee; and

Annie Wells be appointed to replace Pam Gosal as a member of the Equalities, Human Rights and Civil Justice Committee.

That the Parliament agrees that the following changes to committee substitutes will apply from close of business on Thursday 29 June 2023—

Graham Simpson be appointed to replace Murdo Fraser as the Scottish Conservative and Unionist Party substitute on the Local Government, Housing and Planning Committee;

Murdo Fraser be appointed to replace Jamie Halcro Johnston as the Scottish Conservative and Unionist Party substitute on the Finance and Public Administration Committee;

Alexander Stewart be appointed to replace Maurice Golden as the Scottish Conservative and Unionist Party substitute on the Delegated Powers and Law Reform Committee;

Oliver Mundell be appointed to replace Sharon Dowey as the Scottish Conservative and Unionist Party substitute on the Citizen Participation and Public Petitions Committee;

Roz McCall be appointed to replace Meghan Gallacher as the Scottish Conservative and Unionist Party substitute on the Education, Children and Young People Committee;

Jamie Halcro Johnston be appointed to replace Edward Mountain as the Scottish Conservative and Unionist Party substitute on the Rural Affairs and Islands Committee;

Edward Mountain be appointed to replace Stephen Kerr as the Scottish Conservative and Unionist Party substitute on the Standards, Procedures and Public Appointments Committee;

Craig Hoy be appointed to replace Roz McCall as the Scottish Conservative and Unionist Party substitute on the Public Audit Committee; and

Pam Gosal be appointed to replace Graham Simpson as the Scottish Conservative and Unionist Party substitute on the Constitution, Europe, External Affairs and Culture Committee.—[*George Adam*]

The Presiding Officer: The question on the motions will be put at decision time.

I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time be brought forward to 5.12 pm.—[*George Adam*]

Motion agreed to.

Decision Time

17:12

The Presiding Officer (Alison Johnstone): There are five questions to be put as a result of today's business. The first question is, that motion S6M-09722, in the name of Angela Constance, on the Northern Ireland Troubles (Legacy and Reconciliation) Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: We will have a short suspension to enable members to access the digital voting system. [*Interruption.*]

Apologies. I was not in the chair earlier when members had been voting. I am out of synch. Please cast your votes now.

The vote is now closed.

Russell Findlay (West Scotland) (Con): On a point of order, Presiding Officer. I had an app catastrophe. I would have voted no.

The Presiding Officer: Thank you, Mr Findlay. We will ensure that that is recorded.

Willie Rennie (North East Fife) (LD): On a point of order, Presiding Officer. My app is not working. I would have voted yes.

The Presiding Officer: Thank you, Mr Rennie. We will ensure that that is recorded.

David Torrance (Kirkcaldy) (SNP): On a point of order, Presiding Officer. I could not connect to the app. I would have voted yes.

The Presiding Officer: Thank you, Mr Torrance. We will ensure that that is recorded.

Kaukab Stewart (Glasgow Kelvin) (SNP): On a point of order, Presiding Officer. I could not get connected. I would have voted yes.

The Presiding Officer: Thank you, Ms Stewart. We will ensure that that is recorded.

Mercedes Villalba (North East Scotland) (Lab): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: Thank you, Ms Villalba. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 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)
 Clark, Katy (West Scotland) (Lab)
 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)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 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)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

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)
 Doney, 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)
 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)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-09722, in the name of Angela Constance, on the Northern Ireland Troubles (Legacy and Reconciliation) Bill, is: For 83, Against 27, Abstentions 0.

Motion agreed to,

That the Parliament agrees with the recommendation in the Scottish Government's supplementary legislative consent memorandum to withhold consent for the UK Government's Northern Ireland Troubles (Legacy and Reconciliation) Bill.

The Presiding Officer: The next question is, that motion S6M-09725, in the name of Shirley-Anne Somerville, on the Charities (Regulation and Administration) (Scotland) Bill, be agreed to. Members should cast their votes now.

The vote is now closed.

Willie Rennie: On a point of order, Presiding Officer. My app is still not working. I would have voted yes.

The Presiding Officer: Thank you, Mr Rennie. We will ensure that that is recorded.

