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Scottish Parliament

Wednesday 29 May 2024

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

Portfolio Question Time

Rural Affairs, Land Reform and Islands

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business is portfolio questions, and the first portfolio is rural affairs, land reform and islands. As ever, I make a plea for succinct questions and answers, in order to get in as many members as possible.

Food and Drink Businesses (Ownership and Control)

1. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what assessment it has made of any impact on the food and drink sector of reports that many food and drink businesses are owned and controlled from outwith Scotland. (S6O-03484)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The food and drink industry is a major contributor to Scotland, generating £15 billion of turnover from more than 17,000 businesses and employing around 129,000 people.

Our approach to growing Scotland's economy is focused on strengthening Scotland's domestic industries and ensuring that our economy is open, outward looking and internationally focused. It really is important that we secure investment from global companies to enable that growth.

Although we know that some larger food and drink businesses are owned outwith Scotland, statistics show that 98.8 per cent of enterprises in the sector remain United Kingdom-owned, with their registered office address in Scotland.

John Mason: I note the cabinet secretary's points about the turnover and the jobs being in Scotland, but profits are clearly going overseas. The majority of the top five whisky and salmon business owners are from outside of Scotland. Surely, the Government should be concerned that the profits are leaving Scotland.

Mairi Gougeon: I appreciate the point that the member raises, and we want to ensure that we maximise the benefits for Scotland wherever we can.

As part of our overall approach to increasing economic growth in Scotland, we have the national strategy for economic transformation and Scotland's inward investment plan, which aim to support and create a positive business environment that contributes to improvements in commercial confidence and investment, as well as to Scotland's overall attractiveness as a location for inward investment.

The benefits of carefully targeted inward investment can be seen across Scotland's economy. There are supply chain opportunities, and we also see productivity improvements through innovation. Those additional spillover benefits act to create opportunities for existing Scottish-owned businesses by providing them with access to markets and technologies that they might not otherwise have benefited from.

Through Scotland's inward investment plan, we seek to attract the knowledge, know-how, products and technologies that do not readily exist in Scotland, to enhance and complement our clusters, supply chains and communities.

Brian Whittle (South Scotland) (Con): Can the cabinet secretary comment on the need to support the rural economy, support local suppliers and ensure that public food procurement is as strong as it possibly can be?

The Deputy Presiding Officer: Cabinet secretary, you may answer that question to the extent that it relates to the primary question.

Mairi Gougeon: I absolutely agree with the points that Brian Whittle has made. He has repeatedly raised in the chamber the importance of public procurement and how we can strengthen that as much as possible to benefit our local producers and our local suppliers. I am happy to continue to discuss that with Mr Whittle.

In order to address some of the issues around that complex landscape, the key vehicle that we can look at is the good food nation plan; we have recently consulted on the plan and are considering the responses. I am more than happy to continue to engage with the member.

Land Reform (Scotland) Bill (Community Engagement Provisions)

2. Foyso Choudhury (Lothian) (Lab): To ask the Scottish Government what forms of community engagement the Land Reform (Scotland) Bill mandates in relation to the creation of a land management plan for large land holdings. (S6O-03485)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The Land Reform (Scotland) Bill seeks to empower communities and ensure that the benefits of land

ownership, and decisions about how land is owned, managed and used, are more widely shared. The bill sets out that owners of very large landholdings will be required to engage with local communities on the development—and significant changes to—a land management plan. The detail of what is required to meet the engagement requirements will be set out in regulations, following further consultation, to ensure that there is meaningful collaboration and community engagement in decisions about land.

Foysoyl Choudhury: Landowners, farmers and crofters also struggle with fly-tipping and its negative effect on their time and money. Constituents report that the problem is getting worse, with some councils instituting a booking system for tips. What is the Scottish Government doing to tackle fly-tipping?

The Deputy Presiding Officer: I have to repeat that the supplementary question should relate to the question in the *Business Bulletin*, which in this case is from Mr Choudhury himself. Perhaps the cabinet secretary could respond to the extent that the creation of a land management plan in the context of the Land Reform (Scotland) Bill might mandate attention to the issue that Mr Choudhury has raised.

Mairi Gougeon: The member raises a hugely important point, because fly-tipping is a blight on our countryside. Fly-tipping, our overall litter strategy and how we tackle those issues sit within another portfolio, but I would be more than happy to follow up with the member to give a more detailed and specific response on the issues that he has raised.

The Deputy Presiding Officer: I have two supplementary questions, which I hope are supplementary to the principal question.

Emma Roddick (Highlands and Islands) (SNP): Although there are some good examples of landowners utilising the potential of a holding's natural capital, does the cabinet secretary share my view that, if someone can afford to buy an estate that costs millions of pounds, they can also afford to ensure that the natural capital potential of the piece of Scotland that they have the privilege of owning is fully utilised for the community as a whole?

Mairi Gougeon: I thank the member for her really important question. Ultimately, we want Scotland to be a country where rights and responsibilities in relation to land and our natural capital are fully recognised and fulfilled. Investment in restoring and protecting Scotland's natural environment is essential if we are to have any hope of addressing the nature and climate emergencies that we face, especially at the pace and scale required.

It is a public responsibility, but it is also a private responsibility, so we will ultimately need both sources of finance to work well together if we are to achieve our very ambitious climate and biodiversity goals.

It is important to point out that our forthcoming natural capital markets framework will set out the requirements for all market participants to contribute to our vision for a values-led, high-integrity, responsible investment in natural capital.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): The Land Reform (Scotland) Bill policy memorandum states:

"The Bill makes no provision in respect of public funding, but measures are being brought forward in the Agriculture and Rural Communities Bill that will enable the Scottish Ministers to attach certain conditions when providing financial assistance."

Will the minister confirm what those conditions are and what landowners will be subjected to?

Mairi Gougeon: As the member will no doubt be aware, and as I have talked about a number of times in the relevant committee when I have attended it, it is fundamental to our approach and how we develop our policy that we work with our farmers, crofters and land managers to ensure that we have a policy that is deliverable, works and does everything that we want it to do for food production and tackling the climate and nature crises.

I will continue to keep the member and the Parliament updated as that work progresses, but we have set out the staging of that work in our agricultural reform route map.

Flood Damage (Compensation for Farmers)

3. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether it will provide an update on how much money it has distributed to farmers to address any damage caused by recent flooding. (S6O-03486)

The Minister for Agriculture and Connectivity (Jim Fairlie): More than £306,000 of agricultural flood bank repair grant scheme payments have been processed, and because many farmers have been unable to carry out repairs due to the exceptionally wet spring, with areas of flooding only now drying and river levels dropping to normal levels, making it finally possible to get on to the land to do repairs, the Scottish Government has extended the deadline for repairs to be carried out and claimed for from 31 May to 31 July.

Liam Kerr: I am grateful for the update. Recently, the Prime Minister announced a £75 million flood-fighting fund and an index for United Kingdom-wide food security issues. The UK Government's pledge last week of a further £50

million of support south of the border to help farmers hit by flooding and exceptional wet weather as part of its farming recovery fund was widely welcomed. What precisely will the Scottish Government do to support farmers in Scotland, such as looking to replicate those huge UK Government sums?

Jim Fairlie: I take the member's point, but we have had no notification of any of that funding coming here to Scotland. The Scottish Government has put a capital grants fund of £1.8 million into play to help farmers in the current crisis. Given the wet weather that we have had, we are still waiting for applications to come in, to allow farmers to complete the work that the funding is there for.

Willie Rennie (North East Fife) (LD): The minister knows that I am frustrated that there is no river catchment management plan, no clear advice for farmers about how they should manage water on their land and in the rivers, and no grants available for natural water management. Will the new flood resilience strategy include plans, advice and grants?

Jim Fairlie: I absolutely take on board Willie Rennie's points. I recently hosted a round-table meeting on river flood management. The conversation was about catchment areas and how we are going to mitigate flooding. We accept that we are dealing with issues that are to do with a changing climate, and we need to put in place resilience to allow us to deal with flooding.

