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AITHISG OIFIGEIL

Meeting of the Parliament Committee of the Whole Parliament

Thursday 23 May 2024

Session 6



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Scottish Parliament

Thursday 23 May 2024

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

General Question Time

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

Child Poverty

1. **Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to tackle child poverty. (S6O-03476)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Eradicating child poverty in Scotland is a national mission and the First Minister's top priority. We are supporting families in a variety of ways, including through the game-changing Scottish child payment, funded childcare, free bus travel for under-22s and free school meals for more than 277,000 children. We have also opened up a £1.5 million fund to help to clear school meals debt.

Modelling that was published in February estimates that our policies will keep 100,000 children out of relative poverty in 2024-25. I will deliver a statement to Parliament by the end of June, updating on progress in tackling child poverty.

Kevin Stewart: It is very welcome that the Scottish child payment and other Scottish Government policies will lift an estimated 100,000 children out of poverty this year. Has the Scottish Government had any discussions with United Kingdom counterparts—Tory and Labour—to persuade them of the benefits of what the Scottish National Party Government has done here, and to introduce a UK child payment, which would, of course, lead to more Barnett consequentials money coming here, so that we could do even more to eradicate child poverty in Scotland?

Shirley-Anne Somerville: We have repeatedly called for the UK Government to match the scale of our ambition here in Scotland. That includes making changes to the reserved benefits system because, of course, the majority of benefits are still reserved to the UK. Most important, I think, is the introduction of an essentials guarantee to reverse damaging welfare cuts such as the two-child limit. That, in itself, would lift 40,000 children here in Scotland out of poverty this year. It is disappointing, therefore, that the UK Government

and the Labour Party have not entertained such types of changes and that both are still absolutely determined to keep the two-child cap.

Carol Mochan (South Scotland) (Lab): The First Minister has set out tackling child poverty as his key mission and has acknowledged that almost one in four children in Scotland are still living in poverty. Given the importance that the cabinet secretary and the First Minister place on tackling hunger, will the Government listen to key stakeholders such as Aberlour Child Care Trust and increase the free school meals income threshold for pupils in years when free entitlement does not yet exist?

Shirley-Anne Somerville: As the First Minister has laid out, we will do everything that we can to tackle child poverty. I detailed some of our policies in my original answer. What makes it exceptionally difficult is when we see cuts to revenue and cuts to capital expenditure for the Scottish Government being delivered by the UK Government. It is disappointing that Carol Mochan's party seems to be absolutely determined to keep to Tory spending plans, if a different Government is elected. That ties one hand behind our back, but we will, as I have said, continue to do everything that we can do to protect people in Scotland. It is a shame that the other Government that is also supposed to stand up for the people of Scotland does not do so.

Neurodevelopmental Assessment Waiting Times

2. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to reduce waiting times for children requiring neurodevelopmental assessment. (S6O-03477)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): Long waits are unacceptable. To be clear, though, the child and adolescent mental health services statistics capture children who meet the CAMHS criteria, and we have seen a sustained improvement in CAMHS waiting times. Children who require neurodevelopmental support are not reported in those statistics unless they also have comorbid mental health issues, so we do not have accurate data for waiting times for neurodevelopmental assessments, nor do we have a treatment time target.

Our key focus is on improving support. Our neurodevelopmental specification places an expectation on national health service and children's services to work together to implement standards in line with getting it right for every child. Crucially, local authorities have a statutory duty to

identify, and to provide support for, pupils with additional support needs, regardless of diagnosis.

We are working with NHS boards and local authorities to improve the support that is available. As part of that, the Scottish Government allocated £55.5 million to boards in 2023-24 to improve mental health and neurodevelopmental services.

Fulton MacGregor: I recently met the clinical director of CAMHS in Lanarkshire and was advised that the delays that are being experienced by my constituents in accessing assessments—some of up to three or four years—might be attributed to difficulties in recruiting and retaining psychiatrists. What further action can the Scottish Government take to alleviate those pressures in the immediate and longer terms?

Maree Todd: Fulton MacGregor is absolutely correct in his assessment. The mental health and wellbeing workforce action plan established a working group to consider how we can best support the workforce and attract people into psychiatry, including by offering additional places in psychiatry training.

Recruitment into core psychiatry has improved drastically in recent years. Not all children require specialist CAMHS—many will be supported in their community. Local authorities have received more than £50 million since 2020 and have received a further £15 million this year to fund community supports that are focused on prevention and early intervention for children, young people and their families.

For schools, we have published a professional learning resource for staff, which provides the essential learning that is required to support mental health and wellbeing at all stages. We also provide £16 million a year to local authorities to fund school counselling.

Alex Cole-Hamilton (Edinburgh Western) (LD): There is a crisis in delivery of care pathways for children with neurodevelopmental needs. As Fulton MacGregor said, waiting times can be in excess of four or five years. Some parents and families in my constituency have sought private diagnoses, only to find that their NHS general practitioner will not support the diagnosis or offer a prescription. Shared care arrangements exist in other parts of the NHS. What work is the Government doing with NHS Scotland to allow shared care to exist in cases of neurodevelopmental need?

Maree Todd: I understand that there is guidance on shared care from the Royal College of Psychiatrists. However, it is, of course, down to the individual general practitioner to make a decision on whether to accept those shared care arrangements. There is work and guidance available in many health boards around Scotland,

but the situation is not consistent throughout Scotland. Individual general practitioners make the decision on whether to enter a shared care arrangement.

Emma Roddick (Highlands and Islands) (SNP): Although I appreciate that it is important for children and families to have the certainty of a diagnosis, that should not be necessary in order to get the right support and reasonable adjustments. What measures are being taken to ensure that children who are awaiting assessment, but have clear and identifiable needs, are receiving appropriate support in schools? How are their rights being protected and upheld in the absence of a formal diagnosis?

Maree Todd: Emma Roddick is absolutely correct: support for children with neurodevelopmental needs in education is critical. Local education authorities are responsible for meeting the additional support needs of their pupils, and a diagnosis of a particular condition is not needed for them to receive support. Children's needs should be discussed at child planning meetings. That information should help to inform assessment, formulation and diagnosis, where appropriate and helpful. An individualised approach is essential to take account of the child's developmental stage and daily environment.

As I have said, and as is set out in our "National Neurodevelopmental Specification for Children and Young People: Principles and Standards of Care", we expect boards and children's services to work towards implementing the standards in the specification.

The Presiding Officer: Question 3 has been withdrawn and question 4 was not lodged.

Police Scotland (Mental Health Calls)

5. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what its position is on the amount of time that Police Scotland currently spends responding to calls related to mental health issues. (S6O-03480)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I am grateful to police officers and other front-line agencies that support people who are in distress or are experiencing mental ill health.

The Scottish Government and the Scottish Police Authority have established a multi-agency group to ensure that people with mental health needs are able to access the right service at the right time. Officers are often the first point of contact and, therefore, play a vital role in supporting communities and victims of crime. However, it is essential that they are able to transfer care of people with mental health needs to the services that can support them best.

Pauline McNeill: The chief constable of Police Scotland, Jo Farrell, says that the police are receiving calls related to mental health as frequently as

“three or four calls per minute on a busy day”.

The chief constable says that the demands of mental health calls were

“consuming time equivalent to 600 police officers per year”.

She went on to say that officers would take those in distress to “third party support”, but she described such provisions as a “postcode lottery”.

I am aware that the cabinet secretary knows full well the implications of mental ill health, especially for the job of police officers, but can she tell me whether the Scottish Government is looking into a national triage service, for instance, to which the police could take or direct people who are in distress?

Angela Constance: I confirm that there is a comprehensive range of action under way that involves senior leadership across the Government, in particular in justice and health. I very much recognise that the role of policing has changed considerably over the past decade, as has the impact of increased demand for mental health support on the police and mental health services. The partnership delivery group that I referred to in my earlier answer is developing a very comprehensive work plan to build on the work that is already in place.

One exemplar is NHS Lanarkshire, which has had a 73 per cent reduction in police conveyances to emergency departments for mental health presentations since 2019. That is because officers there are able to use a triage service for consultation with a psychiatric liaison nurse.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): That was a very interesting response.

On triage, I know that the cabinet secretary is aware of the distress brief intervention project, which is a triage service involving agencies including the police, the national health service and the Scottish Fire and Rescue Service. Vulnerable individuals are directed to the correct pathway to help them to deal with issues. I can advise members that the Scottish Borders was one of the first places where that has been rolled out. I am sure that the cabinet secretary welcomes the development of that project.

Angela Constance: Since the launch of the pilot in Ms Grahame’s constituency, more than 62,000 people have now been referred to our world-leading distress brief intervention programme. Police Scotland is, rightly, a key national partner in that programme, which

provides compassionate, personalised and non-clinical support to people who are in emotional distress and come into contact with front-line services, including the police.

Early Learning and Childcare Funding

6. Willie Rennie (North East Fife) (LD): To ask the Scottish Government when it will close the gap in funding for 1,140 hours of early learning and childcare between private, voluntary and independent providers and council-run facilities. (S6O-03481)

The Minister for Children, Young People and The Promise (Natalie Don): The local government finance settlement provides local authorities with funding covering different service areas. The settlement for 2024-25 includes around £1 billion of funding for the delivery of ELC. Local authorities are responsible for designing their own ELC delivery models, and national guidance is clear that councils must set hourly rates that reflect the costs of delivery for private and third sector providers, as well as childminders.

Mr Rennie is aware that the childcare market is a mixed economy, and businesses in the private and third sectors are responsible for making their own decisions on fees for non-funded hours, as well as on overall staff terms and conditions. Local authorities face unique costs as statutory bodies. However, as I have made clear to both the member and Parliament previously, reducing variation in the rate-setting process is a key priority for me, and the Scottish Government is working with the Convention of Scottish Local Authorities to improve the rate-setting process across a number of areas following the joint sustainable rates review.

Willie Rennie: I am afraid that none of that closes the gap. The promise that was made by the previous First Minister was that the gap would be closed, but that has been happening at a snail’s pace, and that is having a direct impact on retention, recruitment and capacity. All those areas are really important, because the private, voluntary and independent sectors provide the capacity and flexibility that parents need.

Has the minister just given up on closing the gap? What is she actually going to do to make a difference?

Natalie Don: Mr Rennie raises an important point here, but I do not fully agree with his assessment. We need to set the scene a little. Rates have been steadily increasing since the implementation of the expansion. The average rate that is paid by local authorities to providers who are delivering funded ELC to three to five-year-olds increased by 64.1 per cent between 2007 and 2023. However, while the average rate

has increased, there remains—as I said—variation across Scotland in the rates that are paid. That is why the Scottish Government and COSLA undertook the joint rates review.

We recognise the current period as being challenging for the childcare sector, and the review is clear that there is more to do to ensure that rates are set sustainably for all funded providers. The review recommends a wide-ranging set of actions, and the next steps include enhancing the guidance on the approach to rate setting; developing guidance around the rates for two-year-olds and meal rates; and setting clear guidance around engagement. I am positive that those will have the impact that Mr Rennie wishes to see, and I am happy to keep him updated on the matter

Roz McCall (Mid Scotland and Fife) (Con): As a result of funding pressures in local authorities, families across Scotland are faced with a postcode lottery when it comes to accessing the 1,140 hours of funded childcare. Some local authorities are offering funded childcare immediately following a child's third birthday; some are offering childcare a month after the third birthday; and others are delaying access, in some cases for months, until the following school term. What will the minister do to rectify that disparity and support the right of all parents, in particular working parents, to accessible childcare?

Natalie Don: I understand that that is an issue. As I said, there is a host of on-going work on both supporting providers and ensuring that our offer is good quality, accessible and affordable for parents. Nevertheless, I will certainly take that issue away and look into it for the member.

Pupil Behaviour Strategies

7. Stephen Kerr (Central Scotland) (Con): To ask the Scottish Government what action it will take in response to the call from the NASUWT teachers union for a system of strategies to be put in place for dangerous and disruptive behaviour, including consequences for pupils. (S6O-03482)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I make it clear that the existing policy framework, including the national policy on exclusion, does not prevent the use of consequences. However, I have been listening carefully to the concerns of the teaching profession, and to members on all sides of the chamber, on the need for further clarification and support on this issue.

In the coming weeks, we will publish a comprehensive national action plan to respond to evidence from our behaviour in Scottish schools research and last year's relationships and behaviour summits. That plan will be jointly owned

with the Convention of Scottish Local Authorities and has been developed in collaboration with the Scottish advisory group for relationships and behaviour in schools.

The NASUWT is a member of SAGRABIS and has provided valuable input on the development of the plan.

Stephen Kerr: The cabinet secretary knows that teachers just want to be safe at work. Yesterday, a teacher told me:

"Nothing's been done, nothing is changing. There are no sanctions. Nobody seems to care."

Mike Corbett of the NASUWT in Scotland said:

"The Cabinet Secretary cannot claim to be in any doubt about what is needed to help address this problem. She needs to show real leadership by putting in place national guidelines that make it clear to schools what is expected of them and which uphold teachers' right to work in safety."

Will she do so?

Jenny Gilruth: I thank the member for his interest in the issue. I met Mike Corbett on Tuesday this week; we engage regularly on issues in relation to behaviour and relationships. As the member will recall, when he previously held the post of education spokesperson for his party, it was his debate that necessitated some of the action that the Government has taken on this very issue, and I recognise his on-going interest to that end.

Since June last year, a range of different actions have been taken. I established a headteachers task force, which met again yesterday to discuss behaviour. We have chaired a number of behaviour summits to discuss a range of issues on relationships and behaviour—[*Interruption.*]

The Presiding Officer: Excuse me, cabinet secretary. Mr Lumsden, I would be grateful if you could resist contributing from your seat.

Jenny Gilruth: Thank you, Presiding Officer.

We have also published national research, as I mentioned, on the experiences of nearly 4,000 teachers and support staff. It is important that the Government listens to those views, and I have engaged extensively with Scotland's teaching unions.

In November, I set out a five-step action plan confirming funding for support staff and—to go back to the member's point—providing clarity at national level on advice and guidance to schools in relation to consequences. That work is hugely important, but it has to be jointly owned with COSLA, which is why the action plan and the steps that the Government is going to take will be published in the coming weeks.

**General Practice Out-of-Hours Service
(Inverclyde)**

The Presiding Officer: That concludes general question time.

8. Jamie Greene (West Scotland) (Con): To ask the Scottish Government whether it can intervene, in light of concerns following NHS Greater Glasgow and Clyde's decision to permanently reduce Inverclyde's GP out-of-hours service, reportedly leaving Inverclyde Royal hospital as the only GP out-of-hours site in the national health service board area not to operate a full seven days a week and overnight service. (S6O-03483)

The Cabinet Secretary for Health and Social Care (Neil Gray): Decisions about local service provision are the responsibility of health boards, based on their population needs. However, Scottish ministers expect boards to ensure that they deliver a safe and sustainable service to the communities that they serve. I understand that the board underwent a full service change consultation exercise, supported by Healthcare Improvement Scotland, which led to the decision. The board reviewed the results of the public consultation, and current performance, capacity and demand, as well as the overall sustainability and safety of the board-wide out-of-hours service, before determining the position.

Jamie Greene: People who are served by Inverclyde Royal hospital will now not have access to the same level of locally delivered out-of-hours general practitioner care as before. Instead, they will have to take a 50-mile round trip to Paisley or, as many fear, will simply present at the accident and emergency department, adding another burden on an already strained hospital. That flies in the face of the Government's commitment of parity across Scotland in relation to locally delivered healthcare.

Eighty per cent of local residents oppose the reduction, as do most local politicians. Will the cabinet secretary please tell the people of Inverclyde why they do not deserve the levels of local out-of-hours GP care that people elsewhere in Scotland enjoy?

Neil Gray: I will stress a couple of points. To ensure the on-going accessibility of the service irrespective of patient location, the board has formalised a process for offering patient transport for patients who require to receive care at the primary care centre, and a home visiting service is available across the board area if patients are clinically assessed as requiring that level of care.

I have previously referred to the demand that partly drove the decision, but—in the interests of brevity, Presiding Officer—I would be more than happy to meet Jamie Greene to discuss his concerns and the actions of NHS Greater Glasgow and Clyde to support patients in that area.

First Minister's Question Time

12:01

Michael Matheson (Complaint)

1. Douglas Ross (Highlands and Islands)

(Con): Michael Matheson misused taxpayers' money. He made a false claim for £11,000. He misled the public, the press and this Parliament. However, when the scandal came to light, the Scottish National Party circled the wagons and backed him to the hilt. The SNP said that he was

"a person of integrity and character"

and that the matter was closed, but it must surely accept the full scale of the deceit and abuse of trust. It is proposed that he be banned from this Parliament for 27 days. He is still sitting on the SNP benches today. Will John Swinney do the right thing and kick Michael Matheson out of the SNP? Does the First Minister accept that the SNP was wrong to fully support Michael Matheson?

The Presiding Officer (Alison Johnstone):

We are clear that the purpose of this session is to put questions to the First Minister in his capacity as First Minister and to address matters for which the Scottish Government has responsibility. I will allow the First Minister to respond in relation to those responsibilities.

The First Minister (John Swinney): At the outset, I have to make it clear to the Parliament that Michael Matheson is a friend and colleague of mine. He has made mistakes, he has resigned from the Cabinet, and he has paid the roaming costs in question—there has been no cost to the public purse.

However, as I consider the findings from the Standards, Procedures and Public Appointments Committee, I have a significant concern. I believe that the process has been prejudiced. Let me explain why.

Both Stephen Kerr and Annie Wells made comments about the case, long before it came to the committee, which prejudged it. Stephen Kerr had the good grace to admit that he

"couldn't meet the committee requirement to be unbiased",

so he removed himself from the committee. He was replaced by Oliver Mundell, who has made no public comment on the case. I have no issue with Mr Mundell's participation in the inquiry.

However, Annie Wells has made public comments. On 27 November, Annie Wells said that Michael Matheson's

"desperate efforts to justify his outrageous expenses claim have been riddled with lies, cover-ups and the need for us all to suspend our disbelief."

If a constituent came to me and said that they were about to face a disciplinary panel at work, and one of the panel members had made prejudicial comments about them, I would come down on that employer like a ton of bricks. That is the situation that Michael Matheson faces here, and that is why I will not support the sanction.

Douglas Ross: That is incredible. Michael Matheson claimed £11,000 from the taxpayer. He expected the taxpayer to pick up his—*[Interruption.]*

The Presiding Officer: I would be grateful if we could conduct ourselves in a courteous and respectful manner, as is required of us by standing orders.