David Torrance: On a point of order, Presiding Officer. My app could not connect. I would have voted yes.

The Presiding Officer: Thank you, Mr Torrance. We will ensure that that is recorded.

Kaukab Stewart: On a point of order, Presiding Officer. My system is still not letting me in. I would have voted yes.

The Presiding Officer: Thank you, Ms Stewart. We will ensure that that is recorded.

Rhoda Grant (Highlands and Islands) (Lab): On a point of order, Presiding Officer. I did vote, but the system now says that my vote did not register.

The Presiding Officer: I can confirm that your vote has not been registered, Ms Grant.

Rhoda Grant: I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-09725, in the name of Shirley-Anne Somerville, on the Charities (Regulation and Administration) (Scotland) Bill, is: For 108, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Charities (Regulation and Administration) (Scotland) Bill be passed.

[Applause.]

The Presiding Officer: The next question, is that motion S6M-09723, in the name of Tom Arthur, on the Economic Crime and Corporate Transparency Bill, which is UK legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Economic Crime and Corporate Transparency Bill, introduced in the House of Commons on 22 September 2022, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: The next question is, that motion S6M-09727, in the name of Martin Whitfield, on the appointment of the Scottish Information Commissioner, be agreed to.

Motion agreed to,

That the Parliament nominates David Hamilton to His Majesty The King for appointment as the Scottish Information Commissioner under section 42 of the Freedom of Information (Scotland) Act 2002.

[Applause.]

The Presiding Officer: If no one objects, I propose to ask a single question on 10 Parliamentary Bureau motions.

The final question is, that motions S6M-09720, on committee duration; S6M-09756 and S6M-09757, on approval of a Scottish statutory instrument; S6M-09758 to S6M-09760, on designation of a lead committee; S6M-09787 on approval of an SSI; S6M-09761 and S6M-09790 on committee membership; and S6M-09791 on committee substitutes, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees, further to motion S6M-00393, that the duration of the COVID-19 Recovery Committee be revised from “For the whole session of the Parliament” to “Until Friday 14 July 2023”.

That the Parliament agrees that the Deposit and Return Scheme for Scotland Amendment Regulations 2023 [draft] be approved.

That the Parliament agrees that the First-tier Tribunal for Scotland Local Taxation Chamber and Upper Tribunal for Scotland (Composition and Procedure) (Miscellaneous Amendment) Regulations 2023 [draft] be approved.

That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum on the Economic Crime and Corporate Transparency Bill.

That the Parliament agrees that the Social Justice and Social Security Committee be designated as the lead committee in consideration of the Scottish Employment Injuries Advisory Council Bill.

That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum on the Northern Ireland Troubles (Legacy and Reconciliation) Bill.

That the Parliament agrees that the Agriculture and Horticulture Development Board (Amendment) Order 2023 [draft] be approved.

That the Parliament agrees that the following changes to committee membership will apply from close of business on Thursday 29 June 2023—

Kate Forbes be appointed to replace Ben Macpherson as a member of the Constitution, Europe, External Affairs and Culture Committee;

Keith Brown be appointed to replace Alasdair Allan as a member of the Constitution, Europe, External Affairs and Culture Committee;

John Swinney be appointed to replace Collette Stevenson as a member of the Criminal Justice Committee;

Kevin Stewart be appointed to replace Fiona Hyslop as a member of the Economy and Fair Work Committee;

Ash Regan be appointed to replace Michelle Thomson as a member of the Economy and Fair Work Committee;

Michelle Thomson be appointed to replace Bob Doris as a member of the Education, Children and Young People Committee;

Ben Macpherson be appointed to replace Fiona Hyslop as a member of the Net Zero, Energy and Transport Committee;

Kate Forbes be appointed to replace Christine Grahame as a member of the Rural Affairs and Islands Committee;

Bob Doris be appointed to replace Gordon MacDonald as a member of the Social Justice and Social Security Committee;

Christine Grahame be appointed to replace Emma Harper as a member of the Standards, Procedures and Public Appointments Committee; and

Ivan McKee be appointed to replace Bob Doris as a member of the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that the following changes to committee membership will apply from close of business on Thursday 29 June 2023—