Scallop Dredging (Licensing)

4. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government what its position is on the issuing of licences for scallop dredging activities that may cause harm to priority marine habitats, in light of reports of harm being caused to such habitats, including the herring spawning grounds off North Erradale and Gairloch. (S6O-03487)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Protecting our marine environment is vital for the viability of our marine industries and to halt the loss of biodiversity. The area near Gairloch where herring spawning recently occurred is mostly within the proposed Port Erradale priority marine features management area, where bottom-contacting mobile fishing gear would be prohibited. In line with advice from NatureScot, we are prioritising protection for those priority marine features, as part of a wider package of fisheries management measures for inshore marine protected areas.

In Scotland, fishing activity is regulated in line with Government obligations, including the national marine plan.

Ariane Burgess: Prominent conservation charities such as the National Trust and the Marine Conservation Society have recently accused the Scottish Government of repeatedly missing deadlines to address the impacts of overfishing and climate breakdown on our seas. In the light of the judicial review, which found that the Scottish Government must take decisions in line with its national marine plan, will the Government recommit to the management of fisheries on an ecosystems basis and prioritise achieving that through a just and swift transition?

Mairi Gougeon: I will make a couple of points. The Scottish Government accepts the court's ruling on the judicial review and we are working to put in place a practical and proportionate process to ensure that we can continue to licence in line with that judgment. As we have also set out, there has been a long-term and on-going piece of work on our priority marine features, marine protected areas and the fisheries management measures in relation to that.

Putting in place the remaining measures that are required to protect those features and our marine protected areas remains a high priority for the Scottish Government. We want to achieve that as soon as possible. Developing the evidence base and effective fisheries management measures for more than 160 sites in the inshore area is a complex and challenging process, but it is a high-priority piece of work.

The Deputy Presiding Officer: Jamie Halcro Johnston has a supplementary.

Jamie Halcro Johnston (Highlands and Islands) (Con): Apologies for being a little late into the chamber, Presiding Officer.

The cabinet secretary wrote to me about the squid derogation and said that there was neither evidence to support it nor evidence to oppose it, and that, consequently, a pilot would be undertaken. Will the pilot be undertaken and concluded in time for next year, so that the squid derogation, if feasible, will be allowed?

Mairi Gougeon: I know that officials have been meeting the fisheries interests in Orkney in relation to the derogation, and we are keen that any proposals should progress as quickly as possible. I cannot set out a definitive timescale or what that will look like at the moment, but I am more than happy to follow up with the member on that.

Rhoda Grant (Highlands and Islands) (Lab): With reference to herring spawning areas such as those off Gairloch, is there not an opportunity to work with the fishing community to put in place practical measures that would enable the quick closure of fish spawning areas for the duration of the event, so that no damage is done to juvenile stocks?

Mairi Gougeon: Rhoda Grant makes a really important point about other measures that we can undertake. We get advice from NatureScot on that work. As I have already outlined in response to the question from Ariane Burgess, we have an ongoing complex and challenging piece of work on priority marine features, marine protected areas and the fisheries management measures, which is looking at that. Taking that strategic approach to herring spawning and spawning grounds is helpful in relation to the evidence gathering and the subsequent decisions about protection. That work is continuing alongside, and helping to inform, the wider work that is going on in that area.

I am more than happy to consider or discuss further any proposals with the member, while recognising that priority marine features and marine protected areas are the responsibility of the Cabinet Secretary for Net Zero and Energy—although there is a strong read-across to my portfolio, too.

Human Ecology (Rural Affairs Policy Development)

5. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government what place human ecology, specifically a focus on the relationship between the natural environment and the social environment, has in its rural affairs policy development. (S6O-03488)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The Scottish Government recognises that the health of our economy and society are closely linked to the quality of our natural environment. We are integrating a natural capital approach to ensure that our decisions take that into account. Our national strategy for economic transformation embodies those principles through its ambition to rebuild Scotland's natural capital as part of our vision for a wellbeing economy. That is a public and a private responsibility, and we are taking action to ensure that investment in natural capital is of high integrity.

Michelle Thomson: Since 1990, the Scottish National Party has supported the Brundtland commission principles with regard to the environment, the economy and quality of life for our rural communities. Does the cabinet secretary accept that care is needed to ensure that organisations—and, specifically, hedge funds—do not access Government funds merely to use them to increase resource value and trade in carbon credits, rather than to serve the environmental and economic needs of our local communities?

Mairi Gougeon: Michelle Thomson raises a hugely important point. Investment in restoring and protecting Scotland's natural environment will be essential if we are to address the nature and

climate emergencies at the pace and scale that are required.

However, that is both a public and a private responsibility. We are committed to ensuring that all investment in natural capital is done in a responsible way, and that it contributes to community benefits and the robust environmental outcomes that we need to see from that investment.

Building on the interim principles for responsible investment in natural capital that we published in 2022, our forthcoming natural capital market framework will set out the requirements for all market participants to contribute to our vision for the values-led, high-integrity, responsible investment in natural capital that we all want to see.

Emma Harper (South Scotland) (SNP): With regard to rural affairs policy development, will the cabinet secretary provide an update on how the proposals to create a new national park are progressing? Will she provide commitments that, should any new national park be created, including in Galloway, its focus will be on food security, food production and agricultural activity; that she will include the communities that will be most impacted by the proposals for the park; and that national parks will not be a barrier to rural communities?

The Deputy Presiding Officer: I ask that the cabinet secretary focuses on the human ecology impacts in that area.

Mairi Gougeon: I will try to, Presiding Officer.

A number of key points were raised in that question. First, I reiterate that the Government takes food security and our food production seriously. That is why we set out in our vision for agriculture the importance of food production, as well as of tackling the climate and nature emergencies. Food security is critically important, which is why we established a food security unit in the Scottish Government.

Emma Harper mentioned national parks, and I fully appreciate the concerns that she has raised on that issue. It is important to set out a few points about the process for parks. The deadline for nominations from communities and organisations for their areas to be considered was 29 February. The applications that we received are being appraised against the criteria that were published in the appraisal framework.

That includes the local support criterion. Nominations were required to set out who had been involved with the development of the nomination and to demonstrate the level of support for the proposal. Applicants were also asked to set out how they had engaged with local

communities in the process, and to highlight details of any opposition or concerns that they had encountered.

Following the completion of that process, we will decide which of the nominations should be taken forward to the next stage. There is then quite a detailed process—

The Deputy Presiding Officer: Thank you, cabinet secretary. I will have to ask you to perhaps write to Emma Harper on the question, which was slightly off the main question in any event.

Question 6 is from James Dornan, who joins us online.

Brexit (Impact on Agriculture)

6. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what analysis has been undertaken of the impact of Brexit on agriculture, in light of the National Audit Office's report on developing post-Brexit border arrangements. (S6O-03489)

The Minister for Agriculture and Connectivity (Jim Fairlie): Brexit has had an extremely damaging impact on agriculture. It means that we no longer have multiyear certainty over funding, so farmers and crofters are facing difficult long-term planning. It has resulted in trade deals, such as those with Australia and New Zealand, that have disadvantaged our industry. It has disrupted supply chains, created new trade barriers and driven up food prices, exacerbating the cost of living crisis, particularly for rural communities. It has meant that we have had to expend resource on new biosecurity protections for Scotland via the border target operating model. No wonder Scotland voted to remain in the European Union.

James Dornan: It is clear from that response that Scotland's communities and businesses are being asked to pay a heavy price for being a part of broken Brexit Britain. Brexit is an ideologically driven disaster that we did not vote for but had forced on us anyway. Does the cabinet secretary agree that it is clear that only the Scottish National Party can be trusted to steer Scotland through this nightmare, which the Tories forced on us and which Labour is content with?

The Deputy Presiding Officer: Minister, please answer in the context of the original question.

Jim Fairlie: Yes, I agree. Those decisions have pushed up household costs, hit the economy hard and cut the money that is available to spend on public services, not least the national health service, and on support for businesses. I will go further and say that the simple truth is that the only way to protect Scotland from such Westminster folly is for decisions about Scotland to be made in

Scotland, and the only way to deliver that is with the SNP and independence.