Douglas Ross: Michael Matheson misled the public, misled the press and misled the Parliament. He expected the taxpayers of Scotland to pay £11,000 for a bill that he had racked up. It was not Annie Wells, Oliver Mundell, Martin Whitfield, Jackie Dunbar or Alasdair Allan who found Michael Matheson guilty—it was the Scottish Parliamentary Corporate Body, which is comprised of members from across the chamber.

Shockingly, John Swinney is standing here today, defending the indefensible. MSPs must be honest—Michael Matheson was not. MSPs must act with integrity—Michael Matheson did not. MSPs must be trusted by the public—Michael Matheson is not. He is to be banned from this Parliament for a few weeks but, in the real world, he would have lost his job for what he did and what he claimed.

John Swinney has said that he and Michael Matheson are good friends and colleagues. They served in Cabinet together for almost a decade. Does John Swinney believe that Michael Matheson's actions—not the sanctions—were acceptable? Would they be acceptable for any member of Parliament? At any stage, since the scandal first came to light, has the First Minister made any personal representations to support Michael Matheson?

The First Minister: In answer to Mr Ross's last specific question, before I became First Minister, I drew the issues about the comments from Stephen Kerr and Annie Wells to the attention of the convener of the Standards, Public Appointments and Procedures Committee, which I thought was important for me to do as a senior, long-serving member of Parliament, because I am interested in the integrity of this Parliament.

Unfortunately, the integrity of the Parliament has been brought into question—*[Interruption.]*

The Presiding Officer: Please continue, First Minister.

The First Minister: The integrity of the Parliament has been brought into question because a member of the committee has not done what Mr Kerr did, which was accept that they should recuse themselves from the committee.

I have no issue with the participation of the Conservative member on the corporate body, because Jackson Carlaw has made no public comments about the case. However, I have an issue with people prejudging the case, because that brings the Parliament into disrepute.

I come back to the point that I made in my earlier remarks, which is that, if a constituent came to me to say that they were about to face a disciplinary panel at work and one of the panel members had made prejudicial comments about them, I would come down on that employer like a ton of bricks.

In my earlier answer, I said that Michael Matheson had made mistakes. He resigned and lost his job as a member of the Cabinet and he paid the roaming costs in question. There was no cost to the public purse. As a consequence of the issues that have been raised here about the conduct of the process, I do not believe that the sanction can be applied.

Douglas Ross: That is incredible and indefensible from the First Minister. When he asked for our support to make him First Minister, he told us that he would be First Minister for all of Scotland. However, what Scotland is seeing is that he is the First Minister who backs his pals. He is supporting Michael Matheson as a friend and colleague, and is not doing the right thing for Scotland or this Parliament.

My colleagues Annie Wells and Oliver Mundell, and every member on that committee, went in to do their job, as they were asked to do by this Parliament. If anyone has brought the Scottish Parliament into disrepute, it is a member who tried to claim £11,000 from the Scottish taxpayer and get away with it.

The seriousness of this incident and the deep damage that the conduct of Michael Matheson has done to public trust in the Parliament demand that he must resign, but we know from his conduct so far that he is unlikely to do that. What will shock and appal people across Scotland is that he is now being endorsed by the First Minister of this country. I can announce today that if the SNP is not going to do the right thing for Scotland, the Scottish Conservatives will seek to bring forward a vote in the chamber next week. Our motion will state that Michael Matheson should resign for misusing taxpayers' money and for making false statements to the public, the press and Parliament.

Will John Swinney do what he promised he would and lead this Government on behalf of the whole of Scotland and support our calls for Michael Matheson to resign, or will he simply support his nationalist friend?

The First Minister: I do not think that anybody could look at me and think that I am not an individual who cares deeply about the reputation and integrity of this Parliament. I have been in this Parliament—*[Interruption.]* I have been in this Parliament for 25 years, since its foundation, and it has been the privilege of my life to serve here. I am the only member of this Parliament who voted for its establishment when the Scotland Act 1998 was put to the House of Commons. I care deeply about the reputation, integrity and identity of this Parliament, which is why I think that there is the risk that deep damage will be done to its reputation if the issue—*[Interruption.]*

The Presiding Officer: Do continue, First Minister.

The First Minister: —that I have raised is not addressed properly, as I invited the Standards, Procedures and Public Appointments Committee to do. I will not support calls for Michael Matheson to resign. Michael Matheson has suffered significant reputational damage and impact on his family as a consequence of losing office and the difficulties that have been created here. He has paid all the roaming costs in question; there is no cost to the public purse.

This Parliament needs to consider seriously the reputational issues that will arise from presiding over an unfair process.

Douglas Ross: The First Minister has to consider carefully his reputation and the reputation of this Parliament if he continues down the route that he seems to be going down. Let me be clear that if our motion is successful next week, and if Michael Matheson does the right thing—finally—and resigns as a member of this Parliament, the people of Falkirk West could have the chance on 4 July, when there is a general election anyway, to choose an MSP who is honest and has integrity.

Michael Matheson made a false claim for £11,000. That is beyond doubt—

Joe FitzPatrick (Dundee City West) (SNP): What about your £30,000?

Douglas Ross: He was untruthful to the press, to the public and to Parliament.

The Presiding Officer: Excuse me, Mr Ross. Mr FitzPatrick, I would be grateful if you would desist from commenting from your seat.

Douglas Ross: Michael Matheson made a false claim for £11,000 of taxpayers' money. He was untruthful, without any doubt, to the public of

Scotland, to the press that covers our proceedings and to this Parliament, including our Presiding Officer. However, the SNP claimed that there was nothing to see here. It defended Michael Matheson every step of the way, and the First Minister continues with that today. Anyone in the real world would have lost their job for doing what Michael Matheson did, yet John Swinney is saying today that it is acceptable for an MSP to take public money and then not be honest about it, because he disagrees with a sanction of this Parliament.

I have to say that the public disagree, and they will soon have the chance to have their say on this scandal. They have an opportunity to remove SNP politicians who let them down. In seats up and down Scotland, it will be a straight fight between the SNP and the Scottish Conservatives. Does John Swinney believe that the SNP will be punished for its handling of this scandal, and for his actions, on 4 July?

The Presiding Officer: Before the First Minister responds, I remind members that the chamber is not the place to campaign for a United Kingdom general election. I do not want campaigning to distract members from their focus on issues that are the responsibility of this Parliament and the Scottish Government.

The First Minister: I think that Douglas Ross's last question to me reveals what this is all about. I have set out that Michael Matheson made mistakes, that he has resigned from the Cabinet and that he paid in full the costs of the roaming charges, so that there has been no cost to the public purse.

My job as First Minister, as I promised Parliament, is to improve the lives of people in Scotland. My challenge in doing that is that I am having to lead a Government that is having to face up to 14 years of punishing austerity from the United Kingdom Government. I am having to lead a Government that is having to face up to the consequences in Scotland of Brexit. I am having to lead a Government that is facing the hard realities of the cost of living crisis that has been inflicted on our country by the mismanagement of the economy by the Conservative Government.

I look forward to setting out to the people of Scotland in this election the difficulties that have been created by the folly of Douglas Ross and his colleagues—[*Interruption.*]—and I know that the people of Scotland will support the SNP in that process.

The Presiding Officer: Before I call Mr Sarwar, I say that I would be grateful if members conducted themselves in a courteous and respectful way. We have many members who wish to put questions today.

Michael Matheson (Complaint)

2. **Anas Sarwar (Glasgow) (Lab):** What we have heard today from the First Minister is utterly unbelievable and embarrassing. He has demeaned himself and the office of First Minister. Two weeks in, and the pretence of a new kind of government is gone—party first, country second. He talked about the actions that should be judged here. It is not the actions of a committee that should be judged, but the actions of a member who attempted to wrongly claim £11,000 of public money. In the real world, that employee would lose their job, not have their bosses running around trying to protect them, which is what we got from the First Minister.

On all the complaints that are now being made, why were those on the Government benches not making those complaints before the process started, rather than after it had concluded? I am talking about the wider Government, not just one individual.

Let us look at what is happening here. Every single day, the two Governments are getting more and more alike. Let us not forget how Boris Johnson was judged when he thought that he could stand against the processes of the United Kingdom Parliament when it came to individual members of the Conservative Party. Let us not forget how Liz Truss was judged when she did the same, and let us see how Rishi Sunak will be judged when he puts party before country. Is it not the case that John Swinney and the Scottish National Party Government will be judged, too?

I say to the First Minister: do the right thing for once. Put the integrity of our Parliament and our democracy before your political party and demand that Michael Matheson resign so that the people of his constituency can vote for someone who is on their side and not fighting for themselves.

The First Minister (John Swinney): I am interested in putting Parliament first. That is why, before any of this kicked off, I wrote on two occasions to the convener of the Standards, Public Appointments and Procedures Committee, because I was concerned about the danger to the reputation of Parliament because of the fact that a process was going to be undertaken where members had prejudged it. That is an issue, and Mr Sarwar will share my perspective on the issue of employees' rights. We have to have fair processes in our Parliament. I set out why I thought that those processes were at risk of being unfair.

Mr Sarwar asked about the raising of those concerns and the appropriate course of action to be taken. I remind Mr Sarwar that, in the Boris Johnson case to which he referred, Chris Bryant, one of Mr Sarwar's colleagues in the House of

Commons, recused himself from the parliamentary standards process because he had expressed public remarks about the case. Mr Bryant took the appropriate action to protect the process. The process has not been protected here.

I come at this issue using the fundamental Christian maxim of doing unto others what you would have done unto yourself. It worries me that what is being proposed is something that none of us would like to have done to us, because of its unfairness. That is the issue that Parliament has to confront.

Anas Sarwar: Again, no one will believe that from John Swinney. Let us not pretend that John Swinney somehow holds every member across this Parliament or across the Westminster Parliament as equal. This is an SNP Government that is famous for holding itself to a lower standard than it holds the rest of the country to. That is why it is one rule for the SNP and another standard for everybody else.

If Michael Matheson were a Labour MSP, I guarantee that that would not be John Swinney's response. If Michael Matheson were a Conservative MSP, I guarantee that that would not be John Swinney's response. That is because, for John Swinney, it is party first, country second. That was the case in how he handled the Salmond inquiry, and it is exactly the same case in how he is dealing with this.

In case it be forgotten, Mr Wanting-to-pretend-that-he-is-the-integrity-symbol-of-the-Parliament—

The Presiding Officer: Mr Sarwar.

Anas Sarwar: We came to this Parliament—

The Presiding Officer: Mr Sarwar!

We do not use names other than proper names, so please remember that as you conclude your remarks.

Anas Sarwar: I apologise, Presiding Officer.

Let us remember that, in the previous session of Parliament, we had to come to this chamber to force John Swinney to provide evidence to a committee. Let him not pretend that he respects the integrity of individual committees of the Parliament. People can see right through what is happening here.

Michael Matheson should do the right thing: he should stand down and allow a by-election. If John Swinney were going to do the right thing, he would demand that of him, too. However, it should not be up to Michael Matheson and it should not be up to John Swinney. We supported—as did the SNP—the right to recall MPs who were suspended for more than 10 days. Again, Scotland lags behind Westminster on that issue. Does the First Minister support the right of recall of MSPs? If so, does he

think that those who are suspended for more than 10 days should face a recall petition so that the public can decide whether they believe that the politician who they sent to Parliament to represent them has integrity?

The First Minister: That is a proposition that Parliament can consider. The Government is perfectly open to considering that proposal. I believe that recall arrangements are appropriate and that Parliament needs to scrutinise the basis on which it puts them forward.

I honestly say to Parliament that it has to be very careful about what it is doing here. The example that Chris Bryant set, whereby an individual who had prejudged a case judged that they could not take part in the process, is one of which we should all be mindful. Natural justice is at stake here. I would be concerned about that wherever that person sat in the chamber, because I want Parliament to exercise its responsibilities fairly and openly in relation to all members.

Mr Sarwar said that there are other issues that I have not raised concerns about. I said earlier that, when Oliver Mundell replaced Stephen Kerr on the committee and Mr Kerr withdrew from it because he had prejudged his position, I raised no issues about Oliver Mundell, because he had not made any comments about the case.

I am simply saying that, with the way in which it is handling this matter, Parliament is setting a very dangerous precedent.

Anas Sarwar: What about the example that Michael Matheson set? What about the example that Humza Yousaf set when he stood by him? What about the example that John Swinney is now setting by trying to demean this Parliament in order to protect one of his friends?

The SNP is quick to demand action at Westminster, but it always seems to hold itself to a lower standard in Scotland. For too long now, people have felt that those who are in power are in it for themselves or want to put their party before the country. This is what they have had to put up with: weak and incompetent leadership; financial mismanagement; those in power having no idea how to govern, pitting community against community, mired in scandal, believing that they are above the law and breaking public services—a track record of failure. That is not just the Tories; it is also the perfect description of this SNP Government, led by John Swinney.

As people across the country finally get to make their judgment on two Governments that have treated the public with contempt, is it not the case that they have an opportunity to clean up our politics, restore integrity and decency, and have Governments that are focused on changing our country, rather than protecting themselves?

The First Minister: I have made it pretty clear over the past couple of weeks that I will positively and enthusiastically set out the record of this SNP Government, because it has enhanced the lives of people in Scotland.

When Anas Sarwar's party left office, people in this country got 412 hours of funded early learning and childcare provision. That was what Labour thought was enough for families who are on a low income. Now, it is more than double that, because of the choices that have been made by this Government to look after the interests of children in our country. The Labour Party wants to keep the two-child limit, which is keeping 10,000 children in Scotland in poverty, when this Government has put a child payment in place that is protecting 100,000 children from going into poverty.

When Anas Sarwar comes to the Parliament and wants to challenge me about the record of the SNP Government, I will defend it, because it is delivering a higher quality of life than the Labour Government did in Scotland in 2007, and I am proud of what we have achieved.

New Oil and Gas Exploration

3. **Lorna Slater (Lothian) (Green):** The Scottish Greens welcomed the First Minister's commitment yesterday to prioritise the climate emergency. All the evidence is clear: preventing climate breakdown means leaving new oil and gas in the ground. As part of the Scottish Government, the Scottish Greens worked hard to ensure that the draft energy strategy contained a landmark presumption against new oil and gas exploration, which is consistent with the science. That position has been thrown into doubt this week by the Cabinet Secretary for Net Zero and Energy, who branded the proposals for no new oil and gas exploration during a climate emergency as "too extreme". When will the Scottish Government publish the now long-overdue final energy strategy? Will the First Minister commit to ensuring that the Parliament will have time to scrutinise it before summer recess? Will it still contain the presumption against new oil and gas that was consulted on?

The First Minister (John Swinney): The issues that Lorna Slater has raised have been the subject of consultation. As I set out yesterday, the Government will bring forward the energy strategy. Obviously, because of the election rules, we are now in a slightly different position as to what the Government can bring to the Parliament; we have to be mindful of the propriety advice that we get from the permanent secretary about the issues that we can bring to the Parliament in an election period.

However, I can say that the Government's focus is on meeting the country's energy security needs,

on reducing emissions in line with climate commitments, and on delivering affordable energy supplies. In doing so, it will focus on ensuring that a just transition for the oil and gas workforce is secured to a net zero future as the resources in the North Sea decline.

Lorna Slater: New oil and gas exploration will not guarantee us energy security. There is no security for home owners when the cost of heating their home is still tied to volatile gas markets. There is no security for oil and gas workers who are trapped in a declining industry, and there is no security for communities that need a just transition instead of arguments about how many drops of oil we can still squeeze out. Is it not clear that, with Labour dumping its green investment plans and pledging to keep every Tory oil and gas licence in place, and the Scottish National Party back to its old habit of trying to face both ways to the fossil fuel industry, it is only the Scottish Greens that have a clear and urgent response to the climate emergency?

The First Minister: In the short period in which I have been the First Minister, the Government has announced two very significant investments—one at Ardersier and the other at Nigg—which are essential to the renewable energy industry in Scotland and the development of the offshore wind sector. Those are enormous investments that signal the Government's commitment.

Yesterday, in my statement of priorities to the Parliament, I made the point that, during the lifetime of this Government, Scotland has developed a position of significant advance on electricity generation from renewable energy. When we came to office, around 20 per cent of Scotland's electricity consumption came from renewable sources, but that has now reached 113 per cent. That is a sizeable transformation in decarbonisation of electricity, which should be welcomed. The Government will build on that through the support that we are putting in place for the renewable energy sector in Scotland.

Graduate Immigration Policy

4. **Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the First Minister what the potential implications are for Scotland's economy of the United Kingdom Government's immigration policy changes for graduates. (S6F-03158)

The First Minister (John Swinney): I am deeply concerned at reports that the United Kingdom Government is considering introducing further measures to restrict the graduate visa route. I have written to the Prime Minister to emphasise that there is no economic or educational argument for such a proposal. Any restrictions to international students' ability to stay and work in Scotland after graduation would

damage the higher education sector and our wider economy.

Sixty per cent of the Scottish public support a graduate visa, while the UK Government's own Migration Advisory Committee has recommended retaining the graduate route "in its current form". Scotland's distinct demographic challenge means that it is crucial that we have the tools to attract people to, and retain them in, Scotland. That should be our focus, not turning people away.

Gordon MacDonald: Universities Scotland has written to the UK Government, stating:

"Further restrictions to the graduate route would benefit literally no one"

and pointing out that

"international students make a net positive contribution of at least £4.75 bn to the Scottish economy."

Does the First Minister agree that even the threat of changes to the graduate route could damage our international reputation and that that shows us why decisions about immigration should be made in Scotland, to allow us to put Scotland first and make decisions in our economic interest?

The First Minister: I agree with Mr MacDonald. It is clear that the graduate visa route has resulted in significant economic benefit to our communities, because it has, in essence, anchored the educational achievements of some of the brightest people in the world, contributing to the Scottish economy through our universities and the further activity that flows from that.

It is a very short-sighted proposal. I am uncertain as to whether the Prime Minister will take a decision in the context of an imminent election to change the graduate visa route. However, I assure our university community of the Scottish Government's steadfast support and assistance in doing all that we can to avoid the graduate visa route being in any way altered, because it benefits Scotland and our institutions.

Liam Kerr (North East Scotland) (Con): The Migration Advisory Committee, which was mentioned earlier, stated:

"it is the failure to properly fund the sector that has led to an increasing overreliance on immigration."

It went on to say that it has

"had no indication in ... discussion with Ministers ... that there is any plan in place to address this structural underfunding."

Does the First Minister have any plan in place to address the structural underfunding of Scottish universities by the Scottish National Party Government?