Jamie Halcro Johnston be appointed to replace Douglas Lumsden as a member of the Finance and Public Administration Committee;

Meghan Gallacher be appointed to replace Rachael Hamilton as a member of the Equalities, Human Rights and Civil Justice Committee;

Roz McCall be appointed to replace Miles Briggs as a member of the Social Justice and Social Security Committee;

Pam Gosal be appointed to replace Annie Wells as a member of the Local Government, Housing and Planning Committee;

Maurice Golden be appointed to replace Alexander Stewart as a member of the Citizen Participation and Public Petitions Committee;

Liam Kerr be appointed to replace Stephen Kerr as a member of the Education, Children and Young People Committee;

Sharon Dowe be appointed to replace Jamie Greene as a member of the Criminal Justice Committee;

Graham Simpson be appointed to replace Craig Hoy as a member of the Public Audit Committee;

Murdo Fraser be appointed to replace Jamie Halcro Johnston as a member of the Economy and Fair Work Committee;

Brian Whittle be appointed to replace Graham Simpson as a member of the Economy and Fair Work Committee;

Annie Wells be appointed to replace Alexander Stewart as a member of the Standards, Procedures and Public Appointments Committee;

Stephen Kerr be appointed to replace Edward Mountain as a member of the Standards, Procedures and Public Appointments Committee;

Alexander Stewart be appointed to replace Maurice Golden as a member of the Constitution, Europe, External Affairs and Culture Committee; and

Annie Wells be appointed to replace Pam Gosal as a member of the Equalities, Human Rights and Civil Justice Committee.

That the Parliament agrees that the following changes to committee substitutes will apply from close of business on Thursday 29 June 2023—

Graham Simpson be appointed to replace Murdo Fraser as the Scottish Conservative and Unionist Party substitute on the Local Government, Housing and Planning Committee;

Murdo Fraser be appointed to replace Jamie Halcro Johnston as the Scottish Conservative and Unionist Party substitute on the Finance and Public Administration Committee;

Alexander Stewart be appointed to replace Maurice Golden as the Scottish Conservative and Unionist Party substitute on the Delegated Powers and Law Reform Committee;

Oliver Mundell be appointed to replace Sharon Dowe as the Scottish Conservative and Unionist Party substitute on the Citizen Participation and Public Petitions Committee;

Roz McCall be appointed to replace Meghan Gallacher as the Scottish Conservative and Unionist Party substitute on the Education, Children and Young People Committee;

Jamie Halcro Johnston be appointed to replace Edward Mountain as the Scottish Conservative and Unionist Party substitute on the Rural Affairs and Islands Committee;

Edward Mountain be appointed to replace Stephen Kerr as the Scottish Conservative and Unionist Party substitute on the Standards, Procedures and Public Appointments Committee;

Craig Hoy be appointed to replace Roz McCall as the Scottish Conservative and Unionist Party substitute on the Public Audit Committee; and

Pam Gosal be appointed to replace Graham Simpson as the Scottish Conservative and Unionist Party substitute on the Constitution, Europe, External Affairs and Culture Committee.

The Presiding Officer: That concludes decision time.

The 50th Anniversary of the Murder of Margaret McLaughlin

17:22

The Deputy Presiding Officer (Liam McArthur): I ask those who are leaving the chamber and the public gallery to do so as quickly and quietly as possible.