Tim Eagle (Highlands and Islands) (Con): Vets play a vital role in relation to border controls, which is important on the back of Brexit. Will the minister update the Parliament on the plans to introduce a Scottish veterinary service? I have heard a rumour that that vital policy announcement from the SNP is about to be scrapped.

Jim Fairlie: I would have to come back to Tim Eagle on that. I do not know the answer to that question. *[Interruption.]*

Wildlife Crime

7. Maggie Chapman (North East Scotland) (Green): To ask the Scottish Government whether it will provide an update on what action it is taking to tackle wildlife crime. (S6O-03490)

The Minister for Agriculture and Connectivity (Jim Fairlie): I am sorry, but I did not hear the question.

The Deputy Presiding Officer: Ms Chapman, would you please repeat the question?

Maggie Chapman: To ask the Scottish Government whether it will provide an update on what action it is taking to tackle wildlife crime.

Jim Fairlie: Tackling wildlife crime remains a priority for the Scottish Government. The Wildlife Management and Muirburn (Scotland) Act 2024 builds on other legislation that we have introduced in recent years and contains a number of key changes to help to tackle wildlife crime. The investigative powers of the Scottish SPCA will act as a strong and robust deterrent to wildlife crime. I am also pleased to note that the annual wildlife crime report that was published in April has shown a 7 per cent decrease in the number of recorded offences from the previous reporting year.

Maggie Chapman: A few weeks ago, a young satellite-tagged hen harrier disappeared in suspicious circumstances in the Angus glens. Indeed, the north-east had the highest number of wildlife offences in 2020-21 and the second highest in 2021-22, which is the last year for which data is available. Many organisations, including internationally respected ones such as the International Fund for Animal Welfare, are concerned that wildlife crime is not being taken seriously enough. Does the minister believe that investigatory and enforcement bodies have what they need, both in terms of resources and policy direction, to address wildlife crimes, including poisoning, shooting and illegal trapping of birds of prey?

Jim Fairlie: Clearly, the Scottish Government takes wildlife crime very seriously. That is why we

increased the powers of the SSPCA. We will always do everything that we can to protect against wildlife crime.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): During the autumn, a golden eagle mysteriously vanished in the Borders and is now believed to have been shot. Named Merrick, she was part of the prestigious south of Scotland golden eagle project. I have visited the project and know about the time and dedication that are required to bring chicks to maturity and gradually introduce them to the wild. A satellite tag, blood and feathers were found where Merrick was last tracked—near Heriot, in my constituency—indicating that she was shot, bled badly and was killed, with her body and her tag removed. Police Scotland has worked with land managers, raptor workers and the public as part of the investigation, but can the minister advise whether any progress has been made in identifying the culprits?

I add that most gamekeepers and land managers are good folk and that it is the bad guys and women whom we want to get. If no progress has been made, what other steps can be taken, for example, through whistleblowing?

Jim Fairlie: At the moment, I cannot give any further information about whether somebody has been identified as doing that. However, Christine Grahame's comment about the gamekeeping community being part of the solution is vital, and I said that during the passage of the Wildlife Management and Muirburn (Scotland) Bill. Gamekeepers have the most to lose through being discredited because of such crimes, but they are also the people who are best placed to help the Scottish Government, the Scottish police service and everyone else to cut out such crimes. That will actually turn around the narrative to the benefit of those in that community, and I encourage them to be part of it.

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

Bute House Agreement (Impact of Ending)

8. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what impact the ending of the Bute house agreement will have on its rural policy. (S6O-03491)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The ending of the Bute house agreement will have no impact on our determination to continue to deliver for rural Scotland. The Government is committed to building a vibrant, sustainable and inclusive rural economy, and we will set out practical steps

to deliver on the First Minister's priorities in the forthcoming programme for government.

We have already taken forward a range of action to support rural Scotland, where we have the powers to do so, such as through the rural and islands housing action plan, the addressing depopulation action plan and the agricultural reform programme.

Annie Wells: Under the Bute house agreement, the Scottish Government committed to introducing highly protected marine areas, which would have, in effect, instituted a fishing ban on waters around Scotland. Although those plans were scrapped due to widespread opposition, in January, the Scottish Government's climate change national adaptation plan proposed introducing

"fisheries closures ... in offshore waters between 400-800m depth by 2027".

Now that the Bute house agreement has ended, will the cabinet secretary abandon those plans to close offshore fisheries?

Mairi Gougeon: On the point that Annie Wells raised on HPMA's, I hope that she welcomes the fact that, after listening to the results of our consultation, we decided that we would no longer take forward that policy. We heard the message loud and clear about the engagement that our coastal and island communities want on these important issues. We will continue to take that approach. We have a number of forums, including our fisheries management and conservation group and our regional inshore fisheries groups, through which we will continue to engage as we develop policy.

The Deputy Presiding Officer: That concludes portfolio questions on rural affairs, land reform and islands. I apologise to the few members whom I was unable to call in the light of time constraints.

NHS Recovery, Health and Social Care

Minor Injuries Units

1. **Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government what discussions the health secretary has had with local health and social care partnerships regarding minor injuries units. (S6O-03492)

The Cabinet Secretary for Health and Social Care (Neil Gray): My officials and I regularly meet national health service boards to discuss the performance and resilience of urgent and unscheduled care services. As Mr Burnett will know, decisions on how to deliver healthcare services are, ultimately, for local health boards and integration authorities to make.

Alexander Burnett: The cabinet secretary will be aware that the three minor injuries units in

Huntly, Fraserburgh and Peterhead are closing overnight to save money. There are now concerns that the Grampian medical emergency department service will be reduced or cut from Huntly completely. All of that would be contrary to what the community was told at the start of the closures.

NHS Grampian is underfunded by more than £77 million, and constituents are extremely worried that this is a sign of more cuts to come. Will the cabinet secretary at least pause the closures to allow there to be meaningful consultation? Will he commit to providing the funding that is needed to keep those services open?

Neil Gray: Obviously, I expect local decisions to be based on patient need, demand and the sustainability of safe services. The MIUs at Jubilee hospital in Huntly, Peterhead community hospital and Fraserburgh community hospital are remaining open from 7 am to 7 pm, seven days a week.

If Mr Burnett wishes there to be further investment in the health service, he could talk to his colleagues in the United Kingdom Government, who passed on a cut to health services in NHS England and a cut to our block grant. In spite of that, we have decided to invest in our health boards through a 3 per cent real-terms increase in funding. However, pressures remain, which is why difficult decisions are having to be made across the board. We will look at what we can do to continue to support the provision of sustainable, safe and good services to communities across Scotland.

Paul Sweeney (Glasgow) (Lab): Waiting times in accident and emergency departments in Glasgow have been the worst on record this year. Twenty-nine A and E consultants at the Queen Elizabeth university hospital have written to the watchdog to raise serious patient safety concerns, and the Glasgow integration joint board is already proposing cuts, which would create backing up in A and E departments. Given all those pressures, will the cabinet secretary consider the option of extending the opening hours of the minor injuries units at Stobhill hospital and the New Victoria hospital in Glasgow to relieve the pressure on national health service A and E departments?

Neil Gray: As I said, such decisions are for local boards and integration authorities, but Mr Sweeney's suggestion is one that can be considered.

We are seeing stabilisation in relation to the four-hour accident and emergency waiting time. I want to see continued improvement on that, which is why we are supporting interventions across the board to divert people from accident and

emergency departments—if they do not need to be there—through the flow navigation centres that we are supporting and the additional capacity that we are providing, which I saw at Edinburgh royal infirmary yesterday, with regard to the more minor support that is required to come through our accident and emergency departments. We are also trying to provide the support that we wish to see at the back end of hospitals to address delayed discharges, so that the flow of patients through hospitals is better in order to support a faster process at the front door—our accident and emergency departments.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I thank the cabinet secretary for his update on discussions with local health and social care partnerships. Will he provide an update on the impact of the Scottish Government's national urgent and unscheduled care collaborative in supporting the treatment of minor injuries?