The First Minister: The Scottish Government gives significant financial support to the university

sector, but, of course, the Scottish Government has to live within the resources that are made available to us through the Barnett formula and the funding of the public purse.

People such as Liam Kerr have to wake up and realise that there is a consequence of 14 years of austerity. That has put insufferable pressure on our public finances, and the people who are responsible for those 14 years of austerity are Liam Kerr and his Conservative colleagues. As a Government, we will do all that we can to support the university sector, but people such as Liam Kerr need to face up to the implications of the damaging decisions of the United Kingdom Conservative Government.

Willie Rennie (North East Fife) (LD): For the first time, the income from international students has surpassed that from domestic students. That is because of the excellent reputation of Scottish universities. However, that also poses a risk, because it involves being heavily dependent on funding that is subject to global volatility.

The First Minister will know about the financial difficulties that have been reported at the University of Aberdeen, where there is "significant doubt" about its ability to continue. The situation is very stark. There have been similar reports about other universities and four colleges. What are the First Minister's thoughts on how to address that situation, which is not going away and will only get worse?

The First Minister: I take seriously the point that Mr Rennie raises, but it relates directly to the public finances, on which the Government has taken a stance. We have been prepared to increase tax to increase the resources that we have available to invest in key sectors such as the university sector and the college sector.

The Scottish Funding Council engages directly with institutions to support them with the challenges that they face, but I make the point that the continuation of austerity, which is now having such a punishing effect on our public finances, is a material factor that we have to address. The opportunity to do that is in front of the country in the forthcoming election.

Pre-eclampsia Testing

5. Tess White (North East Scotland) (Con): To ask the First Minister what the Scottish Government's response is to reports that no national health service board has implemented placental growth factor-based testing for pre-eclampsia, in light of it having been recommended in March 2023 by the Scottish Health Technologies Group. (S6F-03166)

The First Minister (John Swinney): The Scottish Government is committed to continuous

improvement in maternity safety across Scotland to deliver the best and safest care for mothers and babies. We expect all NHS boards to ensure that the Scottish Health Technologies Group's recommendations on placental growth factor-based testing are implemented effectively and consistently. NHS boards are currently in the initial phases of implementing PLGF testing, and we have written again to NHS boards to secure an update on their current position and to determine whether further support is necessary to progress implementation plans.

Tess White: Women in Scotland are being denied a test, so I welcome what the First Minister has just said, because the provision of such testing could save their lives and the lives of their babies.

The test is already being used widely in NHS England, and it is clear that Scotland has been on the back foot with implementation, with health boards having indicated that funding is a major obstacle. What price can we put on mothers' and babies' lives? If the Scottish National Party Government is serious about women's health, can the First Minister tell us when the necessary resources will be made available to all health boards for those life-saving tests?

The First Minister: This is a very important issue, and I want to reassure Tess White that the Cabinet Secretary for Health and Social Care is actively pursuing it with health boards around the country.

On financial support, the Government has provided a real-terms increase in resources for the health service around the country, but there is clearly significant demand and pressure on those resources. I cannot give Tess White an immediate answer on timescales, but I will make sure that the health secretary writes to her, once we have had feedback from health boards about their state of preparation, to ensure that her legitimate concerns are properly addressed in correspondence at a later date.

Monica Lennon (Central Scotland) (Lab): Yesterday was world pre-eclampsia day. Women and babies in Scotland have died, so the First Minister's words will not reassure anyone. Today, I have had written answers from the Minister for Public Health and Women's Health, telling us about scoping inquiries and writing again to health boards because of the capacity and infrastructure challenges that they have raised.

That is not good enough—it is reactive. The Government is responding because people with lived experience are campaigning and demanding urgent action, including those who are aligned with Action on Pre-eclampsia, and because of the campaign by the *Sunday Post*, which was

launched on Sunday. Again, the Government is on the back foot. The lives of women and babies are at risk and, sadly, some have died. Therefore, will the First Minister and other relevant ministers meet, as a matter of priority, people who have been directly impacted and learn from what has already been rolled out in Wales and England? Women in Scotland deserve the same.

The First Minister: I take seriously the point that Monica Lennon has made. I will be happy to meet the health secretary and the relevant campaigners to address the issue. Perhaps it might be appropriate if we had a meeting with Tess White and Monica Lennon on the issue.

We recognise the significance and the benefits of the testing arrangements. We must ensure that health boards are actively responding to that call. We will put in place measures to ensure that members of this Parliament are updated about that, and we will arrange that discussion.

Ferguson Marine

6. **Katy Clark (West Scotland) (Lab):** To ask the First Minister whether he will provide an update on what action the Scottish Government is taking to support the Ferguson Marine shipyard. (S6F-03150)

The First Minister (John Swinney): When the Ferguson Marine shipyard was threatened with closure in 2019, this Government stepped forward and saved it. Taking the yard into public ownership preserved commercial shipbuilding on the Clyde, rescued more than 300 jobs and ensured that the Glen Sannox and Glen Rosa vessels, which are vital for our island communities, will be delivered.

We want to see the yard prosper, be competitive and continue the proud shipbuilding traditions of the Clyde. The Deputy First Minister recently met unions and workers at the shipyard, as well as parliamentary colleagues. As she said on that occasion, the Government will leave no stone unturned in pursuing a successful, sustainable future for the yard and for the workers who are employed there.

Katy Clark: Investment is essential to reconfigure the yard and undo changes that were made when it was in private ownership, but many are warning that time is running out.

State-aid rules are, obviously, complex, but countries such as Italy rely on exemptions in order to invest in shipbuilding. Does the First Minister recognise the urgency of the situation and will he find a pathway to ensure that support is provided, given the strategic importance of the yard?

The First Minister: I recognise the urgency and ministers are very much aware of that. The discussions that the Deputy First Minister has had

with the relevant unions and with representatives of the workforce have made that point powerfully to us.

We are considering proposals in relation to investment and due diligence work is under way. We are trying to conclude that as soon as possible to ensure that we can support the yard, as we have done in the past, to continue the important tradition, and the effectiveness, of shipbuilding on the Clyde.

Colin Beattie (Midlothian North and Musselburgh) (SNP): The shipyard is hugely significant to the local and national economies and it is vital that we do all that we can to secure a sustainable future for the site. Will the First Minister provide an update on the Scottish Government's conversations with Ferguson Marine executives and trade unions, following the Deputy First Minister's attendance at the summit organised by the GMB union last week?

The First Minister: I say to Mr Beattie that there were constructive discussions with the management and workforce at the yard. Many of the issues that Katy Clark raised with me were raised directly with the Deputy First Minister and are being considered within Government. We will come to a conclusion on those important issues as soon as possible.

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

Aberdeen Royal Infirmary (Ambulance Queues)

Douglas Lumsden (North East Scotland) (Con): Last week, there was a tragic accident at Balmedie, when one-year-old Ivy Mae Ross sadly lost her life. Her parents are devastated and my thoughts and prayers are with them.

No ambulances were available to attend the incident because they were all stacked up outside Aberdeen Royal infirmary, so the special operations response team, which usually deals with hazardous incidents, was deployed to the scene. I believe that that team did a fantastic job, and I am in no way trying to say that the outcome would have been different if a regular ambulance crew had been available, but that tragic incident should be a wake-up call to the Scottish Government.

Will the First Minister intervene to do all that he can to stop ambulances queueing for hours on end to drop off patients at Aberdeen Royal infirmary?

The First Minister (John Swinney): I begin by expressing my deepest sympathy to the family of Ivy Mae Ross. I am terribly sorry about the heartbreak that they are having to endure after that tragic accident.

Mr Lumsden has fairly characterised what took place. The SORT arrived swiftly at the site but, obviously, it would be preferable and desirable for ambulance crews to be available to attend such incidents. The SORT is an ambulance crew, but I understand the point that Mr Lumsden makes about the importance of ambulances being free.

It was not the case that all the ambulances were stacked at Aberdeen Royal infirmary—a number were out on other calls—but a number were stacked at Aberdeen Royal infirmary. That is an important reminder of the importance of ensuring a very swift transfer of patients at hospitals to ensure that the ambulance capacity that we have is available to be deployed where it is required. I will ensure that the issues that Mr Lumsden has raised with me are conveyed to the health board.

Economy (Support for Start-up Businesses)

Kevin Stewart (Aberdeen Central) (SNP): I welcome the Scottish Government's commitment to build an economy that is strong, successful and dynamic. The £5 million funding package announced by the Scottish Government this week to support start-up businesses is testament to that commitment. However, many of the powers that we need to grow our economy remain reserved. Does the First Minister share my concern that Westminster economic mismanagement continues to hold Scotland's economy back, and does he share my view that, with a strong Scottish National Party voice at Westminster, we can continue to make it clear that that is just not good enough for Scotland?

The Presiding Officer: Before the First Minister responds, I again remind members that the chamber is not the place to be electioneering and I do not want campaigning to distract members from focusing on matters for which the Government has general responsibility. First Minister, please respond on those matters.

The First Minister (John Swinney): Mr Stewart is correct about the Government in Scotland's intention to do all that we can to support entrepreneurship and innovation in Scotland. The £5 million funding package that was announced to support innovation, taking forward the recommendations of the work of Mark Logan and Ana Stewart, is an important contribution to supporting that innovation ecosystem in Scotland. We operate in an economic and fiscal context that is set by the United Kingdom Government, and I made clear yesterday the damage that has been done to us on a cumulative basis from decisions on austerity, Brexit and the cost of living, which are making it much more difficult to stimulate economic activity in Scotland as a consequence of Westminster decision making.

Funeral Businesses (Regulation)

Jackie Baillie (Dumbarton) (Lab): The First Minister will be aware of the unfolding scandal with the funeral business run by Steven and Ashleigh Milne. Ashes of the deceased have knowingly been given to the wrong relatives, and funeral plans have been mis-sold, defrauding people of thousands of pounds. Just this week, Mrs Barnes, my constituent, was told that the ashes of her mother, who died in 2021, have been found at the funeral parlour. Whose ashes was she given? Whose ashes did she scatter with her father's?

This Parliament passed legislation in 2016; regulations on a code of practice for funeral directors were passed in January but will not be implemented until March 2025; and we are still waiting for regulations on licensing and inspection, eight years on. Will the First Minister act urgently and accelerate the regulations, so that people can be protected from rogue funeral directors?

The First Minister (John Swinney): I will certainly look in detail at the point that Jackie Baillie puts to me about the timescale on the regulations, because what she has recounted to me is completely and utterly unacceptable. It is heartbreaking for families who have already suffered bereavement, so the conduct is reprehensible in that respect. I will explore whether there is an opportunity to accelerate the timescale for the implementation of the regulations.

I would make the point, which is relevant, that the overwhelming majority of funeral directors will operate with integrity and appropriateness at all times, but we have to ensure that there is protection in place for the public. I will look at whether we can address the issue that Jackie Baillie has put to me.

ScotRail (Peak Fares Removal Pilot)

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The Scottish National Party Government's extension of the ScotRail peak fares removal pilot will be welcomed by travellers and commuters across Scotland, cutting transport costs until the end of September. Can the First Minister say any more about how that extension is expected to benefit passengers across Scotland's rail network, particularly in the context of the on-going Westminster-made cost of living crisis?

The First Minister (John Swinney): I am delighted that the peak rail fares proposals have been able to be extended for a longer period—a three-month period over the summer. That will allow us to gather even more evidence about the effectiveness of the approach, which is designed to do two things: first, to assist people with the cost of living crisis; and, secondly, to encourage

more people to use our rail network. We will look carefully at the evidence. As we consider the long-term future of the peak fares pilot, we are keen to see measures of that type in place to ensure that we can maximise the utilisation of the rail network and that people are supported to reduce their on-going living costs.

The Presiding Officer: That concludes First Minister's question time.

Douglas Ross (Highlands and Islands) (Con): On a point of order, Presiding Officer. In my questions to the First Minister, I asked whether he had made any personal representations in support of Michael Matheson. In response, he said that he had written to the convener of the Standards, Public Appointments and Procedures Committee about the make-up of the committee. However, later on in the session, he confirmed that he had written to the committee on two occasions.

Presiding Officer, will you provide an opportunity for the First Minister to confirm that he will release into the public domain today all correspondence that he made about the situation with Michael Matheson? If the First Minister refuses to do so, what opportunities are there for the Parliament as a whole to instruct him to provide copies of correspondence made whether or not he was a back bencher?

The Presiding Officer: Thank you, Mr Ross. Points of order may, of course, be raised in any proceedings to question whether proper procedures have been or are being followed. That is not a matter for the chair to rule on.

The First Minister rose—

The Presiding Officer: First Minister, I suggest that we conclude First Minister's question time at this point. We will have a short suspension to allow the chamber and the public gallery to clear.

12:51

Meeting suspended.

12:53

On resuming—

Europe Day 2024

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

The next item of business is a members' business debate on motion S6M-12992, in the name of Alasdair Allan, on Europe day 2024. The debate will be concluded without any question being put.

Motion debated,

That the Parliament is pleased to celebrate Europe Day 2024, which takes place on 9 May and marks the 74th anniversary of the historic Schuman Declaration; considers that Europe Day is a chance to reflect on the aspiration for peace and unity across Europe, both within and outwith the EU; notes with alarm that this Europe Day takes place at a time of war in Europe, and reinforces Scotland's solidarity with the people of Ukraine; applauds the efforts of organisations, including the European Movement in Scotland, New Europeans UK, Citizens' Rights Project, and the Scottish Council on Global Affairs, to mark Europe Day 2024 with a Festival of Europe, which will be held from 11-12 May at Summerhall in Edinburgh; is firm in the belief that Scotland remains a steadfastly European nation, bound to its neighbours by a long history of cultural, social and economic ties; notes that the flag of Europe is still flown with pride outside the Scottish Parliament building; recommit to the shared EU values of human dignity, freedom, democracy, equality, rule of law and human rights, as well as the EU motto, "United in Diversity"; notes what it sees as the positive impact that EU programmes and structural funds have had on communities in the Na h-Eileanan an Iar constituency and across rural Scotland; regrets what it sees as the continued damage on Scotland's economy and society resulting from Brexit, and that, it believes, the people of Scotland had their European citizenship taken from them against their democratic will; notes the belief that it is in Scotland's interests to rejoin the EU and the single market, and reaffirms what it considers to be Scotland's aspiration to play an active role in its European future.

12:53

Alasdair Allan (Na h-Eileanan an Iar) (SNP): From time to time, it is as well to lift our eyes from the Scottish political fray to recall that Scotland is still a European country and that events in Europe still matter to us. I am therefore grateful that we have the opportunity to reflect on all that in this debate.

Almost three quarters of a century ago, the Schuman declaration marked the beginning of post-world war two Franco-German co-operation. That was a hugely significant turning point in Europe's pursuit of long-term sustainable peace. It came after a continuous period of more than 80 years during which Germany and France had largely been either at war or on the verge of war

with each other. In the following year—1951—the alliance was opened to other European countries, and the treaty of Paris was also signed by the Netherlands, Belgium, Italy and Luxembourg. That created the European Coal and Steel Community, which paved the way for the European Economic Community and, subsequently, of course, the European Union.

Europe day is celebrated on 9 May each year, on the anniversary of the signing of the Schuman declaration. Unfortunately, the anniversary fell, and falls, at a time of war in Europe. I therefore take the opportunity—as I am sure others would—to reiterate the Parliament's categorical condemnation of Putin's unprovoked aggression, which has destroyed the lives of so many Ukrainians since the illegal invasion of Ukraine in February 2022. The Russian Government's reckless actions during that invasion have also directly resulted in the deaths of many members of its own forces.

The European Union was established to promote peace and co-operation between Europe's independent nations. I, of course, very much hope that, one day soon, Scotland can count herself among those independent European nations. However, for the moment, Europe day represents an opportunity for us to reflect on the European Union's core aspirations, as well as on the challenges that it faces in today's landscape.

Peace and co-operation are values that we must pursue and prioritise, particularly in a period of political polarisation when misinformation and, therefore, mistrust can be rife. Unless those are checked, they can, ultimately, pose a threat to democracy itself. The shared European

"values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights",

are ones that I hope every individual in the chamber shares, no matter their position on Scotland's future or, indeed, on the European Union.

However, I cannot resist saying that those who continue to argue against even rejoining the single market or re-establishing freedom of movement of people are taking an extreme stance—one that I do not claim to be able to comprehend. It is a stance that I would counsel all parties not to humour much further.

Just a few weeks ago, yet more new, expensive and complicated import controls came into force as a direct consequence of Brexit, and are causing further damage to Scotland's businesses and our economic interests. More EU businesses are ceasing their trade with the United Kingdom altogether because of the additional expense and bureaucratic headache that the trading relationship now involves. The UK has already

suffered the largest five-year decline in goods trade since comparable records began in 1997, with the volume of UK goods imports and exports being 7.4 per cent smaller than it was in 2018.

Exports from my constituency, particularly of fresh seafood, have at times suffered significantly due to the complex, time-consuming and expensive checks that are now required for every box on every journey to mainland Europe. Any small error can result in thousands of pounds of produce being held up and, sometimes, ultimately discarded.

I am conscious that the bulk of the roads in my constituency that are wide enough to drive two cars past each other without stopping are largely the product of EU structural and investment funds. The UK Government committed to matching EU structural funding after Brexit in a programme that it insisted would be

“better tailored to our economy”.

However, we have found ourselves being overlooked and short-changed.

Meanwhile, the UK Government—and, as far as I can see, the main UK Opposition—refuse to move an inch from their opposition to EU membership. I am afraid that, even with the potential for a new Government in Westminster, the tunnel vision on anything related to the EU or the single market looks to be firmly set to continue.

Last month, both Keir Starmer and Rishi Sunak rejected the European Commission’s proposals for a post-Brexit youth mobility deal, for instance, which would have allowed those aged between 18 and 30 to live, study or work in one EU country for up to four years, with young EU citizens able to come to the UK on the same basis.

Brexit was unquestionably an act of cultural and economic vandalism. Scotland remains a steadfastly European nation, bound to our neighbours by a long history of cultural, social and economic ties. Although external powers have forced us to leave the political European community, I am proud to say that Scotland’s esprit européen is something that no external power can take away.

Stephen Kerr (Central Scotland) (Con): I am really confused about the “external powers” that Alasdair Allan is referring to. We had a referendum, and the United Kingdom voted to leave the European Union. What external powers is he referring to? Is he referring, by chance, to England, Wales and Northern Ireland?

Alasdair Allan: I am referring to the fact that two thirds of the country that I represent in this Parliament, and in which I have the honour to live, voted to remain in the European Union.