The final item of business is a members' business debate on motion S6M-09600, in the name of Russell Findlay, on the 50th anniversary of the murder of Margaret McLaughlin. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament recognises that 6 July 2023 will mark the 50th anniversary of the murder of Margaret McLaughlin in Carluke, Lanarkshire; notes that Margaret McLaughlin was aged 23 when she was murdered while walking from her home to Carluke train station; further notes that the murder investigation was reportedly led by Detective Chief Superintendent William Muncie; recognises that the police investigation resulted in the arrest of the Carluke resident, George Beattie, who was a teenager at the time; notes that George Beattie was convicted of Margaret McLaughlin's murder at the High Court in Glasgow in October 1973 and consequently spent around 15 years in prison; understands that George Beattie continues to deny his guilt and that his conviction has been the subject of a long-running campaign alleging it to be a miscarriage of justice; notes that the campaign was covered in the BBC documentary series, *Rough Justice*, which was produced by the journalist, Peter Hill; further notes campaigners' concerns about the integrity of the police investigation; notes that those concerns were referenced in a speech made to the House of Commons in March 1993 by Jimmy Hood, who was then an MP; understands that the criminologist, Professor David Wilson, who is originally from Carluke, wrote a book about the murder of Margaret McLaughlin; notes that the book, *Signs of Murder*, which was published in July 2020, reportedly identifies a "more likely suspect", who has since been named publicly as Les Jardine; understands that, in 2020, Margaret McLaughlin's then fiancé, Bob Alexander, spoke to the media for the first time since her murder; notes that Bob Alexander reportedly believes that George Beattie is innocent of Margaret McLaughlin's murder and that he was "fitted up" by the police; understands that George Beattie believes that there is no available route to challenge his murder conviction, and notes the view that Police Scotland and the Crown Office should be encouraged to conduct a full review of the murder of Margaret McLaughlin.

17:22

Russell Findlay (West Scotland) (Con): George Beattie is innocent. Two years ago, those were the first words that I spoke in this chamber. I suspect that all MSPs remember their maiden speech and I am sure that we all carefully consider what we intend to say, so why did I begin my time

as an MSP by saying that George Beattie is innocent of the murder of a young woman called Margaret McLaughlin? It is quite simply because I firmly believe that George Beattie is the victim of a miscarriage of justice—a miscarriage that casts a dark shadow across Scotland's justice system and has done so for half a century.

Before I get much further, I would like to acknowledge the attendance of some guests this evening. George Beattie is in poor health and cannot be here, but his elder brother Robert Beattie and Robert's wife, Anne, are in the public gallery. Robert and his family believe that George Beattie is innocent.

Also present is Peter Hill, the journalist who produced the BBC "*Rough Justice*" documentaries, which first shone a light on George Beattie's conviction. Peter believes that George Beattie is innocent.

We are also joined by Bob Alexander and his wife, Elizabeth. In 1973, Bob was engaged to Margaret McLaughlin. Bob believes that George Beattie is innocent.

Let us go back to the summer evening of 6 July 1973. Margaret had left her family home in Carluke's Glenburn Terrace to catch a train to Glasgow. During the short walk, beside a small, wooded area known as Colonel's Glen, she was murdered. She was stabbed 19 times.

The police officer in charge of the investigation was Chief Superintendent William Muncie, who happened to come from Carluke. Muncie was a celebrated detective, who revelled in his 100 per cent conviction rate for the crime of murder. He made his name by catching 1950s serial killer Peter Manuel, who was hanged for the murder of seven people. Very quickly, George Beattie was in his sights, and less than three months later, Beattie was convicted of murder.

George was aged just 19 at the time. He was a cheerful, happy-go-lucky figure in Carluke. He loved trainspotting and model railways. His sister Ena tells me that he is a "big softie". One of eight children, he was doted on by his mum, Jeanie, who passed away five years ago.

It is important to understand that George is of below-average intelligence, according to psychological assessments. Such tests found him to be a slow learner and with a tendency to provide elaborate descriptions of events. They also showed that he was prone to changing his answers when subjected to interrogative pressure. He was interviewed alone by the police, which would never happen today. He supposedly confessed, telling a strange story about seeing men with mirrored top hats.

I met George three years ago, while working as a journalist with STV News. He was gentle and polite, and almost childlike in his manner. It was obvious that I was not face to face with some savage killer trying to play the system.

Accompanying George that day was Peter Hill. Peter was protective of George and passionate about his innocence. With an encyclopaedic knowledge of the case, Peter did most of the talking.

I refer members to speeches that were made in the House of Commons by the late Jimmy Hood MP. Alongside Peter Hill, Jimmy Hood campaigned for years to clear George's name. He savaged William Muncie in the Commons, ripping apart the police investigation and its lack of integrity. In the seven minutes that are available to me today, it would be impossible to go into the necessary level of detail, but had today's standards been used, George Beattie would have been quickly eliminated as a suspect. By today's standards, there is absolutely no chance that he would have ended up in the dock of the High Court and, from there, a Barlinnie prison cell.