Neil Gray: Through our collaborative programme, we are supporting boards to implement changes that will target the key challenges in their systems, recognising that there is no one-size-fits-all solution, which is why local decision making is so important. That includes ensuring that patients receive the right care at the right time in the right place, by improving access to flow navigation centres, which have been established in every mainland health board area to provide expert clinical advice, referrals to alternative services and, when necessary, scheduled appointments at accident and emergency for care that is not deemed to be an emergency, such as minor injuries.

NHS Ayrshire and Arran

2. **Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government when it last met with NHS Ayrshire and Arran. (S6O-03493)

The Cabinet Secretary for Health and Social Care (Neil Gray): Ministers and Scottish Government officials regularly meet representatives of all health boards, including NHS Ayrshire and Arran.

Ruth Maguire: No one who is medically fit to leave should be in hospital, for both their own health and wellbeing and the efficient and effective running of the system. Recent discussions that I have had with my health board covered the issue that the fairly high number of delayed discharges is due to legal reasons, and that point was echoed on a Health, Social Care and Sport Committee visit to Skye. Will the Scottish Government take forward any work to raise awareness of power of attorney requirements or to simplify that process,

to ensure that no one is in hospital for longer than they need to be?

Neil Gray: I thank Ruth Maguire for drawing attention to a really important area, which we touched on in the committee last week. Ruth Maguire is right that, consistently, about 20 per cent of delayed discharges relate to adults with incapacity. In our response to the Scottish Mental Health Law Review report, which was published in June last year, we committed to establishing a mental health and capacity law reform programme. We are due to publish the first delivery plan under that programme shortly.

Our main priority for early law reform centres on updating the Adults with Incapacity (Scotland) Act 2000, and work has already begun to consider options for addressing long-standing gaps in law that relates to adults with incapacity to ensure stronger rights, protections and safeguards. That will include work on promoting and simplifying powers of attorney. However, we all have agency in that regard, so the work that Ruth Maguire is doing to raise awareness could be echoed by members across the chamber.

Brian Whittle (South Scotland) (Con): In my recent discussions with NHS Ayrshire and Arran, which is obviously under extreme pressure, it said that there is now a critical need for an information technology system that communicates across primary and secondary care and pharmacy, as well as across NHS boards. Does the cabinet secretary recognise the urgency of that problem and that addressing it is a crucial first step in tackling the crisis in the NHS? If so, what is the Scottish Government doing to deliver an IT system that is fit for purpose?

Neil Gray: Having greater access to information across health and other statutory services and having the ability to share data are incredibly important to ensuring that we can respond most effectively across all statutory services and have the collaboration that we wish to see with community and voluntary services that support our work across health and social care. We will therefore continue to support work on updating our IT systems. Of course, that work would be much easier if we had the capital to make it happen. That has been hindered by a projected cut in capital from the UK Government of £1.3 billion over the next three years.

General Practitioner Sustainability Loan Scheme

3. **Jeremy Balfour (Lothian) (Con):** To ask the Scottish Government whether it will provide an update on its plans to restart the GP sustainability loan scheme, including by what date it expects to restart the scheme. (S6O-03494)

The Cabinet Secretary for Health and Social Care (Neil Gray): We greatly value the contribution that general practice makes to the nation's health and want to ensure that general practitioner practices have the support that they need. That is why we intend to resume tranche 1 of the sustainability loan scheme in 2024-25, once we have completed the disbursement of funds for loans that are already completed and have confirmed the budget. That will likely not be until midway through the financial year.

Our preference remains to continue the loan scheme into tranche 2 and beyond. However, that will depend on whether the United Kingdom Government resumes the allocation of financial transactions capital—under the loans scheme that comes from the UK Government—for Scottish Government disbursement.

Jeremy Balfour: I thank the cabinet secretary for his answer, but Scotland's GP services are in an alarming state. People are finding it harder and harder to get appointments, and the Scottish Government is failing to deliver on its commitments to deliver more GPs.

We have lost almost 100 practices in less than a decade. Now, with the indefinite pause on the loan scheme, a further 30 GP practices describe the situation as "precarious". Can the cabinet secretary give those practices and their patients any assurance that those crucial services will not be closed?

Neil Gray: The facts are that we in Scotland have more GPs per head of population than anywhere else in the UK and a record level—1,200—of GP doctors in training. [*Interruption.*]

The Deputy Presiding Officer: Members!

Neil Gray: The fact that 90 per cent of all health interactions happen in primary care is why I said that we greatly value the contribution that general practice makes across all elements of primary care to support the health and wellbeing of the people of Scotland. We know that the complexity with which people are arriving at our GP surgeries is putting great pressure on them. That is why we support the sustainability loan scheme and want to see the redispbursement of funds later this year, and it is why we wish to go beyond tranche 2. A lot of that will depend on decisions that are made elsewhere, but we will keep investing in training and support for our primary care services, because we need them more than ever. I want their services to expand, not retract.

Bill Kidd (Glasgow Anniesland) (SNP): I welcome the update on the GP sustainability loan scheme. Will the cabinet secretary outline any correspondence with the UK Government regarding reinstating funding for the scheme,

following significant reductions, particularly prior to the dissolution of their Parliament?

Neil Gray: Since 2022-23, the Scottish Government has seen a 62 per cent reduction in what is described as the financial transactions allocation, which relates to loans that allow us to invest in particular areas of provision. Ahead of the autumn statement in November and the spring statement in March, the Cabinet Secretary for Finance and Local Government called for the UK Government to provide clarity about the future of our financial transactions allocation and to increase investment in capital projects. However, the UK Government has provided no clarity and no additional capital for FT funding for Scotland. Coupled with our real-terms reduction in capital funding, we will have to continue making tough decisions to reprioritise our infrastructure pipeline to ensure that we spend within the limited funding that we have available.

Foysoyl Choudhury (Lothian) (Lab): Lothian local medical committee said in a statement that half of GP practices in Lothian have received bills for their facilities totalling £1.6 million per year, which is likely to lead to reduced staffing. While GPs are being excessively charged, a practice in East Calder has staff wearing wellies because of a leaky roof. Repair is nowhere in sight. Will the cabinet secretary outline how the Scottish Government is working to restore GPs' confidence and give them facilities that are worthy of their important work?

Neil Gray: I thank Foysoyl Choudhury for highlighting the issue at East Calder, which I visited with local representatives Hannah Bardell MP and Angela Constance MSP earlier this month. I saw the very situation that he outlined. I would be more than happy to share with him the work that I have asked my officials and Lothian NHS Board to embark on. I recognise the challenges that are there, as there are in other medical centres across Scotland, for which we wish to see further capital investment.

NHS Waiting Times

4. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government whether it will provide an update on what action it is taking to reduce NHS waiting times. (S6O-03495)

The Cabinet Secretary for Health and Social Care (Neil Gray): As Jackie Baillie knows, an initial investment of £30 million has been targeted at a series of national and local plans to reduce pandemic backlogs by maximising the use of local and national resources across Scotland.

We have committed the majority of that first £30 million of the £300 million over three years to support the reduction of long waits for

appointments—by 100,000—diagnostics and treatment in specialties including cancer, dermatology, ENT—ear, nose and throat—general surgery, gynaecology, ophthalmology, orthopaedics and urology.

The majority of the additional activity will take place between now and autumn this year. We will continue to work with the national centre for sustainable delivery—CFSD—and local health boards to build on national and regional working, embed good practice and reduce variation to ensure equity of access to care across Scotland.

Jackie Baillie: Yesterday's figures show that the Scottish National Party's plan is simply not working, as more than 840,000 people are now on waiting lists. That is almost one in six Scots. More shocking still is the fact that more than 87,000 people have been waiting more than a year, which is 15,000 more than there were at this time a year ago.

In July 2022, Humza Yousaf announced a series of new targets to eradicate the longest waits. Not a single one of them has been met. Indeed, NHS England has only 232 cases waiting more than two years whereas, by contrast, the equivalent figure in Scotland is 7,140.