I fear that, as well as annoying Mr Kerr, I may have annoyed one of the Presiding Officer’s predecessors when I and others spoke up in the chamber some time ago to make the case for the European flag continuing to be flown outside our national Parliament. I have no regrets about that, and I am pleased to see that it is still flying. For me, it is a symbol of hope that, in the not-too-distant future, Scotland will be able to rejoin the EU family as a member state. More immediately, it is a clear sign that we want to celebrate Europe day and all the ideas that that represents.

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

13:00

Meghan Gallacher (Central Scotland) (Con): I join colleagues on all sides of the chamber in celebrating Europe day in 2024. In a turbulent world, it is vital that we continue to express the close bonds of friendship with our many friends and allies across Europe.

That brings me to the motion. Today’s debate on Europe is an opportunity to talk about the many virtues of a shared European heritage and culture. It is a chance to celebrate the long-established historical ties between the United Kingdom and Europe. For me, it is an opportunity to reflect on the sacrifices of the brave men and women who courageously answered the call to secure the liberation of Europe from the tyrannical grip of Nazism. Their sacrifices, and those of many more, ensured that we have a Europe in the first place.

It is disappointing, therefore, that the motion makes no mention of the 79th anniversary of victory in Europe day—a day of national and international celebration that has echoed across the world every year since the hard-fought allied victory in Europe was secured on 8 May 1945.

Alasdair Allan: I thank the member for making the point about victory in Europe day. I am more than happy to acknowledge it, and to acknowledge the sacrifice of all those who secured victory in Europe.

Meghan Gallacher: I am grateful to the member for doing so, because it is such a vitally important date in European history. After all, without an allied victory in world war two, spearheaded by Britain and her allies, the formation of the Council of Europe would never have been possible in the first place.

The Scottish National Party might be unaware that it was our greatest ever Briton, Winston Churchill, who first suggested the formation of the Council of Europe back in 1943. The Council of Europe finally became a post-war reality when it

was signed into existence in London on 5 May 1949.

The founding Statute of the Council of Europe set out the guiding principles for its work on rebuilding a Europe that had been shattered by war. As the driving force behind its formation, it is unsurprising that we in Britain share with it the values that we hold most dear here: those of democracy, human rights and the rule of law. Article 1a of the statutes states:

“The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.”

The motion that is before us could have recognised other significant European achievements such as the Treaty of Rome and the Single European Act, to mention two more. Unfortunately, we have so far heard only some waffle from the SNP, whose members see the debate as an opportunity to attack Britain and the democratic will of the people of the United Kingdom to leave the European Union.

The SNP loves to conflate the European Union with Europe, as if they are somehow interchangeable. However, as with its flip-flopping on oil and gas, the SNP has a track record of flip-flopping on the EU. In the 1960s and the 1970s, the SNP actively campaigned to take us out of Europe. In 2014, it ran a campaign of separation that would have taken Scotland out of the EU. Thankfully, the vast majority of people in Scotland rejected the SNP’s idea of separation. SNP members talk of Scotland being pulled out of Europe against her will, conveniently forgetting that it was the United Kingdom that had membership of the EU. The SNP also conveniently ignores the fact that a third of its own membership voted to leave the EU back in 2016.

Fast forward to today’s debate, whereby we have the SNP falling over itself to shout about the benefits of being in a union—well, square that circle if you can. It seems that European unionism is good and UK unionism is bad. You could not make it up.

The crux of the matter is that the SNP wants separation at any cost. It intends to rip Scotland out of the world’s most successful and strongest union—to achieve its goals against the wishes of most people in this country. If the SNP had ever got its way, we would have found ourselves outside both the UK and the EU.

I will conclude, because I am out of time. At the founding of the Council of Europe in 1949, Winston Churchill said:

“Our hopes and our work point to an era of peace, prosperity and abundance.”

In a volatile world in which, once more, conflict rages out of control, it is comforting to know that the United Kingdom leads the way in Europe, in ensuring that the long-term stability in the region will once again ensure that peace, prosperity and abundance return to all in Europe. That is a cause for celebration.

13:05

Clare Adamson (Motherwell and Wishaw)

(SNP): I thank Alasdair Allan for lodging what is a very comprehensive motion and securing the debate. I had hoped that the debate would be a celebration of Europe day and that we would have had a bit of consensus, but it has turned into a bit of an irony fest—with quotes from Winston Churchill on his attitude towards Europe as part of the initial process, but a defence of the insular Conservative Boris Johnson, who dragged us out of European membership on what was basically a pack of misinformation. So many people were told that we would lose European membership if we voted for independence, but we were then faced with the Brexit vote. Europeans in this country were left bereft about their future because of Brexit.

However, I wish everyone a happy Europe day. As Dr Allan did, I extend my solidarity to the people of Ukraine in particular. Europe day 2024 and its call for peace take on a new meaning, given that there is war on the European continent.

The inception of the European Coal and Steel Community—the EU’s precursor—was, foremost, a peace project. Greater political integration based on mutual interest helped to stabilise relationships between France and West Germany following the abject horrors of the second world war. In that light, the EU stands out as one of the most successful peace projects in history. It is ironic that we have walked away from that. The values of peace, freedom and respect for common humanity have renewed meaning. There should be renewed focus on much-needed peace as the conflicts in Ukraine and in other areas around the world continue.

The motion notes that Scotland remains resolutely European, and we have already talked about how the Scottish electorate overwhelmingly rejected Brexit. Brexit damage has been manifest. The Office for Budget Responsibility expects there to be a long-term hit to gross domestic product of 4 per cent. Smaller firms and exporters have been wiped out due to the costs of red tape and non-tariff barriers in their supply chains. *[Interruption.]* Stephen Kerr is speaking from a sedentary position. I suggest that he looks at the work of the Parliament’s Constitution, Europe, External Affairs and Culture Committee, which I convene, as there has been ample evidence on that point.

Stephen Kerr: I remember that, during the indicative votes in the House of Commons during the Brexit process, SNP members of that house had an opportunity to vote for Britain's membership of the single market but did not do so. That seems to be so much hypocrisy.

Clare Adamson: I say to Stephen Kerr that, here and now, we face the consequences of Brexit. As I said, we have ample evidence of the damage. As the Independent Commission on UK-EU Relations, which came to the committee this morning, notes in its report on the trade of goods:

"Although goods trade between the EU and UK recovered most of its previous level in value terms following a sharp fall in the early months of 2021 the current value of trade is well below what would have been expected had the UK performed on a comparable level with other trade partners."

This is not an ideological bun fight. That is the brutal economic reality, with consequences for our constituents and the businesses in our areas.

As the Parliament marks Europe day, is there cause for hope? We have lost the right to live and work in 27 other nations; new costs and rules on cabotage are devastating for touring artists, as our committee has heard from the culture community; and we have lost Erasmus and Comenius—extraordinary initiatives that fostered cultural and academic links and gave our young people life-changing opportunities, which my grandchildren are now denied.

The EU is integral to the majority of our trade. EU structural funding, which Dr Allan mentioned, provided crucial investment for areas in Scotland that were impacted by post-industrial decline—not least my Motherwell and Wishaw constituency. After the mining and steel industries were destroyed, it was left with no investment and no move forward from the UK Government until the Ravenscraig regional sports centre was built using European structural funds.

I wish everybody a happy Europe day.

13:10

Foyso Choudhury (Lothian) (Lab): I congratulate Alasdair Allan on bringing the debate to the chamber.

As we mark the 74th Europe day, we must never forget why integration was pursued in Europe. In 1950, in the aftermath of the second world war, which caused so much death and destruction, Robert Schuman, the French foreign minister, called for European integration, so that war would become

"not merely unthinkable, but materially impossible".

We should still abide by that important principle for peace in Europe, and the events of recent years

show that co-operation is more important than ever. The invasion of Ukraine goes against everything that we have pursued for the past 74 years. It is imperative that our support for Ukraine remains steadfast and that a peaceful Europe remains the norm.

The motion mentions the festival of Europe that took place earlier this month. At the festival, I spoke on a panel with Ben Macpherson and Christine Jardine MP. I urged that, rather than bickering about Brexit once more, we should build a new productive relationship with Europe—one that is built on our shared values of democracy, equality and the rule of law and that delivers for working people.

There are several ways that we can do that. The motion highlights Scotland's loss of access to EU programmes and what they can do for communities. The loss of Scotland's membership of the Erasmus scheme, which allowed thousands of Scottish students to study in Europe, is regrettable. Scotland should look at emulating the success of Welsh Labour's Taith scheme, which has allowed Welsh students continued access to educational exchanges.

Culture has also suffered as a result of Brexit. Performers and artists from Scotland are held back by the high costs of touring in Europe, and vice versa. If artists cannot come here, brand Scotland is threatened, as is our status as a leading country for culture.

An incoming Labour Government could institute a new touring agreement with the European Union so that artists can tour without expensive visas. The Scottish Government should look to co-operate on that issue, rather than being stuck on the constitutional issue.

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): The current UK Government has, sensibly, rejoined the horizon programme. Does Mr Choudhury agree that, given that it has been possible to rejoin European programmes, a priority for any Government should include rejoining the Erasmus+ and creative Europe programmes?

Foyso Choudhury: Yes, I would support that but, if we cannot rejoin those programmes, we need to look at other options, such as what Welsh Labour has managed to do with the Taith scheme. Our Government should make that a priority, too. Redoing the Brexit debate will not solve the cost of living crisis, but we can renegotiate the deal to better serve working people.

Although Scotland and the United Kingdom are no longer part of the European Union, we are still European. Our shared history and culture transcend any political institution. With the future being more uncertain than ever, we must have a

collaborative relationship with our European partners. We must never forget what happened in the past when that co-operation was absent.

13:15

Karen Adam (Banffshire and Buchan Coast) (SNP): I congratulate Dr Allan on getting the debate to the Scottish Parliament. As we have heard, Europe day 2024 marks the 74th anniversary of the historic Schuman declaration. As the motion states, it is

“a chance to reflect on the aspiration for peace and unity across Europe”.

Seventy-four years ago this month, on 9 May 1950, the then French foreign minister Robert Schuman laid the foundations for the European Union with his renowned Schuman declaration. His declaration opened with the line:

“World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.”

Those creative efforts began with a proposal of joint control of coal and steel production between France and Germany. In the seven decades that followed, interdependence and co-operation between European nations went from strength to strength, with the European Coal and Steel Community, the treaty of Rome that created the European Economic Community and the creation of the European Parliament.

For decades, Scotland had a number of members of the European Parliament standing up for Scotland in Europe. One of those MEPs sadly passed away last year, and I will conclude my remarks with the words of the lady affectionately known on the continent as Madame Écosse.

Our neighbours from the continent have always been welcome in Scotland. We had a French national, Christian Allard, representing North East Scotland in the Scottish Parliament for a number of years. At a time of UK Government hostility towards those who hail from elsewhere, it is more important than ever to reiterate that welcome. Last month, along with my colleague Kevin Stewart, I welcomed the French ambassador and the consul general in Aberdeen, and we discussed the rich past and vibrant present that the north-east shares with France.

Members might know that our national hero Robert Bruce, himself of French origin, sent an embassy to the European continent in 1323 to renew the auld alliance of 1295. The embassy included the Earl of Moray and the Bishop of Moray. The latter would go on to establish the Scots college at the University of Paris way back in 1333. Our educational links with France and Europe go back at least seven centuries.

William Elphinstone would go on to study at the University of Paris for a number of years before returning to Scotland to found the University d'Aberdeen, modelling it on the French university. Now, many centuries later, the University of Aberdeen, alongside our other universities in Scotland, continues to welcome European students. It bears repeating that our educational system and our country are richer for their presence.

Brexit, however, has no doubt threatened that. European students are no longer eligible for tuition-free university education in Scotland. Sadly, the UK Government's decision to ignore the will of the Scottish people and its pursuit of a hard Brexit, which tore us out of a number of EU programmes, including Erasmus+, continue to threaten our centuries-old educational, scientific and cultural exchanges with Europe.

Last week, I was delighted to welcome to the Scottish Parliament the consul general of France in Scotland, diplomats from the French embassy in London and a number of graduates who have benefited from the international mobility granted to them by schemes such as Erasmus+. However, each and every one of those whom I spoke to raised the urgency with which the loss of programmes such as Erasmus+ needs to be reversed.

Winnie Ewing was the architect of the Erasmus+ programme, which fuels fraternity between European nations. Therefore, it is with the words of Madame Écosse at the reconvening of our Scottish Parliament that I will conclude:

“My last practical hope is that everyone who was born in Scotland ... and everyone who chose Scotland as their country, will live in harmony together, enjoying our cultures”—

cultures plural. She went on to say that out there

“in Europe and in the wider world, there is a bank of good will towards Scotland.”—[*Official Report*, 12 May 1999; c 5-6.]

Those words are as true today as they were then.

13:19

Stephen Kerr (Central Scotland) (Con): I congratulate Alasdair Allan on securing the debate, but it is a great pity that the SNP did not put as much energy into contesting the 2016 referendum campaign as it has since put into moaning about the result. It spent tuppence-ha'penny on the campaign, and that was back when it had more than two farthings to rub together. However, it is in the best tradition of the SNP that it struggles to accept any referendum result.

The people of the United Kingdom collectively decided that the United Kingdom's membership of the European Union had run its course, but I am no less a European today than I was on the day that Britain left the European Union. Of course, Scotland and the rest of the United Kingdom remain closely attached to Europe, geographically and in every other respect and lessons are on offer for the SNP since we left the European Union.

Let us take the economy. The UK economy is now the joint fastest-growing economy in the G7 with Canada, outpacing France, Germany, Italy, Japan and the United States. Those are official figures. The UK is now the fourth-largest exporter of goods and services globally, moving up from seventh place in the rankings in 2021. It has overtaken France, the Netherlands and Spain.

What would be so bad about trying to keep up with the countries in the European Union in other areas such as nuclear power, for example? Here is John Swinney at First Minister's questions on 16 May:

"The Scottish Government will not support new nuclear power stations in Scotland."—[*Official Report*, 16 May 2024; c 26.]

Here is the contraposition from the European Union:

"The Council of EU member states and the European Parliament agreed on Tuesday (6 February) to label nuclear power as a strategic technology for the EU's decarbonisation".

Will the SNP follow the EU's pragmatic lead and label nuclear power a strategic technology for Scotland's decarbonisation?

Alasdair Allan rose—

Stephen Kerr: Alasdair Allan is about to tell me.

Alasdair Allan: Perhaps the member would acknowledge that the European Union leaves it up to member states to decide which of them builds a nuclear power station. We do not find EU member states attempting to tell each other to have nuclear power stations in their respective territories.

Stephen Kerr: Alasdair Allan has his own excuses for the cover story that the SNP gives for its denial of the science of nuclear energy.

Let us try gene editing technology. The SNP remains opposed to that but, earlier this year, the European Parliament voted to ease the regulation on gene-edited crops. Why not follow suit?

How about illegal immigration? I know that the cabinet secretary has a great vested interest in Austria, so perhaps he is familiar with what the Austrian chancellor said this week:

"The Rwanda model is a solution for us to have asylum proceedings in safe third countries and that is something we need to put on the EU's agenda as well ...

The UK is therefore also a pioneer for this model, a model and a path that will be important for the Europeans as well. We support the British path and the British model."

It is not just Austria:

"Last week ... 15 leaders of EU countries, including Austria, called for new solutions to address illegal migration into Europe, which included the idea of relocating asylum seekers to third countries."

I am reading this from *The Times*, by the way; I am not making it up.

"The countries that signed the letter last week were Bulgaria; Czech Republic; Denmark; Estonia; Greece; Italy; Cyprus; Latvia; Lithuania; Malta; Netherlands; Austria; Poland; Romania and Finland."

One last area where the SNP could stop bleating and do something positive has already been mentioned: the moan about Erasmus+. Sitting alongside the Turing scheme, for which Scottish students are eligible, the Welsh Government—it is a Labour Government and I am a Tory—has set up Taith. It will spend £65 million on Taith up to 2026.

Angus Robertson: The European Union has made it abundantly clear that the United Kingdom would be welcome back in the Erasmus+ scheme and the creative Europe programme. Does he agree that that would be the right thing to do?

Stephen Kerr: The cabinet secretary raises the current position of the European Union. The reason that we got to that point was that it would not allow the United Kingdom to remain part of Erasmus+. Hence the Turing scheme and Taith.

I speak in praise of Taith, because students from Wales have both Turing and Taith to allow them to continue to benefit from international exchanges, as they did through Erasmus+.

Clare Adamson: Will the member take an intervention?

Stephen Kerr: I do not think that I have time. I apologise.

However, Turing and Taith go beyond Europe. If the Welsh Government can do it—and, by the way, the SNP promised to do it—why has the SNP not delivered? That is the point. Is it because the SNP prefers gum bumping and grievance over delivering substance? Of course it is.

13:25

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government's preference is that the United Kingdom joins Erasmus+ and the UK Government rejoins

Creative Europe. That is the answer to Stephen Kerr's question.

Stephen Kerr: Will the cabinet secretary take an intervention?

Angus Robertson: No.

I begin by praising Dr Alasdair Allan for lodging his motion about Europe day, on which we mark the day in 1950 when Robert Schuman proposed bringing French and West German coal and steel production under a single authority. That happened on the day after the anniversary of the surrender of Nazi Germany on 8 May 1945; it is absolutely right to acknowledge the connection between those things and the ultimate price that was paid by so many people, which was raised by Meghan Gallacher.

In the shadow of the second world war, the bold idea of working together across Europe was the seed of a peace project that grew into what has become the European Union, and recognition of that project could not be more important today. Russia's illegal war in Ukraine and the conflict in Gaza remind us that peace and co-operation are precious. Indeed, they are so precious that we must not take them for granted.

On 9 May, which was Europe day, I had the pleasure of addressing Scotland's first international festival of Europe, which took place in Edinburgh. I am grateful to the European Movement in Scotland for inviting me. I reflected then that, from armed conflict to climate change and rapid technological change, the challenges that are facing our continent need a common response.

A united Europe is a universal idea and one that is rooted in the common values of human dignity, freedom and democracy. Indeed, one of the first to enunciate that vision was none other than Sir Winston Churchill in his famous speech in Zurich in 1946, where he called for the creation of a united states of Europe.

In June this year, in a few weeks' time, more than 400 million Europeans will go to the polls. It will be the first time in 45 years that Scottish voters have not taken part. I remember with sadness the day when Scotland's members of the European Parliament were piped out of the European Parliament chamber. Our fellow Europeans were asked to leave a light on for Scotland, and I believe that the light is still burning bright for the day that we return.