Put simply, there was no forensic evidence and no corroboration, and his legal defence was woeful. Damningly, it was later found that the police had suppressed evidence that supported George Beattie's innocence.

For many years, the campaign dropped off the public radar. The world moved on.

Graham Simpson (Central Scotland) (Con): Russell Findlay said that there was no forensic evidence at the time. Has any emerged since?

Russell Findlay: Forensic evidence that was relied on during the trial has actually since been discredited. There was a handkerchief with a spot of blood in George Beattie's possession, which was discovered not to have been Margaret McLaughlin's blood; however, during the trial it was suggested that it was.

For years, the campaign dropped off the radar. Then in 2020, the criminologist Professor David Wilson, who also happens to come from Carlisle, published a book about Margaret's murder. Having examined all the available evidence, Professor Wilson concluded that George Beattie is innocent. He also went further, alleging that George Beattie was "fitted up" by William Muncie.

Professor Wilson's book, "Signs of Murder", is not some rehash of old material. His investigations led him to the front door of a man called Les Jardine. He does not accuse Les Jardine of murder; Jardine is now dead and so cannot defend himself. However, for detailed reasons that are set out in his book, Wilson explains why

Jardine is a more likely suspect than George Beattie ever was.

The book triggered another significant event. After 47 years of silence, Bob Alexander spoke out. He told the media that George Beattie—a man he has never met—could not possibly have killed Margaret. Bob thought that if he spoke out, this wrong would finally be righted. He remains perplexed by the inaction of the authorities.

People often ask me, "Did George Beattie appeal?" The answer is yes, he did, but such were the narrow legal parameters of the appeals process, the appeals felt tokenistic. They did not seem like a real quest for justice and for answers, but something almost performative.

I will end on a powerful and thought-provoking quote:

"I think in Scotland we have the view that we don't have the same problem with miscarriages of justice as elsewhere, perhaps as in England.

But I think the reality from my experience is that we're just not quite so good or open at dealing with them."

Those are the words of John Scott KC, as spoken to STV in 2020. Last year, John Scott was appointed as a judge in Scotland's supreme courts, where he now presides.

George Beattie is resigned to the fact that he will go to his grave as a convicted murderer. Time is running out. If Scotland's criminal justice establishment will not listen to the rest of us, perhaps it will listen to Lord Scott, who is one of their own. I urge Police Scotland and the Crown Office to look at the case again, and not just as a tick-box exercise, knowing that the news cycle will move on and public interest will fade. They owe it to the people of Carlisle, they owe it to George Beattie and they owe it to Margaret McLaughlin.

17:31

Colin Smyth (South Scotland) (Lab): I thank Russell Findlay for his motion on the 50th anniversary of Margaret McLaughlin's tragic murder.

In any debate or discussion of that tragedy, we should first and foremost be mindful that it is about a young lady aged just 23, who was engaged to be married and who should have had the majority of her life ahead of her. Instead, on 6 July 1973, Margaret left her family home in Glenburn Terrace in Carlisle to catch a train to Glasgow to meet the sister of Bob, her fiancé at the time, to discuss their wedding arrangements. During that walk, Margaret was brutally stabbed and killed in what can only be described as a frenzied and savage murder.

Margaret's family, friends and fiancé have had to live with that loss for 50 years. I was younger than one year old when the tragedy took place, and, unlike Mr Findlay, I do not have knowledge of the events and debate that took place then or that have taken place since, which prompted his motion. However, I do have the privilege of representing the South Scotland region, which includes the town of Carluke. In fact, I had the honour of being in Carluke recently to judge the gala's annual parade. It is a proud, tight-knit community and, having spoken in recent days to those who remember Margaret McLaughlin's murder, I know that it was a tight-knit community back then and it was left shocked by that tragedy.

As Russell Findlay's motion highlights, many claims have been made that the subsequent conviction of George Beattie was a miscarriage of justice. As we have heard, the BBC's "Rough Justice" programme highlighted serious concerns about the conviction, and, in a new edition of his book, Professor David Wilson went as far as to identify someone who he described as a more likely suspect. Margaret's then fiancé, Bob Alexander, who I know has joined us today, has stated that he believes that George Beattie is innocent.