That situation simply cannot continue. Will the cabinet secretary come clean with the people of Scotland and concede that his Government's NHS recovery plan is not working and that it urgently needs to go back to the drawing board?

Neil Gray: No, I will not, because the figures that Jackie Baillie quoted are not directly comparable. She needs to be careful in how she uses the figures so that she does not fall foul of the Office for National Statistics.

I set out the investments that we are making to bring down waits. On the longest waits, we have seen significant progress, which will be enhanced by the investments that we are making in national treatment centres, by the first £30 million that I spoke of and by the new theatre scheduling technology that I announced yesterday.

However, waiting lists are not unique to Scotland, as much as Jackie Baillie would like to pretend that they are. The extension of her logic would be to say that the record waiting lists in Wales are purely the fault of the Welsh Government. *[Interruption.]*

The Deputy Presiding Officer: Members!

Neil Gray: I am much more generous to my Welsh Government colleagues in respect of the reasons why we see record waiting lists in Wales.

I prefer the logic of Jackie Baillie's colleague Wes Streeting on the reason for the health service pressures across the United Kingdom. He said last

week, and repeated in the media round this morning, that

“all roads ... lead ... to Westminster”,

and that the decisions that are being taken in the UK have a detrimental impact on the health services in Scotland, Northern Ireland and Wales. That is why we need a UK Government that will not just follow Tory spending austerity but will invest in the health service, as the Scottish Government is doing with record levels of investment and a rise in investment.

The Deputy Presiding Officer: I call James Dornan, who joins us remotely.

James Dornan (Glasgow Cathcart) (SNP): Cabinet secretary, given your comments, you clearly share Mr Streeting’s concerns regarding the sustainability of funding. Will you give us an update on the latest engagement with the UK Government in that regard?

The Deputy Presiding Officer: First, members are required to speak through the chair. Secondly, we should have had Mr Dornan on camera but we did not.

Neil Gray: I am sorry that we did not see Mr Dornan’s sonsie face.

In 2024-25, our additional health investment—*[Interruption.]* There is Mr Dornan. In 2024-25, our additional health investment exceeds the consequentials that have been received. However, the nature of current funding arrangements means that UK Government decisions on additional investment in health are critical to our ability to support growth in NHS funding.

My predecessor wrote to the Chancellor of the Exchequer in December, urging him to provide investment to support reform and financial sustainability. The chancellor’s spring statement provided health consequentials of just £237 million—less than the £470 million in-year health funding that we received for 2023-24 and less than is needed, given the challenges that we face. Therefore, I wrote to the Prime Minister last week, highlighting again the importance of investment in health and certainty about that investment to support NHS services and staff, which continue to be under extreme pressure across the whole UK.

Tess White (North East Scotland) (Con): This cannot be deflected: people who have been referred to NHS Tayside’s neurology service face waits of up to 98 weeks on treatment for nerve damage, multiple sclerosis and a host of other serious conditions. The situation pre-dates the pandemic, when the board paid private clinics in order that it could just tread water. Now, NHS Tayside is being asked to shave an extra £16.5 million from its budget. Will the cabinet secretary

outline how those unacceptable waiting times in NHS Tayside will improve?

Neil Gray: It is unacceptable that anyone is having to wait too long for services, so I apologise to them for that.

We are making investments in our health service, with a 3 per cent real-terms increase to our health boards, which was not passed on to the NHS in England. Lack of budget hampers our ability to make the further investments that we need to make beyond those that we have made. We recognise that, even with a real-terms increase to our health boards, they are still under substantial pressure because of the complexity of the conditions with which patients are arriving.

We will continue to make investments and we will continue to support NHS Tayside and others in the work that needs to be done to reduce those waits, but it would be much easier and would be help a lot more if we had a supportive UK Government that was willing to invest in the health service and allowed us to do the same in Scotland.

Cervical Cancer Screening

5. Carol Mochan (South Scotland) (Lab): To ask the Scottish Government how it plans to reduce any health inequalities, specifically in relation to the uptake of cervical cancer screening appointments. (S6O-03496)

The Minister for Public Health and Women’s Health (Jenni Minto): The Scottish Government remains committed to improving the uptake of cervical screening and to tackling inequalities within the national screening programmes.

As Carol Mochan might be aware, we funded Jo’s Cervical Cancer Trust to carry out a two-year programme to understand the barriers that are preventing cervical screening uptake. We will embed that learning across the programme. We are deeply saddened by the news of the closure of Jo’s Cervical Cancer Trust and we acknowledge the incredible work that it has carried out over the past 25 years to improve access to and uptake of cervical screening, as well as its visibility. We continue to work with colleagues across the screening programme to understand the impact that the trust’s closure will have and what steps, if any, will be needed to address them.

We also commit £1 million annually to tackling inequalities within the cancer screening programmes, and in July last year we published the “Scottish Equity in Screening Strategy 2023-2026” with National Screening Oversight Scotland, thereby providing direction and focus on tackling screening inequalities.

Carol Mochan: As we know from the most recent annual statistics, there was inequality of more than 10 percentage points difference between uptake in the most deprived and least deprived areas. That stark and divisive inequality serves as a reminder that under this Government, sadly, our postcode can still determine our health outcomes. Can the minister update the Parliament on when we might expect wider roll-out of self-sampling—in particular, in communities where uptake of existing screening services is lower?

Jenni Minto: I agree that that is an important area to look at. We have been working with the United Kingdom National Screening Committee, which is an independent expert advisory group that advises all four United Kingdom nations on screening. We recognise the potential of that. In the meantime, we have had a study in Dumfries and Galloway, and we are in the process of reviewing it alongside the YouScreen study that was done in England. The results of that review are expected later this year.

Community Pharmacies (Dispensing Errors)

6. Bob Doris (Glasgow Maryhill and Springburn) (SNP): To ask the Scottish Government what role national health service boards have in the monitoring and minimising of dispensing errors by community pharmacies. (S6O-03497)

The Minister for Public Health and Women's Health (Jenni Minto): Health boards have local systems in place to encourage the immediate reporting of dispensing errors or incidents. Those reports enable health boards to understand the causes of incidents, share learning to improve patient safety and minimise the risk of recurrence. In addition, NHS Education for Scotland provides guidance on how to develop and undertake a significant event analysis process and embed it as an improvement tool, with the aim of improving care and learning from patient safety incidents and near misses, such as dispensing errors.

Bob Doris: A constituent of mine was subject to four dispensing errors, including being wrongly supplied antipsychotic drugs, and important heart medication being missing. Although we ultimately got reassurances from the pharmacy in question, it was worrying to discover that the errors were not reported to NHS Greater Glasgow and Clyde and that reporting is wholly voluntary. The system is reliant on inspections from the General Pharmaceutical Council. Will the minister review the concerns that I have raised and consider a more robust and mandatory system for the reporting of dispensing errors in community pharmacies to NHS boards in Scotland?

Jenni Minto: I thank Mr Doris for raising an important issue that really should not have arisen.

All health boards should ensure that robust systems are in place for reporting dispensing errors. I am aware that the chief executive of NHS Greater Glasgow and Clyde investigated the instances of dispensing errors as highlighted by Mr Doris and is taking steps to ensure that they are not repeated. As Mr Doris pointed out, the General Pharmaceutical Council is a regulatory body and has powers to conduct inspections of pharmacies to assess whether they are meeting the required standards.

The chief pharmaceutical officer's strategy, "Achieving Excellence in Pharmaceutical Care: A Strategy for Scotland", committed to providing resources to support the safer use of medicines. We are working to ensure that quality improvement is integral to the community pharmacy contractual arrangements. I regularly meet Community Pharmacy Scotland, and I will put the issue on the agenda for our next meeting.

The Deputy Presiding Officer: Question 7 comes from Collette Stevenson, who joins us remotely.

NHS Lanarkshire (Meetings)

7. Collette Stevenson (East Kilbride) (SNP): To ask the Scottish Government when it last met with NHS Lanarkshire, and what was discussed. (S6O-03498)

The Cabinet Secretary for Health and Social Care (Neil Gray): Ministers and Scottish Government officials regularly meet representatives of all health boards, including NHS Lanarkshire, to discuss matters of importance to local people, including my constituents.