Brexit has been—this is beyond any challenge—an unmitigated disaster for Scotland. The economic impact is well documented, but it is not just our economy that suffers. The ending of free movement of people has greatly impacted on people the length and breadth of Scotland, not

least on European Union citizens, to whom our message remains clear: you are welcome here, we want you to stay, and this is your home.

Above all, we must not forget the impact on young people. It was an extraordinarily welcome move when, only last month, the European Commission proposed opening negotiations with the United Kingdom on a youth mobility treaty. Following the UK Government's decision not to participate in Erasmus+, the European Commission's offer was rejected out of hand by the UK Government. That is deeply disappointing. The only thing that is more disappointing is that the UK Government was not the first to reject the proposal—that was the Labour Party. I have to hope that, if there is to be a change in the UK Government, common sense will prevail and the Commission's offer will be taken seriously. If we are going to stand here as regularly as we do and lament the impact that the ending of free movement of people has had, particularly on young people and on culture and the arts, we should take seriously the offer that is open to us on Erasmus+ and Creative Europe.

Stephen Kerr: Will the cabinet secretary give way?

Angus Robertson: Of course. I am pleased to give way.

Stephen Kerr: I am grateful to the cabinet secretary for giving way. Will he please acknowledge to the chamber that the SNP has a commitment to create a programme that is equivalent to Taith—the Welsh Government's scheme—which, together with the Turing scheme, creates an even more expansive opportunity for our young people and our students? Will he agree that the SNP made that commitment and has done nothing about it whatsoever? Where is the Scottish equivalent that the SNP promised to bring to the chamber? It has still produced nothing.

Angus Robertson: In point of fact, Stephen Kerr is wrong. The Scottish Government has been looking at all the options, but what has become abundantly clear to us is that the Turing scheme is not more expansive than Erasmus+ for students in Europe; it is a reduced offer.

I had the pleasure of sitting next to the UK ambassador when I was in discussions with the European Commission about the offer that it has made to the UK in relation to Erasmus+, and I confirm to Stephen Kerr that the offer is there. The Commission is happy for the UK to join. We are happy for the UK to join. I care not whether it is an outgoing Tory Government or the potential Labour Government in London that wakes up and sees the common sense of doing so, because what really matters is that we embrace the opportunity

of being back in Erasmus+. It is a very important part of European citizenship.

For the record, it is quite right to recognise the role that Winnie Ewing played in the creation of the Erasmus scheme—we have heard about that this afternoon. *[Interruption.]* I am overrunning time, so I will proceed and wind up shortly.

We urge the UK Government to think again, to respond positively to the Commission's initiative and to negotiate a deep and generous agreement with the EU. More than that, we urge whoever is in number 10 in the months ahead to include in the UK's relationship with the EU an openness to once again embrace Erasmus, Creative Europe and all that they offer.

Freedom of movement is only one reason why I want Scotland to return to the European Union as a member state in our own right. Our detailed policy paper, "An Independent Scotland in the EU", was published last year. It set out our vision of shared values, what we can contribute to the European Union and the benefits that Scotland will gain from being a member state in our own right for the very first time. Our ambition is to be an open nation that seeks to be a global citizen, that is a force for good and that leaves a positive mark on the world. Those are all aspirations that we share with our European neighbours.

The founding principles of a united Europe ring true today more than ever. The message to our European friends from this Parliament's debate on Europe day is that Scotland is by your side, and we will continue to work with you to address the many challenges that we share.

13:32

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Transport

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The next item of business is portfolio questions on transport. As ever, I make a plea for succinct questions and answers to match.

Orkney Interislands Air Service

1. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government what assessment it has made of any accessibility issues in relation to the interislands air service in Orkney and similar public service obligation operations in other island communities. (S6O-03468)

The Minister for Agriculture and Connectivity (Jim Fairlie): The provision of public service obligation operations in Orkney is a matter for Orkney Islands Council and Loganair. Therefore, the Scottish Government has not assessed the accessibility of those services.

I know that Loganair is receptive to feedback on how the services could be improved for anyone who relies on them. As for the island communities, the Mobility and Access Committee for Scotland recently wrote to Comhairle nan Eilean Siar—forgive me for not pronouncing that properly; I really apologise for butchering that—about issues concerning the new contract with a different airline. MACS has also written to me on the issue, and I will carefully consider my response.

The Highlands and Islands Transport Partnership—HITRANS—convened a meeting of health boards in its area recently to discuss the establishment of a health and transport action plan. If Mr McArthur has not already done so, I would urge him to raise those relevant issues with HITRANS.

Liam McArthur: I advise the minister that he will probably have to make his peace with Alasdair Allan and his constituents at some point. *[Laughter.]*

I recently met North Ronaldsay community council, Orkney Islands Council, NHS Orkney, Loganair and others to discuss growing concerns about the accessibility of the Islander aircraft, which provides the lifeline air services to North Ronaldsay and other outer north isles in my constituency. I am told that some island residents with mobility issues find the prospect of trying to get in and out of the aircraft so painful and/or undignified that they are opting not to travel, and

are often missing health and other important appointments on the Orkney mainland.

Will the minister agree to ask his officials to engage with Orkney Islands Council to see what more might be done in the context of the forthcoming retendering process for the interisland service to ensure that this genuine lifeline is accessible to all island residents who depend on it?

Jim Fairlie: I assure Liam McArthur that that conversation could be had. I am also aware that officials are scheduling a meeting with Comhairle nan Eilean Siar in June to discuss healthcare provision. We will keep members updated on that.

Trunk Road Safety (Spending)

2. Douglas Lumsden (North East Scotland) (Con): To ask the Scottish Government how much it spent in 2023-24 on safety improvements to trunk roads in the North East Scotland region. (S6O-03469)

The Cabinet Secretary for Transport (Fiona Hyslop): Transport Scotland does not record information by local authority or parliamentary regions. It records using four operating company units, for the north-west, north-east, south-west and south-east. Transport Scotland has spent £18.6 million on structural maintenance schemes in the north-east unit in the past 12 months. Some £2.7 million was spent on construction of casualty-reduction safety improvements to trunk roads in the north-east operating company unit in 2023-24.

Douglas Lumsden: One of the best ways to improve safety would be to dual the A96, as promised by the Scottish National Party in 2011. However, now we need a review, seemingly. In November 2022, Jenny Gilruth told us that the corridor review would be out at the end of the year. In June 2023, she said that the review would be out in the summer. In November 2023, Shona Robison said that the review would be out at the end of the year. In February 2024, the cabinet secretary told us that the review would be out in the coming months. In April, the cabinet secretary told us that the review would be out in the coming months. This is now embarrassing and insulting to the people of the north-east. Can the cabinet secretary tell us whether there will be any construction on the project before 2026?

Fiona Hyslop: There are clearly different aspects to the A96. Progress has been made on the Inverness to Nairn route and the dualling of that section. I will be reporting on that to Parliament, as I have been doing regularly.

In relation to the review, I can understand the frustration. Some of us in Government would also like to see that review published sooner rather than later. We might be restricted as to what we

can do, depending on what current rules dictate over the next few weeks and months. It will be important to share all the information that is in the review, whether good, bad or indifferent, depending on people's point of view.

Clearly, the Scottish Government's commitment has been and is to dual the A96. We are making progress on those improvements that we can make, particularly on the points of the A96 that I have just referred to.

The Deputy Presiding Officer: I have received a request from Clare Haughey to ask a supplementary. I am happy to take it, but I remind the member that the question concerns spend on safety improvements to trunk roads in the North East Scotland region.

Clare Haughey (Rutherglen) (SNP): Will the cabinet secretary set out some of the impacts to Scotland's trunk roads, including in the north-east, of the budget cuts that Mr Lumsden's party has imposed on Scotland?

The Deputy Presiding Officer: When responding, cabinet secretary, please deal with the bit of the question that relates to the North East Scotland region trunk roads.

Fiona Hyslop: North East Scotland region trunk roads rely on investment—particularly, capital investment—from the Scottish Government. The issue that the Scottish Government is facing is that, because of the United Kingdom Conservative Government's mismanagement of the economy, there has been a reduction of almost 9 per cent to our capital budget, which has consequences.

The issues of infrastructure inflation and availability of spend for capital investment clearly cause difficulties. That is why it is quite remarkable that, even within those constraints, I have managed to ensure, as cabinet secretary, that the much-needed asset investment in our trunk roads has been not just maintained but increased. However, I do not think that the Conservatives can criticise when there is not enough capital for our budgets, whether it is on north-east trunk roads, the rest of the trunk road network or other infrastructure projects.

Low-emission Zones

3. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government whether it will provide an update on what work it has undertaken to prepare for the introduction of low-emission zones in Edinburgh, Aberdeen and Dundee. (S6O-03470)

The Cabinet Secretary for Transport (Fiona Hyslop): I regularly meet the local authorities that are introducing low-emission zones. My officials continue to work closely with them and United

Kingdom Government agencies, such as the Driver and Vehicle Licensing Agency, to assist with preparations for LEZ enforcement.

Extensive national LEZ awareness-raising schemes have taken place and continue across both new and traditional media, supported by work at local level in Dundee, where enforcement starts on 30 May, and Aberdeen and Edinburgh, where enforcement starts on 1 June, as those cities join hundreds of European cities and towns that are introducing similar schemes.

I also advise that the Scottish Government has provided full funding to establish all local authority LEZ enforcement systems and continues to provide support funding to low-income households and microbusinesses preparing for LEZs, with £16.1 million being made available since 2019.

Alexander Stewart: Almost a year after the low-emission zone came into force in Glasgow, 40 per cent of the council's vehicles have failed to comply with the regulations. Given that Glasgow City Council is struggling to comply with the scheme, what support will be given to hard-working Scots and businesses in other locations? Is this simply a war against motorists?

Fiona Hyslop: I referred to investment of £16.1 million. I know, because I checked, that Alexander Stewart has membership of a number of cross-party groups that are related to lung disease and health issues. He understands that air quality is very important, and it is air quality that is the issue here.

One of the first lessons of politics is to learn how to count. The Glasgow area covers 127 square miles; the LEZ area covers 1 square mile. Therefore the LEZ covers 0.79 per cent of the Glasgow City Council area. Perhaps the Conservatives expect that every vehicle from all parts of Glasgow will always be within that 0.79 per cent of space.

I suspect that vehicles in areas such as outer Pollok that are not compliant will not need to go into the city centre area and be compliant. Glasgow City Council and all the other councils are looking to decarbonise their fleet, in a phased way. However, let us be reasonable and say that, with the LEZ covering less than 0.79 per cent of the area, surely we do not expect every vehicle in the Glasgow City Council area to be in that city centre area all the time.

The Deputy Presiding Officer: We have had requests for three supplementaries. I intend to take all three.

Karen Adam (Banffshire and Buchan Coast) (SNP): Low-emission zones are in place across Europe, and around 320 cities have them. What has the Scottish Government learned from the

experiences of the European cities while developing its work for the introduction of the low-emission zones in Scotland's cities?

Fiona Hyslop: The member makes a good point. Scotland is not the only country in Europe that has created low-emission zones; they have been in operation in many countries and cities across Europe for a number of years and, of course, in London.

It is important that we learn from others' experiences. We have met representatives of European cities and Government to discuss LEZ delivery in Europe. Officials have also reviewed many of the environmental vehicle access restriction schemes that are in operation across the continent. That has helped to inform the framework that has been used for the introduction of Scottish LEZ schemes.

Such schemes are normal and many countries are using them. It is about improving air quality, the quality of life and the quality of health for the vulnerable in our communities, particularly young children, those who have pre-existing health conditions and older people.

Liam Kerr (North East Scotland) (Con): The Liberal Democrat co-leader of Aberdeen City Council stated in writing that:

"The decision to introduce a Low Emission Zone in Aberdeen was taken by the Scottish Parliament, not the city council".

He also stated:

"I asked some time ago if the Council could decide not to enforce the LEZ. I was told that it was not possible."

Does the cabinet secretary think that the co-leader's assertions are entirely accurate? Is it correct that, when there has been a material change in circumstances since the council declared an LEZ, legislation allows for a modification of those plans?

Fiona Hyslop: In all the cities that are introducing low-emission zones—that is, Aberdeen, Dundee and Edinburgh; obviously, the LEZ in Glasgow has been in place and has been enforced for some time—I have been struck by the co-operation and support of the local authorities in carrying out their responsibilities.

On modifications to plans, it may well be that the Conservatives want to roll back from low-emission zones because they do not believe that air quality is important, but if they want to support local authorities, they can.

I have not had representations from any of the local authorities about making any modifications or amendments. I know that Glasgow extended the period for taxis to be exempt, so flexibilities can be applied, depending on individual circumstances. It

is not for me to dictate what those are; it will be up to council leaders in individual areas to decide for themselves what makes sense for their cities.

Foyso Choudhury (Lothian) (Lab): I have been contacted by many constituents, particularly taxi drivers, whose cars come up as being eligible to drive in low-emission zones when checks are made online. However, when they contact their councils or their taxi offices, they are informed that their cars are, in reality, not eligible. Can the cabinet secretary assure me that the Scottish Government is taking action in order to ensure that the information on the LEZ vehicle eligibility checking service is accurate?

Fiona Hyslop: I appreciate the member raising the issue of the tracking and checking service that is provided on the Low Emission Zones Scotland website, which is connected to the DVLA and its definitions. If there are any anomalies, it is really important that people contact the councils. One million people have used the tracker. As I recall, in the early days of the LEZ coming into force in Glasgow, there were a few situations in which there were discrepancies. It is definitely worth pursuing that, because we need to make sure that there is good read-across. Certainly, the tracker has been working to date, but, if members could draw any issues to the attention of their council and Transport Scotland, that would be quite helpful.

Under-22s Free Bus Travel Scheme

4. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government when the young persons (under-22s) free bus travel scheme was last reviewed. (S6O-03471)

The Minister for Agriculture and Connectivity (Jim Fairlie): More than 137 million journeys have been made since the young persons free bus travel scheme began. A one-year evaluation of the scheme was published in December 2023. The study showed that the scheme is making good progress towards longer-term objectives by reducing travel costs for young people and their families; encouraging a shift towards public transport from private car use; and improving access to social, leisure, education and employment opportunities. The three-year evaluation of the scheme is planned for 2025 and will focus on longer-term impacts and whether behaviour changes have been sustained.

Audrey Nicoll: I know from young constituents the immense benefit that the scheme has brought to their lives. For one such constituent, it has opened up social and educational opportunities and allowed him to travel more widely, when that was previously limited due to a health condition.

However, other young constituents have expressed concern regarding aspects of the application process—specifically, difficulties in providing proof of address due to their young age and technical issues in using the face scanner, which had to be repeatedly used before it would work. What further steps can the Scottish Government take to improve and streamline the application process to ensure that it is accessible and user friendly, and to encourage continued uptake of this successful and important scheme?

Jim Fairlie: Since the introduction of free bus travel for under-22s, we have been acutely aware that applying for their entitlement is challenging for some children and young people. That is why, early on, we listened carefully to what families and young people were telling us, and we worked with the Improvement Service to make improvements.

We have worked hard to ensure that children, parents and young people know that there are a number of different ways in which to apply—it is not just online—and that local authorities continue to process offline applications and have dedicated staff on hand to support anyone who might need additional support. Some authorities have also increased the availability of applications made through schools.

We keep the application process under review, so, if there are changes that Ms Nicoll thinks should be made, I would be happy to meet her to discuss those, as well as the particular circumstances of her constituent, to see whether we can resolve issues.

Graham Simpson (Central Scotland) (Con): When I held a members' business debate in December on the issue of the antisocial behaviour of a minority of people using the free bus travel scheme, the Minister for Transport committed to looking at the issue and reporting back to the Parliament. That has not happened yet, but I understand that a working group has been set up. Will the minister tell us how many times the group has met, what its remit is and when we can expect to hear any progress?

Jim Fairlie: We are absolutely aware that some incidents of antisocial behaviour have been linked to the introduction of the young persons free bus travel scheme. It is important to remember that the vast majority of people use the bus properly. One of my concerns about the fact that this issue keeps coming up about the scheme—quite rightly; I am not saying that it should not be brought up—is that people get the impression that all young people are behaving badly, which is absolutely not the case.

The Antisocial Behaviour etc (Scotland) Act 2004 provides a wide range of measures for

dealing with antisocial behaviour, including dispersal orders.

To answer the question directly, we will report back to you with details; I will give you that in writing, so that we can give you the proper facts.

The Deputy Presiding Officer: Always speak through the chair, please. There is a supplementary question from Alex Rowley.

Alex Rowley (Mid Scotland and Fife) (Lab): As well as the fair fares review committing to the continuation of free travel for under-22s, it stated, as a short-term action, that the Government would “develop a proposal for a bus flat fares pilot”.

What progress has been made? Is there a timeline in place for that?

Jim Fairlie: As Alex Rowley will be well aware, this is a deregulated sector, so we have to do scoping work on what the flat fares pilot will look like. As that develops, I will be more than happy to meet Alex Rowley to discuss progress.

Loganair Timetables (Na h-Eileanan an Iar)

5. Alasdair Allan (Na h-Eileanan an Iar) (SNP): To ask the Scottish Government what representations it can make to Loganair to ensure that constituents in Na h-Eileanan an Iar are not disadvantaged as a result of recent changes to flight timetables. (S6O-03472)

The Minister for Agriculture and Connectivity (Jim Fairlie): I commend Alasdair Allan for his ability to say those words.

Like all airlines, Loganair continually reviews capacity and schedules to ensure the most efficient use of its aircraft. In doing so, it has regard to the needs of the communities that it serves to try to achieve the optimum connectivity for all. That is because, over the course of a day, an aircraft can be used to serve the Western Isles, Orkney, Shetland and other routes. We understand that the recent changes are intended to improve the overall resilience of the network and, in particular, reliability and punctuality. Ultimately, these are decisions for Loganair, but I know that it will welcome representations from its customers on how to make further improvements.

Alasdair Allan: Recent changes to the Stornoway to Inverness timetable have pushed flights closer to the middle of the day, with significant ramifications for my constituents who, for example, require medical treatment in Inverness. As a result of the timetable changes, many consultants from Raigmore hospital can no longer carry out clinics in Uist, and those who travel to and from Aberdeen for work have found that the precious time that they get to spend with their families is cut even further by the new

timetable. What more can the Scottish Government do to ensure that lifeline services that are operated by private companies meet the needs of islanders?