Russell Findlay has made the claim in the Parliament before today, but it was also made in the United Kingdom Parliament by my former colleague, Jimmy Hood. Jimmy represented Carluke for 28 years, first as the Labour member of Parliament for Clydesdale and then, following boundary changes, for Hamilton and Lanark East. Jimmy felt so strongly about the issue that he held not one but two adjournment debates in the House of Commons, the first in 1993 and the second in 1995.

During that first debate on 3 March 1993, he told the House of Commons:

"there is now evidence concerning police conduct in the case that points to George Beattie being a victim of a miscarriage of justice on several levels.

The aspect of Beattie's case to which I refer concerns personalities, professional reputation, police bureaucracy and—yes—politics."

Jimmy told MPs that he believed that the investigation was badly handled, and when George Beattie was charged in July 1973, the leading detective, William Muncie, was

"already four days into a botch-up of an investigation over which he had lost control."—[*Official Report, House of Commons*, 3 March 1993; Vol 220, c 426-427.]

Jimmy recounted a number of what he said were mistakes that had been made—uniformed police contaminating the crime scene before the leading detective had arrived, journalists publishing a photograph of where Margaret's body

had been found, and evidence that was missing or allegedly suppressed.

The treatment of George Beattie before he was charged with murder was another concern raised in Parliament by Jimmy Hood. George was initially charged at 1.30 am after a six-hour interrogation and was then brought before Detective Chief Superintendent Muncie at the crime scene at around 5.30. George was unwell and had been awake for more than 20 hours, but was denied a doctor and was subsequently charged again, without a solicitor being present.

Jimmy Hood returned to the House Of Commons in 1995 to further highlight various failings and mistakes that he believed

"cost George Beattie the best years of his life."—[*Official Report, House of Commons*, 29 March 1995; Vol 257, col 1156]

He told MPs that the police had never had to demonstrate the circumstances surrounding their interrogations of Beattie or the admission that they claimed that he made during that time, and pointed out that the procurator fiscal should have had the duty to make inquiries into those police processes.

I repeat Jimmy Hood's points because they highlight the fact that many people from across the political spectrum had concerns about the case. I am sure that the cabinet secretary will point to the fact that this has been dealt with through the courts on more than one occasion, but the appeals process itself was not without criticism from Jimmy Hood and others.

I return to my opening point. Above all else, at the heart of this debate is the tragedy of the loss of a young woman's life, which was brutally taken away from her. My thoughts at all times are with Bob Alexander and with Margaret's family, who knew and loved her and who, I am sure, still feel her loss 50 years on.

17:36

Graham Simpson (Central Scotland) (Con): I thank Russell Findlay for securing this debate. I remember his maiden speech well. I was not familiar with the case at that time, but I am more familiar with it now.

We are coming up to the 50th anniversary of the murder of Margaret McLaughlin, and it is Margaret whom we must think of. She was the victim, and we must think of her family on that anniversary. As someone who has had a relative murdered, I can tell you that that will never ever leave her family.

Russell Findlay is convinced that George Beattie is innocent. I do not know whether he is, but what I have heard and read shows that there is perhaps enough doubt to justify a retrial and

certainly a refreshed look at the case. When my family got justice, it was my view that there is no justice in murder, but that justice must be served. In this case, there is no justice for Margaret McLaughlin, who was brutally murdered, but, for the sake of her family and for George Beattie and his family, justice must be served. It is not enough to convict: the result must be the right one and the right person must be convicted.

I again congratulate Russell Findlay and the various visitors in the gallery. It would be lovely to meet them afterwards.

17:38

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As we approach this 50th anniversary, I begin by joining others in the chamber in paying tribute to Margaret McLaughlin. As we have already heard, at the time of her murder she was a young woman aged 23, was engaged to be married and had her whole life in front of her. It is hard to imagine the pain and suffering that her friends and family felt at the time of her murder and continue to feel all these years later. I have no doubt that the trauma and pain linger through the generations and have not abated with the passage of time.