Collette Stevenson: I have been contacted by a constituent who is struggling to get access to an insulin pump. Will the cabinet secretary set out the actions that the Government has taken in recent years to advance diabetes care? Will he outline what recent discussions the Government and health boards have engaged in to ensure that diabetic technology is as accessible as possible, particularly in the current challenging financial circumstances?

Neil Gray: I thank Collette Stevenson for raising an important area of preventative work in healthcare.

The Scottish Government is aware that diabetes technologies can significantly improve the lives of people with type 1 diabetes. Between 2016 and 2022, we invested £29.6 million of additional funding to support the increased provision of diabetes technologies, and we commissioned the accelerated national innovation adoption pathway to establish a national team, with the aim of rolling out technology faster and more efficiently across Scotland.

I am also delighted to confirm that, yesterday, we announced £8.8 million of funding for 2024-25 to expand access to diabetes technologies to all children and young people with type 1 diabetes and to increase the provision for adults, which I hope will be helpful to Collette Stevenson's constituents. That investment will allow us to continue developing innovative and preventative care models for diabetes in Scotland that have a focus on digital pathways and peer support.

The Deputy Presiding Officer: We can squeeze in question 8, provided that we have succinct questions and answers.

Alcohol Harm (Cost)

8. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government what estimate it has made of the total annual cost of alcohol harm in Scotland, including to the national health service and healthcare, in light of the Institute of Alcohol Studies reporting that the annual cost of alcohol harm in England is £27.4 billion, which includes a £4.9 billion cost to the NHS in England. (S6O-03499)

The Minister for Drugs and Alcohol Policy (Christina McKelvie): The Scottish Government is determined to reduce alcohol-related harm, including by increasing the minimum unit price and through the record investment in treatment services that it provided in 2023-24. In 2023, the Social Market Foundation, based on research that was carried out by the York Health Economics Consortium in 2010 and the University of Aberdeen in 2012, estimated that the alcohol-related societal and economic costs in Scotland in 2021-22 could have amounted to between approximately £5 billion to £10 billion annually. That research also estimates that the health and social care-related societal costs arising from alcohol use in Scotland could be between £500 million and £700 million annually.

Monica Lennon: Experts and campaigners rightly want more preventative action, including minimum unit pricing uprating annually, restrictions on harmful alcohol marketing, and more and faster treatment and support for people living with alcohol use problems. Will the Government bring forward a debate or a statement to Parliament to address those points, to reduce the ever-increasing cost of alcohol harm on our public finances and the people of Scotland?

Christina McKelvie: We are working with a number of organisations across the board to look at how we tackle alcohol harm in Scotland. I am happy to share that information with Monica Lennon. We are also considering stakeholders' calls for minimum unit pricing to be uprated on a yearly basis. I will come back to Parliament at a

later date with an update on that work, which is currently under way.

The Deputy Presiding Officer: That concludes portfolio question time. There will be a brief pause to allow members to change positions, should they so wish.

Michael Matheson (Complaint)

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-013368, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's first report in 2024, in session 6. I remind members that the question on the motion will be put immediately after the debate, and I invite members who wish to speak in the debate to press their request-to-speak buttons.

I call Martin Whitfield to speak to and move the motion on behalf of the committee.

14:55

Martin Whitfield (South Scotland) (Lab): As convener of the Standards, Procedures and Public Appointments Committee, I have the responsibility of lodging and speaking to motions that seek the Parliament's agreement to the committee's recommendation of a sanction in instances where a breach of the conduct rules has occurred. I do so today, following the committee's consideration of a report referred to it by the Scottish Parliamentary Corporate Body. The report was referred to the committee after the SPCB concluded that there had been breaches of the code of conduct by Michael Matheson MSP, in relation to the use of mobile data via a SIM card and a device issued to him by the Parliament.

The SPCB had considered three excluded complaints—an excluded complaint is one that does not fall within the remit of the Ethical Standards Commissioner—and determined that breaches had occurred in respect of sections 7.3 and 7.4 of the code of conduct.

The committee considered the report at five meetings during March and May. It was tasked with considering the question whether to recommend any sanctions to the Parliament; it was not tasked with reviewing the SPCB's investigation or decisions, as it does in other cases.

As members will be aware, the SPCB reached its decisions on 14 March 2024 and referred its report to the committee on 19 March 2024. The committee has sought to conclude its consideration as swiftly as possible, while ensuring that Michael Matheson was given the opportunity to make representations to us and that those representations and the SPCB report were fully considered.

In the Parliament's 25 years, this is the first instance of an SPCB referral to a standards committee of the Parliament. The committee has set out in its report that it intends to reflect generally on the process for excluded complaints

and has invited reflections from the SPCB. Those reflections do not evidence any concern that the process that was followed up to this point was not adequate or correct.

The committee sought to avoid any form of running commentary on the matter under consideration. I note the disappointment of the whole committee that, at the final stages of our consideration, speculation appeared in the media before we had reached decisions and concluded our considerations.

Since March, the committee has carefully considered all the information that was available to it in the SPCB's report, in both written evidence and personal representations by Mr Matheson. That has enabled the committee to take into account a fuller picture, including the role of an outdated SIM card and the charges that were incurred; the circumstances of the usage; the allocation of £3,000 from Mr Matheson's office cost provision; the knowledge that Mr Matheson had at the point of allocation; and the actions that Mr Matheson took between his stating that he had become aware that non-parliamentary usage had occurred and his personal statement to the chamber.

During our consideration, we noted areas where we believe that more action should have been taken on the part of the Parliament in relation to the replacement of an outdated SIM card. The committee also acknowledges the impact on Mr Matheson and his family of the significant media and other intrusions that took place. Following its consideration, the committee was unanimous in its view that sanctions should be recommended and that there should be a period of exclusion and a financial element to the recommended sanctions. It is, however, important to acknowledge, as set out in the committee's report, that two members of the committee, Alasdair Allan and Jackie Dunbar, noted that they agreed with the financial element but considered that it was in the higher range of available sanctions.

The one area on which there was not unanimous agreement was the duration of the period of exclusion. After discussion, the committee was not in a position to give a unanimous recommendation on a suspension period from Parliament. A majority of members of the committee agreed that a duration of 27 days was appropriate. As set out in the committee's report, some members of the committee—Oliver Mundell, supported by Annie Wells—had originally supported a longer period of exclusion. Others—Alasdair Allan and Jackie Dunbar—supported a shorter period, as, in their view, the period was

“extremely severe when compared to previous cases.”

The issues under consideration by the committee are ultimately about the use of public finance, those funds being used only for legitimate purposes, the degree of trust that there must be both in and outside the Parliament, and the ethical standards with which members must conduct themselves in all matters, as articulated in the Nolan principles and the code of conduct. Any failure to meet those standards has an adverse impact on the reputation of the expenses scheme, members and the Parliament as a whole.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6), Complaint against Michael Matheson MSP (SP Paper 597), and agrees to impose the sanctions recommended in the report that the Parliament excludes Michael Matheson MSP from proceedings of the Parliament for a period of 27 sitting days and withdraws his salary for a period of 54 calendar days to take effect from the day after this motion is agreed.

15:01

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I start by saying that Michael Matheson was found by a cross-party group MSPs, including members of the Scottish National Party, to have breached the standards expected of him. The First Minister has not criticised the findings of the Scottish Parliament Corporate Body. Secondly, breaches such as this should be proportionately sanctioned. Michael Matheson has paid back the roaming costs, and there has been no cost to the public purse. His actions have had consequences. He lost his Cabinet position, despite being one of the longest-serving ministers of this Parliament. He has faced considerable reputational damage and significant intrusion in his personal life.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I find this very difficult. Because the Scottish Government amendment specifically references a referral to the Scottish Parliament Corporate Body, I, as an elected member of that body, identify a real or perceived conflict of interest, and will therefore recuse myself and will abstain on the amendment. If the motion is amended, I will abstain on that, too.