Jim Fairlie: I absolutely take on board the issue that Alasdair Allan has raised. Although the timetabling of commercial flights is a matter for the airlines involved, the Scottish Government recognises that more can be done to bring transport planning and health service planning together.

We are working closely with the Highlands and Islands Transport Partnership to scope out a plan of work. HITRANS recently convened a meeting of health boards in its area to discuss the establishment of a health and transport action plan, which would allow public agencies and transport providers to better consider the effect of, and any proposed mitigations to, scheduled changes. Similarly, I hope that such a plan would encourage those who contract the public service obligation routes to look at those schedules and how they fit in with the schedules of other transport operators to ensure that the needs of passengers are met.

As I said to Liam McArthur, officials are scheduled to have a meeting in Comhairle nan Eilean Siar to discuss healthcare provision in June. We will update the member with those findings.

Beatrice Wishart (Shetland Islands) (LD): Alasdair Allan has raised an important point about the impact that Loganair timetable changes can have on his constituents. I can confirm that constituents in Shetland can also face disadvantage with regard to timetables. The Shetland to Aberdeen connection is vital for patients attending appointments at NHS Grampian. Unfortunately, however, the aircraft does not overnight in Shetland, so any delays in the plane coming north first thing in the morning can seriously impact Shetland patients. Often, their hospital appointments have to be rescheduled. Will the Scottish Government consider making representations to Loganair about that aspect of the Shetland to Aberdeen flight route?

Jim Fairlie: I can confirm that I will ask officials to take a look at the issue that Beatrice Wishart has raised while they are having a look at all the other issues that have already been mentioned.

Fair Fares Review (Ferry Travel)

6. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government whether it will provide an update on the implementation of ferry travel measures contained in the fair fares review, including free foot passenger travel on

interisland ferries and the extension of the existing national ferry concessionary scheme for island residents under 22 years old. (S6O-03473)

The Cabinet Secretary for Transport (Fiona Hyslop): The draft “Islands Connectivity Plan—Strategic Approach”, which was published for consultation on 1 February 2024, stated that we would take forward detailed consideration of a range of ferry fare proposals, including the provision of free foot passenger travel for island residents under the age of 22 on interisland ferries in the Outer Hebrides, Orkney and Shetland island groups and the extension of the existing national ferry concessionary scheme.

The online consultation concluded on 6 May, and responses are now being collated and analysed. Further detail on next steps and timescales will be confirmed in due course.

Ariane Burgess: The fair fares review offered a number of proposals to address the cost of such lifeline services for island residents and young people, especially those who travel as foot passengers. In the light of the recent announcement of changes in climate policy, can the cabinet secretary confirm that the Government remains committed to a just transition for island residents and that it recognises the important role that affordable public transport, including ferry services, plays in delivering on that agenda?

Fiona Hyslop: I have been struck—particularly in Orkney and Shetland—by the representations of young people who regularly need to use ferries as part of their journeys. Ferry travel is a key aspect of their use of public transport.

However, Ariane Burgess will be aware that, in certain circumstances, councils have the lead responsibility for ferry funding. The Scottish Government has supported that by providing support for revenue funding, and the steps that the Government has taken, especially in relation to interisland support for Orkney and Shetland, will make a great deal of difference to young people in particular. That is all about fairness, equity and the just transition that Ariane Burgess referred to.

Road Safety (Stirling)

7. **Evelyn Tweed (Stirling) (SNP):** I apologise for my very croaky voice.

To ask the Scottish Government whether it will provide an update on what steps it is taking to improve road safety across Stirling. (S6O-03474)

The Cabinet Secretary for Transport (Fiona Hyslop): I feel for the member.

The Scottish Government is committed to making Scotland’s roads safe for all. That is supported through our provision of a record £36 million for road safety in order to reduce casualties

and risks on our roads, which is delivering on our priorities in the road safety framework. That funding includes the road safety framework fund, which Stirling Council can access to improve road safety on its respective roads. My officials engage with Stirling Council through the local partnership forum meetings, as well as through other road safety forums.

However, it is for Stirling Council to determine the priority that should be given to road safety measures. Local authorities have a statutory duty to promote road safety and to take steps to reduce and prevent collisions in order to safeguard road users.

Evelyn Tweed: There have been several fatalities on roads in my Stirling constituency in recent months, and dangerous driving might have been a factor in some of those incidents. What steps is the Government taking to reduce dangerous driving?

Fiona Hyslop: First, I express my sympathies to all those affected by tragic incidents and to the families and friends of those involved.

Road safety remains an absolute priority. We are determined to continue making investments to support our road safety framework to 2030 in order to achieve safer road travel in Scotland now and in the future. That investment is key to tackling behaviour and making improvements.

Investigations will take place into a number of tragic incidents that have happened across Scotland recently, and I do not want to reflect on those, but we continue to invest in our road safety framework fund and in the safety camera programme to encourage improved driver behaviour, which will, ultimately, enhance safety across Scotland, including in the Stirling area.

Mark Ruskell (Mid Scotland and Fife) (Green): There have been far too many crashes and near misses across the Stirling area, including between Bridge of Allan and the Keir roundabout, where cyclists, in particular, need better protection through a segregated cycle route. Can the cabinet secretary confirm that there will be no roll-back of Scottish Government funding for active travel infrastructure? Will she reassure me, and the residents of Dunblane and Bridge of Allan, that funding will be made available this year to progress that critical cycle route and protect lives?

Fiona Hyslop: I appreciate the member’s point. As he knows, there has been substantial capital investment in active travel. It is important that that investment is used in a smart way. The collective planning in some areas regarding bus and cycle-lane improvements is definitely the way forward.

I am not familiar with the particular area around Dunblane, so I will look into the route that the

member has referred to. I am also acutely aware of concerns about accidents, which have been raised following some particular incidents in the Dunblane area.

The Deputy Presiding Officer: I can squeeze in question 8 if we have succinct questions and answers.

14:59

Meeting suspended.

ScotRail Station Facilities

8. Katy Clark (West Scotland) (Lab): To ask the Scottish Government what action it is taking to improve facilities at railway stations operated by ScotRail. (S6O-03475)

The Cabinet Secretary for Transport (Fiona Hyslop): As I stated in my recent letter to the member, the Scottish Government has invested whenever possible in specialised facilities referred to as changing places, such as those at the redeveloped Glasgow Queen Street station, at Dundee station and at Troon station, which will open this summer. Accessible toilets were also added to Motherwell and Stirling stations during redevelopment work, and the new East Kilbride station building and the new Hairmyres station will have accessible toilets and baby changing facilities.

As my colleague is aware, all ScotRail trains are well equipped with onboard facilities, including fully accessible toilets and baby changing facilities for passengers. Fully accessible facilities are also available at all main railway stations in Scotland.

Katy Clark: Figures that were released to my office by ScotRail show that only 22 per cent of Scotland's 357 train stations have toilets for public and staff use, that fewer than one in five stations have baby changing facilities and that only two stations have the changing places facilities that are important for disabled passengers. Does the cabinet secretary agree that those are basic passenger expectations and that we must increase the number of such facilities in stations? Is that being made clear to ScotRail?

Fiona Hyslop: The member has raised the issue now and has also done so in writing to me. That is a matter for ScotRail. We know that providing additional space requires investment. Some stations have historical layouts and have little space available for such facilities. Where redevelopment is possible, that has been a priority for ScotRail, and I will ensure that ScotRail is made acutely aware of the concern that the member has raised.

The Deputy Presiding Officer: That concludes transport portfolio questions.

Before we move to the next item of business, I suspend this meeting.

Committee of the Whole Parliament

[The Convener opened the meeting at 15:00]

The Convener (Alison Johnstone): I open this meeting of the Committee of the Whole Parliament.

Post Office (Horizon System) Offences (Scotland) Bill: Stage 2

The Convener: We will consider the Post Office (Horizon System) Offences (Scotland) Bill at stage 2. For the duration of the proceedings, I am the convener of the committee.

In dealing with amendments, members should have the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. 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 as soon as possible after I call the group. The Parliament is required to indicate formally that it has considered and agreed to each section of the bill, so I will put a question on each section at the appropriate point. Members should now refer to the marshalled list of amendments.

Section 1—Quashing of convictions for relevant offences

The Convener: The first group of amendments is quashing of convictions: convictions considered by the High Court. Amendment 1, in the name of the cabinet secretary, is grouped with amendment 15.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I have listened to the concerns raised by members about how section 3 gives rise to unequal treatment, in that those people who protested their innocence the most would be penalised. If we were to leave in that section, those who unsuccessfully contested their conviction on appeal, or unsuccessfully sought leave to appeal, would not have their conviction quashed, whereas those who, in effect, accepted their conviction and chose not to appeal, or abandoned their appeal, would have their conviction quashed.

We also know now that, in many appeal cases, members of the judiciary will not have been aware of the Horizon system issues at the time of appeal decisions, and even if an appeal was considered

after the problems with Horizon were known about, any convictions considered on appeal will have been subject to a different test from convictions that are quashed by this bill. The amendments in this group will ensure that every person whose conviction meets the criteria in the bill will be treated equally and will have their conviction quashed, regardless of previous appeal decisions.

I have always maintained that the best interests of sub-postmasters in Scotland lie at the heart of the bill. That is why I sought assurances from the United Kingdom Government minister Kevin Hollinrake that the amendments, which deviate from the approach of the UK Government bill, would not jeopardise sub-postmasters' access to the UK compensation scheme. The assurance that I received cleared the way for me to lodge the amendments and ensure that postmasters who previously sought to appeal their convictions are not treated less favourably than their peers.

For those reasons, I ask members to support the amendments.

I move amendment 1.

Maggie Chapman (North East Scotland) (Green): I am pleased to second the amendments and to speak to them. I submitted virtually identical amendments on precisely the same point, as I indicated I would in my opening speech in the stage 1 debate. Our amendments were lodged at exactly the same time, so I was pleased to be able to withdraw mine and support those in the name of the cabinet secretary.

I am pleased that the Government has taken the decision to seek the removal of section 3 of the bill, which is contrary to both common sense and the interests of justice. I thank the cabinet secretary for the engagement that I have had with her on the issue in the past couple of days.

I understand that a similar provision in the parallel Westminster legislation, regarding the Court of Appeal, was included in compliance with the constitutional convention that the Houses of Parliament do not interfere with decisions of the senior courts. Quite where that leaves the latest Rwanda bill, which does nothing other than contradict the Supreme Court's finding of fact, I am not quite sure. However, be that as it may, in this place we can take such issues on their merits.

The miscarriages of justice with which we are concerned today did not occur primarily because of a failure by Scottish courts to consider the evidence before them. They occurred because, unbeknown to the courts, that evidence was not only flawed but essentially fictitious. There is no reason to believe that the High Court, confronted by the same evidence in the absence of the information that we now have, would not have

reached the same verdicts. There is therefore no principled reason for excluding cases considered by the High Court from the scope of the legislation.

I was grateful to the Lord Advocate for her helpful reply to my question on that point last week. It is reassuring to know that, as she stated,

“There have been no appeals in relation to cases refused by the court of appeal in Scotland.”—[*Official Report*, 16 May 2024; c 74.]

However, we did not hear that there were no cases that might fall within the other provisions of the section, particularly those that exclude cases in which the High Court refused leave to appeal. In my view, it is therefore better to err on the side of caution and clarity and remove the section entirely.

I thank the cabinet secretary for lodging the amendments.

The Convener: The cabinet secretary can wind up.

Angela Constance: I have nothing further to add, convener.

Amendment 1 agreed to.

Section 1, as amended, agreed to.

Section 2—Meaning of “relevant offence”

The Convener: The next group of amendments is on the meaning of “relevant offence”: scope of affected persons. Amendment 2, in the name of Maggie Chapman, is grouped with amendments 3 to 14.

Maggie Chapman: As we have heard throughout the unfolding of the narrative, injustices were inflicted not just on sub-postmasters themselves but on their families, co-workers and the communities that they served. The bill as drafted recognises that to some extent, but its inclusion of not only those who carried on a Post Office business or had a contract of employment but all who worked in a post office at the relevant time is important. However, I believe that it is necessary to go further to ensure that the legislation includes others who may have been wrongly convicted but did not themselves work in a post office.

The amendments on close relatives address situations such as that which Pauline McNeill referred to in her question to the cabinet secretary last week. That was

“a case in which a sub-postmaster was accused of defrauding £35,000, but, to save his mother from jail, her son pled guilty to taking cash that we now know did not go missing at all, and he was subsequently convicted.”—[*Official Report*, 15 May 2024; c 22.]

Without the amendments in the group, the son’s conviction would stand. That is not justice.

The amendments about co-accused would ensure that the provisions of the bill would apply to a situation in which two or more people were prosecuted and convicted together of an offence covered by the legislation, but not all of them were working in a post office at the time. Without the amendments, the effect of the bill would be to quash the conviction of the post office worker but leave their co-accused a convicted criminal under the law. Again, that is not fair.

Because of those injustices, it is really important that we include those amendments.

I move amendment 2.

Pauline McNeill (Glasgow) (Lab): Like Maggie Chapman’s amendments, my amendments 5, 6, 11, 12 and 14 would expand the provision for the exoneration of individuals to include those who have a close connection with someone who is alleged to have committed an offence, as the legislation previously describes.

On the case mentioned, Mr Naga and his mother appeared on petition in Greenock sheriff court on 23 June 2009. They were charged with the theft of £35,000 from the post office. Mr Naga was not employed officially at the post office at that time; he helped out where needed. He understandably pled guilty as part of a plea deal that would see the charges against his mother dropped.

He did not work in the post office, and I do not think that his conviction is covered by the bill. He pled guilty, even though he was innocent, to save his mother from a jail sentence, and he was given a community service order. During that time he contracted tuberculosis and almost died. He had a pretty terrible time. Mr Naga is as much a victim of the Horizon scandal as anyone else. I appreciate that his is just one case, but I hope that members listening will take in the point that the principle is the same as for all other cases. As the policy memorandum states, tainted evidence was used to convict and to get admissions from many others who might be covered by the bill.

Martin Whitfield (South Scotland) (Lab): Is this not the crux of the matter? We are dealing with tainted evidence, irrespective of whom it was used against. Where there is tainted evidence that cannot be relied on, whoever is affected should be able to seek remedy through the bill.

Pauline McNeill: That is the salient point here. The bill is meant to capture cases where the tainted evidence from Horizon was used to convict people, whether there was an admission or not.

Mr Naga was charged, along with his mother, on petition, for stealing £35,000, which clearly did not happen at all. It is interesting that their bank accounts were not checked. I raised that point

during the debate on Tuesday: the veracity of the prosecutions needs to be considered. We might think that, if £35,000 went missing, there would be some checks as to where the money went.

Page 10 of the policy memorandum clearly states:

“the Bill is anticipated to have a positive impact on all those who have been impacted by the use of tainted evidence provided by the Post Office in criminal cases.”

What do members need to look at other than page 10 of the Government’s policy memorandum? We must ensure that no victims of this horrendous scandal are left to suffer because of loopholes in the legislation. I believe that the bill would be defective if it did not capture all the cases where tainted evidence was used. The appeal court is a route for all cases, and six have been heard and overturned, but the quickest, safest and fairest way is to capture in the bill all those affected in cases where tainted evidence was used to convict people.

Alex Cole-Hamilton (Edinburgh Western) (LD): I have a great deal of sympathy with the amendments and with the whole bill. It has been a long time coming, and I restate the commitment made by Beatrice Wishart last week on the Lib Dems’ support for it.

I have been listening to the debate very carefully, and I am keen to hear some assurances from the minister. My chief, overriding concern is the unintended consequences of the balance struck in section 2 to clear the names of postmasters and sub-postmasters so that they are then allowed to seek compensation. From my reading of it, the bill covers those who were carrying out post office duties, whether they were contracted to do so or otherwise. I would be keen to hear from the cabinet secretary whether she believes that that condition is drawn widely enough to include the people to whom Pauline McNeill rightly referred.

Angela Constance: There are many amendments in this, the largest group, and I will take my time to address them all. Although I understand the motivation of Ms McNeill and Ms Chapman, I am sorry to say that I cannot support any of the amendments in the group.

I reiterate the unprecedented nature of the bill, which will result in convictions that were given by our independent courts being quashed automatically by an act of the Parliament on the day after royal assent is given. It is incumbent on us all not to threaten the balance struck by the conditions in section 2 that are required to be met to exonerate those sub-postmasters who suffered a miscarriage of justice as a result of tainted Horizon evidence, for a conviction to be quashed

and for sub-postmasters to be able to seek compensation from the UK Government scheme.

I start with amendments 6 and 14, which relate to condition C. The bill already captures all those “carrying on a post office business”

and also those

“working in a post office ... for ... a post office business”;

that is

“whether under a contract of employment or otherwise”.

15:15

In response to the point that Mr Cole-Hamilton raised, I can confirm that that condition is, therefore, already drawn widely enough to encompass those who may have been working with, or helping out, their friend or relative in the post office, and whose actions may have been wrongfully penalised due to the faulty operation of the Horizon system.

Pauline McNeill: That was helpful, but can the cabinet secretary confirm whether it is her view that cases such as those to which Maggie Chapman and I referred, in which the person was not employed but they assisted, would be covered by that provision even in circumstances—as I would have thought would be the case—where the person pled on the basis of tainted evidence? Addressing that tainted evidence is the primary purpose of the bill. Is the cabinet secretary saying that those cases will be covered?

Angela Constance: We should bear in mind that Ms McNeill has referred to a specific case that I believe to be live. She will appreciate, therefore, that I have to keep my—

Pauline McNeill: No, it is not live.

Angela Constance: Well, Ms McNeill knows that I do not talk about individual cases, but I repeat what I said. It is my view that condition C is already drawn widely enough to encompass those who may have been working with, or helping out, their friend or relative in the post office, and whose actions may have been wrongfully penalised due to the faulty operation of the Horizon system. If that condition is met, a conviction is automatically quashed. I will pick up on that point again later.

Amendment 14 seeks to prescribe which family members may be caught by conditions. That may have the unintended consequence of limiting the way in which the condition operates for family members to only those relatives listed. That is unnecessary and it may adversely impact some who would otherwise have their convictions quashed under the bill. It is not the relationship to the sub-postmaster that is important, but the fact that the person was

“working in a post office ... for the purposes of a post office business”,

and that is

“whether under a contract of employment or otherwise”.

Amendments 4, 5, 8 and 10 to 13 would further extend the categories of people who would come within the ambit of the conditions, without their having any connection to the work or the business of the post office. That would remove an element that has been considered very necessary: that the person must have some link to the work or the business of the post office, and not simply a connection with a person who does. Those amendments would open up a greater risk of automatically quashing convictions that are not, in fact, related to the aim of the bill, which is to capture Horizon cases.