Mr Findlay's motion draws attention to concerns that George Beattie might have been wrongly convicted of Margaret McLaughlin's murder and notes that there have been calls upon the police and the Crown to reopen the investigation into it. I trust that members will understand that it would be entirely inappropriate for me, as a Scottish minister, to make any comment on a specific case dealt with in the criminal courts. That, of course, includes this case, and I will not be doing so today. With the greatest of respect to the members who have expressed their views and beliefs, I give advance notice that I will not be taking any interventions.

However, I think that it is important to help Parliament to understand the independent checks and balances in Scotland's justice system when a person claims that a miscarriage of justice has occurred. First, Police Scotland is, rightly, operationally independent of Scottish ministers. Secondly, the Lord Advocate is the head of the systems of prosecution and investigation of deaths. The independence of the Lord Advocate's decision in that role is protected by the Scotland Act 1998.

The independence of both Police Scotland and the Lord Advocate ensures that there is no risk of political interference in the investigation and prosecution of crime, and any decision to reinvestigate Margaret McLaughlin's murder is therefore not for Scottish ministers. Equally, the

processes for investigating and determining alleged miscarriages of justice operate independently of Scottish ministers, and it is not my place to offer any view on this or any other case in which it is alleged that a miscarriage of justice might have occurred.

Ultimately, it is for the Appeal Court to determine, in any given case, whether to overturn a person's conviction, because it concludes that it amounts to a miscarriage of justice. However, it might also be helpful if I outline the processes that exist for enabling a person who says that they have suffered a miscarriage of justice to seek to have their conviction overturned.

At one time, Government ministers—namely, UK Government ministers—had a role in deciding whether to refer criminal cases back to the Appeal Court for a fresh appeal once the time limit for lodging an appeal had elapsed. Indeed, in 1993, the then Secretary of State for Scotland—a member of the UK Government—referred Mr Beattie's conviction back to the Appeal Court for a fresh appeal, and that appeal was not successful.

Since 1999, when the Scottish Criminal Cases Review Commission was established, ministers have had no role in deciding whether a Scottish case in which it is alleged that a miscarriage of justice might have occurred should be referred to the Appeal Court for a fresh appeal. That properly reflects the fact that such decisions should never be subject to any perception that they might be taken for political reasons. It is for the independent commission to review and investigate cases in which it is alleged that a miscarriage of justice might have occurred, either in relation to conviction or sentence.

The commission has extensive powers to obtain documents from any person or organisation, including the police and the Crown Office, and to request evidence on oath. Under a statutory test set by Parliament, the commission will refer a person's conviction to the Appeal Court for a fresh appeal if, after considering the application, it thinks that a miscarriage of justice might have occurred and that it is in the interests of justice for the case to be referred back to the Appeal Court.

When a case is referred back to the Appeal Court for a fresh appeal, it will then be a matter for the court to determine, as with any other appeal. Since its establishment in 1999, the commission has, as at the end of 2022-23, reviewed 3,052 applications, of which 157 resulted in the case being referred back to the Appeal Court for a fresh appeal. Of those 157 cases, 137 have been determined by the Appeal Court. That is because some cases were abandoned by applicants.

Of the 137 cases that were determined, 88 were successful, with 47 having the sentences reduced

and 41 having the conviction overturned. I am aware that the commission referred Mr Beattie's conviction back to the Appeal Court on the grounds that there might have been a miscarriage of justice. In 2009, the Appeal Court considered that referral and upheld Mr Beattie's conviction for murder.

The motion indicates that Mr Beattie does not believe that there is an

"available route to challenge his ... conviction".

Noting that Mr Beattie has already had two opportunities in the Appeal Court to seek to have his conviction quashed, I would say that it remains open to Mr Beattie to submit a further application to the commission. That would be on the basis of additional evidence supporting a claim of a miscarriage of justice that had not been considered by the court when it heard a previous appeal.

I hope that the information that I have set out provides some reassurance to members that there are processes in place to investigate and review alleged miscarriages of justice in Scotland.

Once again, I offer my heartfelt sympathy to the family and friends of Margaret McLaughlin for a life taken far too soon.

The Deputy Presiding Officer: Thank you, cabinet secretary. That concludes the debate and I close this meeting.

Meeting closed at 17:45.

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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