Kate Forbes: I thank the member for those comments, which are on the record. Presiding Officer, I hope that you will look favourably on a slight extension to my comments.

Having established in my opening remarks that a breach occurred and that actions have consequences, I come to my third point, which relates to how the Standards, Procedures and Public Appointments Committee has determined the sanctions. That is where we have grave

concerns, which are captured in the amendment. Parliament must engage with those concerns—

Douglas Ross (Highlands and Islands) (Con): Will the member give way?

Kate Forbes: I have only four minutes. I would really value getting to the end of my speech, if that is okay.

Parliament must engage with those concerns, because to dismiss them now will have serious consequences for members who, in future, may themselves be the subject of the committee's investigation.

There is a fundamental principle of natural justice at stake here. I say pointedly that I will base my remarks on the principle and not the personalities. Although I believe that Annie Wells should have resigned from the Standards, Procedures and Public Appointments Committee, as Stephen Kerr did, I do not want to see any abuse or harassment of MSPs—of Annie Wells or of Michael Matheson. The principle of fair, impartial and proportionate justice is captured in comments that Conservative member Stephen Kerr made.

Stephen Kerr (Central Scotland) (Con): Will the member give way on that point?

Kate Forbes: If I could get to the end of these comments, I will.

Stephen Kerr, who was a member of the committee, said, and I quote at length:

"I concluded that I couldn't meet the committee requirement to be unbiased towards Michael Matheson and his conduct in public office."

He also said that it would have been wrong for him to sit on the committee,

"having made so many public pronouncements",

and that

"for due process to be observed, I feel I must resign from the committee."

Stephen Kerr: Will the member take an intervention, as she has mentioned me by name?

Kate Forbes: If the member wants to intervene, I ask him, was he right then, and is he right now?

Stephen Kerr: I am grateful to the Deputy First Minister for giving way, but her amendment is nothing but an attack on the integrity of a member of the Parliament. Does she, of all people, having been through what she has been through during the past year—

Members: She?

Stephen Kerr: Kate Forbes. Given what Kate Forbes has been through during the past year, does she not recognise that this is an attack on an

honourable member and that it is motivated by vindictive purposes?

Kate Forbes: I have been very clear that my remarks relate to the principle—not the personality—and I invite Stephen Kerr to reflect on that point precisely in his remarks.

In the light of Stephen Kerr's comments, my point is that other members of the Standards, Procedures and Public Appointments Committee who also made public comments should have recused themselves. Another member declared in public that Mr Matheson's position was "untenable", that he should be "sacked" or quit his role as a minister and that his admission should not be believed. By any measure, that clearly prejudices the complaint and the sanction.

As such, we invite the SPCB to initiate an independent review of the Parliament's complaints process in order to restore integrity and confidence in its procedures, so that all MSPs can have confidence in the Parliament's processes and procedures.

I move amendment S6M-13368.1, to insert at end:

“; recognises that Stephen Kerr MSP resigned from the Standards, Procedures and Public Appointments Committee in March 2024 as he had made public pronouncements on this case ahead of the complaint being heard by the committee; agrees with Stephen Kerr MSP that to have remained as a committee member ‘would have been wrong’ as he ‘couldn’t meet the test to be unbiased’; notes that Annie Wells MSP also made public pronouncements on this case in advance of the complaint being heard by the committee and has remained a committee member throughout; agrees that this runs the risk of the committee report being open to bias and prejudice and the complaint being prejudged, thereby bringing the Parliament into disrepute; further agrees with the disappointment expressed by the Standards, Procedures and Public Appointments Committee that material relating to the committee's deliberations appeared in the media prior to its decisions being reached and announced, and calls on the Scottish Parliamentary Corporate Body to initiate an independent review of the Parliament's complaints process to restore integrity and confidence in the Parliament and its procedures.”

15:06

Douglas Ross (Highlands and Islands) (Con): We are debating a report from the Parliament's Standards, Procedures and Public Appointments Committee. Its representation is made up of the three largest parties in the chamber and they have agreed a suspension that will seem lenient to the public, but it represents the most severe action ever taken against a member of the Parliament. Michael Matheson will be suspended for 27 days and his pay will be docked for 54 days. However, we must be honest—any other Scot would have been handed their P45 straight away. If someone was found to have falsely claimed £11,000 from

their employer—in this case, the taxpayer—and it was then found that they had lied about it as part of a cover-up, they would have been sacked.

Let me be clear that this is not the harmless mistake that some have attempted to present it as. It was a deliberate and shameless attempt to pull the wool over the eyes of the Parliament and the public. It is an open-and-shut case that has already been considered in great detail by the Scottish Parliamentary Corporate Body and the standards committee. The independent process exists for a reason, and it should be respected and upheld by members across the chamber. However, what we have seen from Scottish National Party members—specifically John Swinney, the First Minister—is an attempt to derail and undermine due process. That has been done for the sole purpose of protecting one of their own. I put on the record that the actions of John Swinney, the First Minister, towards my colleague Annie Wells would make Donald Trump blush. It is disgusting and disgraceful behaviour that demeans the office of First Minister. He has targeted members of an independent committee in the Parliament, and he is attempting to undermine due process with his bully boy tactics.

I have been looking at who has been in agreement with John Swinney during the process—and I do mean during the process, not now, as we have heard from the Deputy First Minister that she agrees with John Swinney. However, I can find nothing on the record to suggest that, at any point when the standards committee was considering the matter, Jackie Dunbar, Alasdair Allan or Ivan McKee—all SNP members—raised any concerns about Annie Wells being included. I then looked at Michael Matheson's personal statement. He was asked to provide a personal statement to the committee. It runs to 10 pages and is 5,500 words long, but at no point is there any reference to his concern that Annie Wells was sitting on a committee to judge his fate.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the member give way?

Douglas Ross: I will not. I am going to make this point. The only person—[*Interruption.*] If I get time, I will take the intervention.

The only MSP who raised complaints during the process was John Swinney.

I was hoping to intervene on the Deputy First Minister, but I will let her intervene on me, because I am puzzled by the approach that we now have from the SNP. Are we really going to have the bizarre and perhaps unique approach in the Scottish Parliament where the SNP successfully amends a motion to the wording of its choice and then does not vote for the SNP-

amended motion? Will the Deputy First Minister confirm that that is her plan this afternoon? *[Interruption.]*

The Presiding Officer: Please continue, Mr Ross.

Douglas Ross: I am unsure. Are we in uncharted territory where the SNP— *[Interruption.]*

I do not know whether I will get extra time for interventions, but maybe Alasdair Allan can tell us whether he has been whipped to vote for the SNP amendment. If that amendment is successful, will he vote the motion down?

Alasdair Allan: Douglas Ross might have forgotten but, when I attempted to intervene on him some minutes ago, he was making the claim that I had never raised the issue of a member of the committee having tweeted about matters in advance. I was not going to say this, but I did privately raise the issue with the convener of the committee. That was supposed to be in private—not that everything from the committee was in private.

The Presiding Officer: Please conclude, Mr Ross.

Douglas Ross: Therefore, I was correct that there were no public statements from any MSP apart from John Swinney, and there was no answer—*[Interruption.]*

Members should listen, so that we get this correct. SNP MSPs are going to vote to amend the motion to the wording of their choice, but they are not going to support the SNP-amended motion. It is bizarre in the extreme.

From the beginning, this has been a sorry saga for the SNP Government, but John Swinney had the opportunity to clean the slate. Instead, he chose to support his friend and colleague in direct opposition to the Scottish public. Unlike the SNP, the Scottish Conservatives will back the ban today because Michael Matheson has failed the public and this Parliament. His actions are indefensible but, amazingly, John Swinney and the SNP continue to oppose any punishment of their friend and colleague.

The Presiding Officer: Please conclude, Mr Ross.

Douglas Ross: People across Scotland are watching in disbelief and they are watching the SNP.