In those situations that fall outside the criteria in the bill, there is still the right and correct mechanism for the cases to be considered by the Scottish Criminal Cases Review Commission for referral to the High Court. The Scottish Criminal Cases Review Commission and the court would be able to consider the case and the link between the failures of the Horizon system and the offence.

The bill makes it clear that it does not interfere with the powers of the High Court to quash convictions that do not meet the conditions in the bill. The conditions define the category of convictions within the bill’s scope, which are intended to be unambiguous and therefore capable of being applied without any element of judgment or discretion. Adding in any further conditions, as the amendments seek to do—for example, in referring to “a close connection”—would add a layer of complexity and discretion.

We have to remember that what we are doing with this bill is unprecedented. For that reason, it is important that Parliament as a whole decides what cases should be automatically quashed by the legislation, and that that is clear in the text of the bill, rather than opening up the possibility for Scottish ministers to exercise discretion in individual cases.

The amendments also carry a greater risk of sound convictions being quashed. For instance, they may cover a close relative who stole money from bank cards that the sub-postmaster was handling in a business, or who stole goods from the post office and sold them on.

There is an additional difficulty with amendments 5, 8, 11 and 12. They refer to a “close connection”, which is to be defined by the Scottish ministers in regulations after the bill is passed. That simply will not work. The bill quashes the convictions automatically on the day after royal assent, so it has to be clear about whose convictions will be quashed.

I cannot support amendments 2, 3, 7 and 9, which would include the “co-accused” of those who are already covered in the bill. Co-accused do not meet the conditions that have been carefully drawn up to allow for the unprecedented step of automatically overturning, through an act of this Parliament, convictions that have been made in our independent courts. Expanding the conditions to include them might lead to the automatic quashing of a conviction in which a co-accused was found guilty by the court but a sub-postmaster was found not guilty.

As I have highlighted for other amendments in the group, the amendments that expand the effect of the operation of the bill to co-accused would further extend the categories of people who would come within the ambit of its conditions, without their having any connection to the work or business of a post office. That would remove an element that has been considered necessary, which is that the person must have some link to the work or business of the post office and not simply have a connection with a person who does.

Any person whose conviction is not quashed by the legislation is, of course, left with a remedy, as they are able to seek a referral to the High Court through the Scottish Criminal Cases Review Commission. Again, I consider that, not automatic exoneration, to be the appropriate route for cases of this nature, to allow for a fuller examination of the facts and circumstances.

I conclude by appealing for some caution from members. As always, I am concerned about the impact on access to compensation, because the amendments depart considerably from the UK Government bill. The changes that we have made have been communicated openly and frankly with the UK Government, which has since replied and agreed that there would be no consequence to compensation.

The Convener: I call Maggie Chapman to wind up and press or withdraw amendment 2.

Maggie Chapman: I have listened carefully to the cabinet secretary’s position on the two different sets of amendments in the group. On her position on the amendments from Pauline McNeill and me on extending the definition to include a family member, I am partly persuaded by what she has said—I take her view on that—but I hope that, between now and stage 3, we might have further conversations so that I can be absolutely sure that nobody will fall through the gaps by accident.

On the amendments that deal with co-accused, however, I am not persuaded. As I said in my speech at stage 1, we know that the situation is unprecedented and that the kind of move that we take in emergency legislation to quash convictions that our courts have made is not to be taken

lightly. It is clear that we are all giving serious consideration to the legislation. However, as Pauline McNeill has pointed out and as I have said, the point of the bill is to quash the convictions of people who were convicted on tainted evidence, and I fear that there are co-accused who have been convicted who would not be covered by the bill. I will therefore press amendment 2.

The Convener: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. As this is the first division of the stage, I will suspend the meeting for around five minutes, to allow members to access the digital voting system.

15:24

Meeting suspended.

15:30

On resuming—

The Convener: We will proceed with the division on amendment 2. This is a one-minute division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

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)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 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)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 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)

Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 93, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Maggie Chapman].

The Convener: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

The vote is now closed.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): On a point of order, convener. My app did not connect. I would have voted no.

The Convener: Thank you, Ms Gilruth. We will ensure that that is recorded.

Neil Bibby (West Scotland) (Lab): On a point of order, convener. I struggled to connect. I would have voted yes.

The Convener: Thank you, Mr Bibby. We will ensure that your vote is recorded.

The Cabinet Secretary for Health and Social Care (Neil Gray): On a point of order, convener. My app has not refreshed. I just want to check that my vote was recorded as no.

The Convener: I can confirm that your vote was recorded, Mr Gray.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 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)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 93, Abstentions 0.

Amendment 3 disagreed to.

Amendments 4 and 5 not moved.

The Convener: I call Pauline McNeill to move or not move amendment 6.

Pauline McNeill: Convener, this is the one amendment that I will move.

Amendment 6 moved—[Pauline McNeill].

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)
 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
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 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)
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 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
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 Stewart, Kaukab (Glasgow Kelvin) (SNP)
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 Sturgeon, Nicola (Glasgow Southside) (SNP)
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 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
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 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 33, Against 88, Abstentions 0.

Amendment 6 disagreed to.

Amendment 7 moved—[Maggie Chapman].

The Convener: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

The vote is closed.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): On a point of order,

convener. I could not connect. I would have voted no.

The Convener: Thank you, Ms Somerville. We will ensure that that is recorded.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, convener. My app disconnected. I would have voted no.

The Convener: Thank you, Mr Brown. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Dowe, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)

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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 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)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 93, Abstentions 0.

Amendment 7 disagreed to.

Amendment 8 not moved.

Amendment 9 moved—[Maggie Chapman].

The Convener: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

The vote is closed.

Shirley-Anne Somerville: On a point of order, convener. I am still having technical issues. I would have voted no.

The Convener: Thank you, Ms Somerville. We will ensure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 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)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)

Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 93, Abstentions 0.

Amendment 9 disagreed to.

Amendments 10 to 14 not moved.

Section 2 agreed to.

Section 3—Determining when a conviction has been considered by the High Court

Amendment 15 moved—[Angela Constance]—and agreed to.

Section 4—Identification and notification of quashed convictions

The Convener: We move to section 4. The next grouping is entitled “Identification and notification of affected persons and provision of advice”. Amendment 16, in the name of Russell Findlay, is grouped with amendments 17 to 19. I call Russell Findlay to move amendment 16 and speak to all amendments in the group.

Russell Findlay (West Scotland) (Con): All of us here today want the same thing, which is to deliver the most effective Scottish legislation for Scottish victims of the Post Office Horizon scandal. I am grateful to have had the opportunity to work with colleagues from other parties to try to find some common ground.

Despite the time constraints of the expedited legislation, my colleague Sharon Dowey and I have attempted to improve the bill. We have three amendments that are essentially probing, due to the limited time that we have had. That said, if the Scottish Government was persuaded by any of those amendments, I would be minded to press them; if it is persuaded but feels that they could be improved, I would be happy to work with the Government when the amendments return at stage 3; if it is not persuaded, or if there are sound reasons why the amendments are not required, I will not move them and will take time to assess what to do ahead of stage 3.

The first one is amendment 16. The bill requires ministers to notify those whose convictions have been quashed. If the person is deceased, they must notify “the person’s personal representatives.” This amendment would, I think, ensure that ministers would be required to make

greater efforts by specifically seeking a deceased person's "next of kin."

Admittedly, I have not had sufficient time to conduct full scrutiny of my interpretation of the bill or this amendment, but I know that our very smart civil servants have the knowledge and resources to look at it and find reasons why it might not be necessary or even competent. I therefore look forward to hearing the cabinet secretary's views and those of any other member.

I turn briefly to Fergus Ewing's amendments 17, 18 and 19. Last night, when I saw amendment 17, I emailed my colleague to say that I wished we had thought of that one. Amendment 18 appears similar to my later amendment 22. Amendments 18 and 22 would both require ministers to provide Parliament with information after the legislation passes.

I will not attempt to speak to the detail of Mr Ewing's amendments, but I look forward to hearing from him and to the cabinet secretary's response. Our party's starting position is to support Mr Ewing's three amendments.

I move amendment 16.

15:45

Fergus Ewing (Inverness and Nairn) (SNP): In speaking to amendments 17, 18 and 19, of which notice has been given to the cabinet secretary—and I note that they are probing amendments, like Mr Findlay's—I welcome the response that I have had from the cabinet secretary. It would be helpful if she could indicate that, if I do not move my amendments, she will continue to engage with me over the next short period—I hope before we get to stage 3—because I think that they raise important points, as does Mr Findlay's amendment.

Briefly, in relation to amendment 16, not everybody who dies has legal representatives. That will happen only if executors are appointed, as I understand the meaning of the word. Therefore, when somebody dies without having an executor, the amendment would require action to be taken to contact the next of kin. It seems, on the face of it, that there is a lacuna there, and lacunas are not welcome—they are intruders in good legislation.

Amendments 17, 18 and 19 are based on a desire to strengthen the duty that is imposed on ministers under section 4, which states that

"Ministers must take all reasonable steps to identify"

those whose convictions have been quashed. The convictions will be quashed from the date of royal assent, so lots of people will wake up on that day not knowing that their convictions have been

quashed. That is the nature of things. It is up to us, and I think that we owe it to the victims, to tell them, because it was the state that perpetrated the injustice, so the state should put it right.

We might say that the requirement for "reasonable steps" is enough, but we should bear in mind that when, in 2020, in a departure from the norm, the Scottish Criminal Cases Review Commission contacted all 80 individuals whom it had identified as potentially having been subjected to unsafe convictions, only 16 responded. When I was at school, 16 out of 80 would have been a fail. We know that postal information often fails. I think that there are one or two nods of assent to that from members. I recently found out about a jury citation only several weeks after I could potentially have been committing a criminal offence by not replying to it. We all have experience of not getting mail, and that is why there is the service of legal writs by sheriff officers, for example. As a practical step, we owe a duty to those people and we owe them more than the cost of a first-class postage stamp, overinflated though that may be. We owe them a duty to reach out to them and to help them. Amendment 17 is designed to offer them a meeting.

Having worked for either clients or constituents continuously since 1979, in my experience, when there is a serious matter, the only way to build up trust and confidence is to meet somebody or to offer to meet them. That could be done digitally, I suppose. That is the main thrust of what I have to say. As I am not planning to move amendment 17, because I am afraid that it is technically defective, I would welcome an assurance from the cabinet secretary that we can work together on it in the interests of having the best bill, as Mr Findlay has said. The challenge will be to implement that bill and make it succeed. That covers amendments 17 and 19.

Amendment 18 is about the duty on the Scottish ministers to report. I was very pleased to read in paragraph 48 of the financial memorandum that

"Virtually all the costs ... are to be expected to arise in financial year 2024-25."

That means that the work will be done quickly, and we owe it to the victims, after two decades of delay, to end the delay. It is good news, as far as I have gleaned from the policy plans in the financial memorandum, that that is the view and intention of the cabinet secretary, and I would expect nothing less. However, within six months of the passing of royal assent—I hope that that will be later this month, or thereabouts, so by the end of the year—I hope that the Cabinet Secretary for Justice will come to the Parliament, make a report and report to the committee. If the committee so wishes, it can invite the cabinet secretary to come before it in order to explain what has been done, what

progress has been made, how many of the 200 cases, to the best estimate, have been identified, and how many have not.

Let us not forget that the purpose is not just to quash those convictions but to make sure that everybody who is entitled to compensation for their lives and livelihoods being ruined is aware of the fact that they are entitled. As I understand it, that would cover next of kin, too, in some cases.

For those reasons, I would very much welcome any positive assurance or comment that the cabinet secretary could make now, coupled perhaps with a willingness to work between now and stage 3 with me and colleagues in all parties who want to get the best bill.

Alex Cole-Hamilton: I have a lot of sympathy with the amendments in the names of Russell Findlay and Fergus Ewing. I return to my original remarks about the unintended consequences of deviating too much from the UK legislation, notwithstanding the fact that the UK Parliament is about to dissolve. Any wrinkles will be very difficult to unpack as we bed in the legislation.

On amendment 16, in the name of Russell Findlay, my reading of the bill is that the drafting is sufficiently broad to encompass the next of kin. That is my understanding, and I would be grateful for clarity from the cabinet secretary on that.

On Fergus Ewing's amendments, my understanding is that the notification process will rightly be undertaken by the UK Government and, once the compensation arrangements are finalised, that will be communicated along with the notification that convictions have been quashed. I am anxious to avoid our reinventing the wheel at the potential cost of deviating from the UK Government legislation, which might delay the process further.

Angela Constance: Before I speak to the detail of the amendments in the group, I assure Mr Ewing, Mr Findlay and other members in the chamber that we all want the best bill possible and that I will endeavour to work closely with all members.

I should say that I am a great admirer of Mr Ewing's tenacity. I do not always agree with him, but we will all have heard it said that he is like a dog with a bone. He has demonstrated that on many occasions over his many years of public service.

Mr Ewing's amendments 17, 18 and 19, which, in my view, go beyond what is required in legislation, reach into the practical arrangements that are required to give effect to the bill. I confirm that, as Mr Ewing has informed members, I have been in communication with him, and we will

continue to meet to discuss matters and thrash it out—to use one of his phrases.

Although I recognise and commend the intention behind the amendments in the group, I do not believe that they are necessary.

In relation to amendment 16, in the name of Russell Findlay, the bill as drafted already covers the scenario that the amendment seeks to address—indeed, the bill goes wider. I think that that addresses Mr Cole-Hamilton's point.

The bill adopts a two-stage approach to the notification requirement. In the first instance,

“the Scottish Ministers ... must take all reasonable steps to notify the person”,

or, where that person has died, their personal representative. In the event that that is not practicable, the Scottish ministers are further obliged to identify “some other person” whom it is “appropriate to notify”. As the explanatory notes indicate, the second stage might involve contacting the next of kin. However, that would not be limited to the next of kin if another person—for example, another relative—might be more appropriate or if there were no identifiable next of kin.

As such, amendment 16 would require a search for the next of kin in every single case, even where it was not clear whether there were surviving kin. Therefore, amendment 16 would have the potential to cause serious delay to notification—in some cases, to no real benefit—and I urge Mr Findlay not to press the amendment.

Amendments 17 and 19, in the name of Fergus Ewing, deal with the point at which the Scottish ministers notify a person that their conviction has been quashed or that they have given the chief constable a direction to delete the details of an alternative to prosecution. It is, of course, right that information should be made available to individuals whose convictions have been quashed on how they can access their rightful compensation. However, I do not believe that amendments 17 and 19 are the right way to go about providing that information.

The UK Government, which has responsibility for the administration of the relevant UK compensation scheme, will rightly provide information about redress and relevant compensation schemes to each individual, alongside notification of the fact that their conviction has been overturned. My officials are already set to work with their counterparts in the Department for Business and Trade to ensure that they have the relevant information about those individuals who are notified about their quashed convictions under the bill.

In relation to amendment 18, as I have previously indicated, the terms of the bill are such that all relevant convictions will be quashed automatically when it comes into force. The Scottish Government anticipates that the vast majority of the work associated with identifying convictions will take place in short order after the bill receives royal assent.

Although sections 4(5) and 5(4) of the bill recognise that there may be individuals who come forward at a later date to make representations to the Scottish ministers that they have had a relevant conviction, I anticipate that that will amount to no more than a handful of additional cases. As such, the work that is undertaken to identify relevant convictions will, for the most part, be a one-off concerted exercise, rather than an on-going process. In addition, the details of the process itself are likely to be broadly similar, irrespective of how many cases are considered or when they are considered.

Therefore, a reporting requirement in relation to that process would seem to constitute a disproportionate burden, especially given that amendment 18 has no end point, which would mean that the requirement would exist in perpetuity or until such time as the provision was repealed. That said, I am aware that we are due to consider an amendment in the group on reporting on the operation of the act. Without wanting to preempt that discussion, I am open to provision being made for a reporting duty, and I am happy to consider capturing the spirit of Mr Ewing's amendment in a suitable stage 3 amendment.

Therefore, I urge Mr Ewing not to move his amendments.

The Convener (Liam McArthur): I call Russell Findlay to wind up and to press or withdraw amendment 16.

Russell Findlay: Mr Ewing—or the dog with a bone—makes a very persuasive point about the Scottish Criminal Cases Review Commission's rate of fewer than 20 out of 80 potential victims responding to its initial contact. I agree that we owe the victims whom we are discussing more than the cost of a first-class stamp.

Mr Ewing's amendment 18 on a reporting provision is extremely important, and I am very encouraged by the hint that the cabinet secretary appeared to drop that, later on, when we discuss amendment 22, there might be some form of agreement in respect of reporting.

In response to what Mr Alex Cole-Hamilton said in his comments, I say to him that I hear his views but remind him that my lodging of amendment 16 was generally a probing exercise.

All said, I have heard what the cabinet secretary said, and I accept her word that amendment 16 is not required. I certainly do not want to risk causing any further delay, so I do not intend to press it.

Amendment 16, by agreement, withdrawn.

Amendments 17 and 18 not moved.

Section 4 agreed to.

Section 5—Deletion of details of alternatives to prosecution for relevant offences

Amendment 19 not moved.

Section 5 agreed to.

Section 6—Provision of information

The Convener: Amendment 20, in the name of Russell Findlay, is in a group on its own.

16:00

Russell Findlay: Amendment 20 seems straightforward—famous last words.

If ministers seek information as part of the process of attempting to overturn a Horizon conviction, the bill makes it a legal requirement for anyone who is subject to such a request to comply. However, the bill does not contain provision for any penalty for those who do not cooperate. Therefore, the bill as drafted is a persuasive carrot, and my amendment 20 would provide an additional stick.

Such a stick might not be necessary and, even if necessary, it might never have to be used, but why bother creating a legal requirement to cooperate, as the bill does, if that can simply be ignored with no consequence whatsoever?

I am not suggesting any severe sanction. Amendment 20 leaves that to be decided later by ministers, by way of regulations. That said, if the Scottish Government were persuaded of the need for such an amendment, I would be happy to seek to withdraw amendment 20 and work with the Government on a satisfactory version in advance of stage 3.

I look forward to hearing the cabinet secretary's response.

I move amendment 20.

Maggie Chapman: I understand the reason for amendment 20, which is to encourage compliance, but I do not feel that a punitive approach would be helpful. If the necessary information is not provided, that is more likely to be an operational problem than a deliberate omission, and other avenues already exist in our law to ensure compliance. I believe that adding penalties would only compound the problem.

without achieving the desired outcome, so the Greens will not support amendment 20.

Angela Constance: Section 6 of the bill recognises that the Scottish ministers will need to obtain information from other bodies in order to successfully carry out their functions under the bill. That information is likely to be held by a range of organisations, including, but not limited to, the Scottish Criminal Cases Review Commission, the Crown Office and Procurator Fiscal Service, Police Scotland, the Scottish Courts and Tribunals Service and, of course, Post Office Ltd.

Given the public nature of those bodies, there is no expectation that they would fail to comply with a request made under that provision. Those bodies are well used to providing data and information and, clearly, they can be expected to act lawfully in that respect.

That said, in the unlikely event of material being withheld from the Scottish ministers, existing legal remedies could be used to ensure that any existing material was made available. To put it bluntly, it would be possible for ministers to take those bodies to court if information was withheld.

Fergus Ewing: I accept what the justice secretary has said, but I ask her to answer this. Post Office Ltd reputedly failed to provide the Wyn Williams inquiry with information to which Sir Wyn believes the inquiry is entitled. That is a matter of record, so does the justice secretary believe that the Post Office will be any more co-operative with us than with the Williams inquiry? Therefore, is there not a need to provide absolute assurance that there is a 100 per cent foolproof method of getting all the information that is required from the Post Office? After all, that organisation is probably the only one that knows who the sub-postmasters and sub-postmistresses were between 1996 and 2018. If we cannot be sure that we will get a better response from the Post Office than Sir Wyn got for his statutory public inquiry, we will have a potentially serious problem.

Angela Constance: As I said a moment ago, there are existing legal mechanisms to allow the Scottish ministers to take action. Mr Ewing might be further reassured to know that information sharing has been a matter of priority and that I have had discussions with the UK Government minister Kevin Hollinrake in that regard. We will enter into data agreements and, if necessary, seek section 104 orders, under the Scotland Act 1998, from the UK Government to ensure that we have the necessary powers to compel the passing on of information. All of that is over and above the existing legal remedies.

Importantly, the existing mechanisms would get to the heart of the issue. They would focus on ensuring that relevant information was provided,

rather than on a symbolic imposition of a financial penalty, which would, in any event, in most cases, need to be paid out of the public purse.

Under those circumstances, I invite Mr Findlay not to press amendment 20. If he does, I ask members to vote against it.

The Convener: I invite Russell Findlay to wind up and to press or withdraw amendment 20.

Russell Findlay: As the cabinet secretary reeled off the list of agencies that would be required to co-operate with a request for information—the Scottish Criminal Cases Review Commission, the Crown Office and Procurator Fiscal Service, the Scottish Courts and Tribunals Service and various others—I found myself nodding along, in that, in all likelihood, those agencies would co-operate with such a request, but my nodding stopped as soon as she mentioned the Post Office.

Fergus Ewing was quick to intervene to point out that the Post Office is an organisation that, to say the least, has got form. It is the reason why we are here. It cannot be trusted. It has withheld information, has covered up evidence and has behaved in the most disgraceful, and possibly criminal, way.

I ask Maggie Chapman to reconsider, because what is proposed is in no way punitive. The provision is deliberately vague and, were it to be enacted, it would be open to ministers to use regulations. That said, I have heard what the cabinet secretary had said and, at this stage, it would be premature to press amendment 20. However, I give notice that I would like to look at the issue again, perhaps with the cabinet secretary's involvement, ahead of stage 3.

Amendment 20, by agreement, withdrawn.

Section 6 agreed to.

After section 6

The Convener: Amendment 21, in the name of Maggie Chapman, is in a group on its own.

Maggie Chapman: As I highlighted in my opening speech in our stage 1 debate, we need to pay attention to the causes, as well as the consequences, of this scandal of injustice. Like other members in the Parliament, I am extremely anxious to ensure that those responsible for this heartbreak are properly called to account, and I am not entirely optimistic as to whether that will be done adequately at a UK-wide level. I would like to have gone much further than amendment 21 goes. I believe that we should see criminal charges brought against those who have lied to people, misled people and acted in ways that have caused so much—too much—misery, financial distress and even death.

However, I am aware of the need to keep things within the scope of the bill at this stage, so this relatively modest amendment requires the Scottish Government to consider the ways in which corporate and management wrongdoing might be addressed in relation to the scandal, and to report accordingly to us here in the Scottish Parliament. It does not require the Scottish Government to take any legal action or to counter or act differently to any other recommendations that might come from the public inquiry. However, I believe that we should seek to do what we can to ensure that the people who are responsible for the scandal are brought to justice.

I move amendment 21.

Angela Constance: I fully recognise the desire for those who were responsible for this unprecedented miscarriage of justice to be held to account. However, I cannot support the amendment, I am sad to say.

As members will be aware, the systems for investigating and prosecuting criminal activity are, rightly, independent of ministers. A review will not alter that situation, nor would it be appropriate for ministers to instruct the police or the Crown to act in a particular way in relation to an individual case or class of cases. There is no basis on which Scottish ministers could take any other legal action here, as there is no mechanism by which ministers can pursue legal action on behalf of individuals, and there is no direct loss to ministers.

The Post Office Horizon IT inquiry, led by retired High Court judge Sir Wyn Williams, was established to provide a clear account of the implementation and failings of the Horizon system and has been supported by evidence from relevant organisations in a Scottish context. The establishment of an inquiry was, and is, supported by this Government, and that is the correct process for findings and recommendations as to further action that is required. Therefore, I respectfully ask Maggie Chapman not to press her amendment. If she does so, I ask members to vote against it.

The Convener: I invite Maggie Chapman to wind up and to press or withdraw amendment 21.

Maggie Chapman: I hear what the cabinet secretary says, but we have a responsibility in the Parliament to do whatever we can to ensure that those who are responsible are brought to justice in the different arenas that they might be in. I will therefore press amendment 21.

The Convener: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should cast their votes now.

The vote is closed.

Neil Bibby: On a point of order, convener. I could not connect. I would have voted yes.

The Convener: Thank you, Mr Bibby. I will ensure that that is recorded.

Alexander Stewart (Mid Scotland and Fife) (Con): On a point of order, convener. I was not able to connect. I would have voted no.

The Convener: Thank you, Mr Stewart. I will ensure that that is recorded.

Foysoyl Choudhury (Lothian) (Lab): On a point of order, convener. I was unable to connect. I would have voted yes.

The Convener: Thank you, Mr Choudhury. I will ensure that that vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysoyl (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Whitfield, Martin (South Scotland) (Lab)

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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 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)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 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)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (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) (Alba)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Convener: The result of the division is: For 28, Against 91, Abstentions 0.

Amendment 21 disagreed to.

The Convener: Amendment 22, in the name of Russell Findlay, is in a group on its own.

Russell Findlay: As I said earlier, amendment 22 appears to be very similar to Fergus Ewing's amendment 18, which was not moved. His amendment would have required ministers to report to Parliament on progress after the legislation has been passed. Ministers would have needed to prepare a report after six months detailing the number of overturned convictions and those who have been notified. The cabinet secretary pointed out a particular problem with that, which was that that was in perpetuity every six months.

My amendment 22 is based on the same principles, but it is more general. It would require the Scottish ministers to prepare and publish a report within one year of the bill's passing. That report would contain the number of quashed convictions, the number of people notified and similar data of that nature. It would also include details of why cases had resulted in conviction. I truly believe that all that is vital.

We know that all Scotland's prosecutions were undertaken by the Crown Office and, frankly, we still do not know nearly enough about how many there were.

The Convener: I am sorry, Mr Findlay, but there is a bit too much background noise at the moment. Could conversations be taken out of the chamber if they need to be had at all?

Russell Findlay: Thank you, convener.

I believe that we do not know nearly enough about what has happened in Scotland. We do not know how many convictions there have been, and we do not know a lot of other key information.

Fundamentally, amendment 22 is about increasing transparency. After so many years of lies and deceit, victims and surviving relatives deserve no less than full transparency.

I do not think that my amendment 22 is in any way better than Fergus Ewing's amendment 18; they complement each other. I look forward to hearing the cabinet secretary's views.

I was going to make a suggestion, but the cabinet secretary pre-empted me. I was pleased to hear her earlier comment about a general

agreement on the principle of some form of post-legislative report to Parliament. I would be very happy to work with her, Fergus Ewing and anyone else to produce the best possible version at stage 3.

I move amendment 22.

16:15

Maggie Chapman: I understand the reason for amendment 22. We support subsection (1) of the new section that the amendment proposes to add, and paragraphs (a) to (e) of proposed new subsection (2). However, by requiring information about the legal process in relation to each individual conviction, as proposed under paragraph (f), we would be doing exactly what I believe the bill is trying to avoid, which is to open the door to unhelpful examination of case details, potentially risking further trauma to survivors and breaches of privacy.

I hope that, in the conversations that happen between now and stage 3—if Mr Findlay does not press amendment 22—we can agree on the bulk of the proposed provisions, which are helpful, but we are concerned about proposed new subsection (2)(f) and the issues contained within it. As it stands, we would not support amendment 22, but we do want to support something in this space.

Angela Constance: I recognise the importance of transparency in explaining how the legislation operates and its effect. A lack of transparency in the Post Office has been very much part of the problem throughout the decades. It has led us to the need for the public inquiry and to this unprecedented but entirely necessary legislation.

Although I cannot support amendment 22 as drafted, I make it clear that I am very happy to work with Mr Findlay to develop a reporting obligation to bring back at stage 3, and to work with Mr Ewing on his amendment 18, which covers similar territory. That would include a commitment to publish a report to be laid before Parliament within 12 months of royal assent.

There are some drafting issues with amendment 22 but, as I have said, rigorous efforts will be made to identify all of the convictions, to ensure that people are notified and that there is scope for people to make representations, or for representations to be made on their behalf. I am happy to report on all notifications provided. It is important to remember that all relevant convictions are quashed automatically by the bill. However, convictions cannot all be identified automatically.

It is not for Scottish ministers to report on the receipt of compensation when we have no powers or locus in relation to the UK Government's redress schemes. Therefore, we will not hold the

information required. For any given conviction, whether it falls within the scope of the bill or not, it would be nigh on impossible to report on why the conviction was reached, and it would be inappropriate for Scottish ministers to explore and reach conclusions on why convictions were obtained in individual cases, and for those details to be published.

I recognise the need for a reporting obligation, with a focus on people notified under the legislation, along with a need to highlight the steps taken to implement the legislation so as to go some way towards meeting the intent of Fergus Ewing's amendment 18.

Russell Findlay: Maggie Chapman makes a good point about the potential for causing further trauma, which is of course something that none of us wants to happen as some unintended consequence of amendment 22. It is obviously wise to look at the proposal with fresh eyes. The cabinet secretary made a similar point, and I thank her for her commitment to reaching an agreement to find the best way forward and find some form of amendment that does much the same thing as amendment 22 on reporting back to Parliament and providing victims with some transparency about what happened in Scotland.

Amendment 22, by agreement, withdrawn.

Section 7—Consequential provision

The Convener: Amendment 23, in the name of Fergus Ewing, is grouped with amendment 24.

Fergus Ewing: I will seek to be brief. Those who were convicted are likely to have been fined. Those cases to which the bill applies took place between 1996 and 2018, between six and 28 years ago.

In 1996, £10 could buy goods and services that in 2024 would cost £19.36—almost twice as much. The pound has been devalued by about 50 per cent since Tony Blair's era, which—to adapt a slogan—shows that things are only worth lesser.

The purpose of amendment 23 is to ensure that, where somebody has paid a fine, not only the fine but the value lost since then is repaid. I have suggested that that be done by a method using the statutory interest rate, but it could be done by inflation. I am hoping that the cabinet secretary will confirm that she will take the matter away and consider bringing it back at stage 3 to ensure that those who have already suffered injustice are not further penalised by not being repaid the full value of their fine.

Amendment 24 applies the same principle if a financial award was made where the convicted person was required to repay money to the Post Office. That could potentially be considerably more

serious, although I have no data about that. The primary obligation rests with the UK Government. There would, therefore, be a risk if we in this Parliament were to accept that the obligation that I suggest should exist somewhere rests on the Scottish Government, because it should really fall on the UK Government's shoulders. I accept that that is a complication arising from amendment 24 that does not apply to amendment 23. However, the same principle applies: namely, that our job is to ensure that the victims get proper, full redress and compensation.

Russell Findlay: Will the member give way?

Fergus Ewing: I will take an intervention if I have time.

Russell Findlay: I will be brief.

We are in general agreement with the sentiment behind what Fergus Ewing describes. However, I wonder whether he agrees that the significant compensatory sums that will be paid would, presumably, encapsulate all the losses that have been incurred.

Fergus Ewing: I certainly hope that that is the case. I have seen the comments from Mr Bates about the quantum of compensation that was offered to him, to the effect that the amount was derisory; I can well understand his views about that.

However, I hope that the cabinet secretary, in her response, can perhaps explain whether the principle behind amendment 23 might be approved at stage 3. In addition, with regard to amendment 24, perhaps she can explain how she sees the issue being resolved where a convicted person has not only been found guilty as a result of a miscarriage of justice, but has had to make a financial payment to the Post Office. Plainly, that must, in some way or another, be repaid, and repaid at today's value.

I move amendment 23.

The Convener: We are in the home straight, and in return for that assurance, I ask that the conversations around the chamber cease, please.

I call the cabinet secretary.

Angela Constance: Amendments 23 and 24 appear to be designed to ensure that appropriate financial recompense is provided to individuals who paid a fine or made payments to the Post Office and whose convictions are overturned by the bill.

While I have a great deal of sympathy with the amendments and with what the member is seeking to do, I am unable to support them today. There are a number of complications, which I will lay out over the next few minutes. I do so on the

basis that I hope that it will be helpful to our further discussions.

Amendment 23 seeks to add interest to any repaid fine. Section 122(3) of the Criminal Procedure (Scotland) Act 1995 requires the repayment of a fine to a person whose conviction is quashed. I can assure members, therefore, that any fines that were paid in relation to quashed convictions will be repaid in full.

In addition, section 7 of the bill states:

“a person whose conviction is quashed by section 1(1) is to be treated as if, on the coming into force of this Act, the conviction had been quashed by the High Court on an appeal by the convicted person.”

Therefore, people who have had their convictions quashed by this legislation will be treated in exactly the same way as those who have had their conviction quashed by a court, and they will be repaid in full to ensure that no one is out of pocket. Repaid fines are not paid with interest to anyone, and they are often paid in instalments as opposed to up front early on.

That leads me to the second issue with amendment 23, which is that of equal treatment. If amendment 23 is passed, people whose conviction is overturned by legislation will be treated differently from people whose convictions have been overturned by a court—and from anyone else who has had any historical conviction overturned by the courts. That cannot be the outcome of this bill, which seeks parity for all victims of the scandal, whether their conviction has been quashed by legislation or by a court.

I absolutely sympathise with the intent in amendment 24 that individuals whose convictions are quashed by the bill should be entitled to receive a sum that is equivalent to any payment that was made by them to the Post Office as a result of their conviction, but, unfortunately, I cannot support amendment 24. The provision of compensation is simply a matter for the Post Office and the UK Government compensation scheme. Under the UK Government's proposed new compensation scheme, each exonerated postmaster will have the choice of accepting a fixed offer of £600,000, which will be paid rapidly, or having their claim individually assessed. Without commenting on the merits or details of the UK Government redress scheme—given that we heard yesterday about problems of delayed payment, as outlined by Alasdair Allan on behalf of his constituent—the UK schemes are the proper and pragmatic way through which compensation should be repaid.

Keith Brown: I realise where responsibility for the compensation scheme lies, but is the cabinet secretary able to say that we will not see a repeat of the current scheme for shortfall, whereby

individual postmasters who made up the supposed losses have to fill in a questionnaire of 45 questions, some of which are in five parts and many of which ask for information that only the Post Office could hold? I do not know whether the cabinet secretary is able to offer the assurance that that will not be a feature of the compensation scheme.

Angela Constance: I cannot offer any reassurance on a scheme that I do not have responsibility for or operate. There are three UK compensation schemes. One of the schemes for overturned convictions has had a new strand added to it. I am happy to share with members the information that I currently have on the UK compensation schemes. I point to good examples in this Parliament of redress schemes that have adequately compensated people for their harm and for the costs that they have had to endure in seeking justice. In particular, a number of redress schemes have ensured that people do not lose money—I mean no disrespect to lawyers—in that the money that they get from the state goes to them and they do not lose a big chunk of their compensation to pay legal fees and other costs.

I have nothing further to add, convener.

The Convener: I call Fergus Ewing to wind up and to press or withdraw amendment 23.

Fergus Ewing: I will not press amendment 23.

Amendment 23, by agreement, withdrawn.

Amendment 24 not moved.

Section 7 agreed to.

Sections 8 to 11 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the Post Office (Horizon System) Offences (Scotland) Bill. I close this meeting of the Committee of the Whole Parliament.

Meeting closed at 16:30.

16:30

On resuming—

Meeting of the Parliament

Point of Order

Liam Kerr (North East Scotland) (Con): On a point of order, Deputy Presiding Officer. During First Minister's question time today, the First Minister said:

"When we came to office, around 20 per cent of Scotland's electricity consumption came from renewable sources, but that has now reached 113 per cent."—[*Official Report*, 23 May 2024; c 20.]

Like his two predecessors as First Minister, Mr Swinney has misled Parliament on renewables. I advise the chamber that, in the most recent 12-month period for which data is available, in fact, 64 per cent of Scotland's electricity consumption was from renewable sources.

Perhaps the Presiding Officer can advise the new First Minister on how he might correct the record and thus ensure that accurate data is presented to both Parliament and, of course, the people of Scotland.

The Deputy Presiding Officer (Liam McArthur): Thank you, Mr Kerr. As you are aware, that is not a point of order.

There will be a brief suspension before we move on to the next item of business.

16:30

Meeting suspended.

16:32

*On resuming—***Business Motion**

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-13358, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on a change to the business programme.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 28 May 2024—

delete

5.30 pm Decision Time

followed by Members' Business

and insert

7.20 pm Decision Time—*[Jamie Hepburn]**Motion agreed to.***Motion without Notice**

16:32

The Deputy Presiding Officer (Liam McArthur): 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. I invite the Minister for Parliamentary Business to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.32 pm.—*[Jamie Hepburn]*

Motion agreed to.

Decision Time

Meeting closed at 16:32.

16:32

The Deputy Presiding Officer (Liam McArthur): As there are no questions to be put as a result of today's business, I close the meeting.

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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