15:12

Jackie Baillie (Dumbarton) (Lab): I thank the Standards, Procedures and Public Appointments Committee for its report on the complaint about Michael Matheson. It is difficult to sit in judgment

of our colleagues but, given the severity of the situation, the committee arrived at a judgment that Mr Matheson should be excluded for 27 sitting days, with the further sanction of losing his salary for 54 calendar days. I believe that the committee's recommendations reflect the seriousness of the member's actions. What is not disputed is that sanction should be applied, and the Standards, Procedures and Public Appointments Committee was unanimous on that point.

Michael Matheson used a parliamentary iPad inappropriately by allowing his family to use the device as a hot spot to watch football games while on holiday in Morocco. Those of us with experience of teenage children understand and have sympathy with the challenges. Had Michael Matheson confessed when he was first challenged, it might have led to one day's uncomfortable headlines and an acknowledgment from all of us that there but for the grace of God we go. The problem was that there was no admission of error and no apology or contrition. Instead, there appears to have been denial, deflection and dishonesty.

Emails from Parliament staff to remind members about changing broadband providers were ignored for years. Emails to remind members to tell Parliament if they were going abroad, so that their broadband package could be adjusted, were also ignored. Most problematic of all is that questions from Parliament staff about the scale of the iPad bill were largely ignored and ultimately denied. Even the most diligent MSP cannot run up an £11,000 roaming charges bill, especially at Christmas, when constituents have other priorities. However, that pattern of denial continued, misleading Parliament, misleading the press and, ultimately, misleading the people of Scotland.

It is the cover-up, rather than the original sin, that is always the problem, and it is the contempt in his actions for the Parliament, the press and the public that I am most disappointed by. It is a profound error of judgment from someone whom I have always had a great deal of respect for, despite our being in different political parties. He is one of the class of 1999—we entered Parliament together—and he should have known better. Although I would clash with him regularly about health policy, I recognised his commitment to the national health service. However, that has all been swept away by his actions.

I am disappointed by the SNP's amendment, but not surprised. It clearly cannot politically amend the scale of the sanction as it knows that it cannot win the vote. Instead, the amendment is an attack on the committee and, by extension, on the Parliament. This is about John Swinney protecting his friend. This is John Swinney undermining the

integrity of the Parliament—something that he already has form on. This is about John Swinney putting party before country.

Ultimately, it should be for the people of Falkirk West to decide whether they want Michael Matheson to continue to represent them, but their voice is denied because the Parliament has no provision for a recall petition. I will discuss that in the debate that follows. It is surely an omission that we should rectify.

The public is right to expect the very highest standards from their MSPs, but Michael Matheson's actions have brought our politics into disrepute, and John Swinney's attitude in wanting to protect an SNP MSP adds fuel to the fire. It is truly a case of party before country every time with the SNP, so I hope that members will vote in support of the Standards, Procedures and Public Appointments Committee to restore integrity to our politics.

15:17

Gillian Mackay (Central Scotland) (Green): I hope to be brief in my comments. The Scottish Greens will support the sanction recommended by the committee, and Mr Matheson should be held accountable for his actions. Beyond that, I will lay out our concerns about the committee process in this case and in more general terms.

I believe that members who commented publicly on the guilt of the member being investigated should have recused themselves from the process. I believe that that should equally apply to anyone in the future who expresses their thoughts on the innocence or guilt of a colleague. There should also have been public condemnation before today of the leak of the potential sanctions on the day before the committee met.

More generally, the process needs reform. We do not, for example, take precedent into account. I know that the convener of the SPPA Committee and I disagree on that, and I am aware that there are differing opinions, but the situation is that, previously, an MSP who had been sanctioned for sexual harassment received a lesser sanction than the one that is in front of us today. I certainly hope that members in the chamber agree that harm to people should carry the greatest sanctions. Taking previous sanctions into account would allow us to ensure that sanctions are consistent.

We also allocate seats on the committee in the same way as for scrutiny committees. If we want it to be truly cross party and considered fair, the allocation of seats on the committee and its make-up need to be looked at to ensure fairness and to prevent politicisation of sanctions. The process at Westminster, although far from perfect, is better

than the one that we have here and there are some aspects that we might be able to adopt.

I hope that, in the coming weeks, Parliament will be able to take a serious look at the process and have a serious conversation about how we fix and depoliticise the process.

15:19

Willie Rennie (North East Fife) (LD): We will vote in favour of the recommendation by the Standards, Procedures and Public Appointments Committee. However much we might dislike the outcomes, we will find ourselves in very difficult territory if we take a pick-and-mix approach to the recommendations of the Parliament's established processes.

With regard to the concerns of the First Minister, although Annie Wells could have followed the course of action that was taken by Stephen Kerr, she was not required to do so by parliamentary standing orders.

On Kate Forbes's amendment, I am troubled by the Government seeking to issue instructions with regard to the complaints process and its independence, especially in a case on which there was so much agreement.

The Scottish Parliamentary Corporate Body and the Scottish Parliament's Standards, Procedures and Public Appointments Committee both agreed that Mr Matheson breached sections 7.3 and 7.4 of the code of conduct for MSPs. That conclusion was reached by all members of the committee, including those from the SNP.

All members of the committee, including the SNP members, agreed that Mr Matheson made an improper claim. All members, including the SNP members, agreed that Mr Matheson failed to undertake a sufficient level of inquiry before submitting the claim. All members, including the SNP members, agreed that Mr Matheson failed to abide by the policies adopted by the corporate body. All members, including the SNP members, agreed that Mr Matheson failed to ensure that his parliamentary iPad hotspot facility was not used for non-parliamentary purposes to a significant extent.

Alasdair Allan: Will the member give way?

Willie Rennie: Not just now.

All members, including the SNP members, agreed that Mr Matheson failed to inform the corporate body, during the period 9 to 16 November 2023, that his previous statement was unsound. That was very grave. All members of the committee agreed on the financial penalty, and all members of the committee agreed that there should be a suspension.

The only disagreement was on the number of days for which Mr Matheson should be suspended. Oliver Mundell initially proposed a 54-day suspension to match the financial penalty. He made a second, compromise proposal to halve that to 27 days. SNP members did not make an alternative proposal and the 27 days was subsequently agreed by the committee.

The committee was in agreement nine times; only once there was disagreement. It is therefore wrong to undermine the whole process, especially when there was so much unanimity throughout that process.

Alasdair Allan: Will the member give way?

Willie Rennie: Not just now.

However, importantly, there is a warning to those on the committee who voted for the tougher sanction. A new bar—a new standard—has been set. I take Gillian Mackay's points about precedence. From my perspective, it will now be expected that the level of penalty that was agreed by the committee in this case will be applied in future cases of a similar nature and severity. It cannot be one rule for SNP MSPs who err and another rule for Conservatives, Greens, Labour or even—dare I say?—Liberal Democrat MSPs who breach the rules. Of course, not every complaint is exactly the same, but members of the committee will have to act fairly and consistently when applying future penalties.

15:22

Kate Forbes: As I outlined earlier, our fundamental disagreement is not on the principle that a breach occurred or that actions have consequences. Willie Rennie set out comprehensively where the areas of agreement are. Those principles have been established, and we agree. Instead, our amendment is about a third principle: the principle of fair, impartial and proportionate justice when it comes to sanctions.

All MSPs, now and in the future, need to rely on, trust and have confidence in the Parliament's processes and procedures.

Douglas Ross: Will the member give way?

Kate Forbes: I will not give way, thank you.

They need to know that we have in place a system in which Parliament and procedure matter more than politics. That should apply equally to members of every party, because every party has had members who have been subject to the process over the years, and all parties have demonstrated their ability to be impartial when it comes to the application of justice on fellow members.

Douglas Ross: Will the member give way on that point?

Kate Forbes: The member has shared his views already, and I would like to complete my contribution.

Perhaps one of the highest-profile examples of that was at Westminster. The Labour MP Chris Bryant recused himself from presiding over the investigation into Boris Johnson. Referencing public comments that he had previously made about the then Prime Minister, he recused himself from the committee that was potentially going to be tasked with conducting the investigation.

He explained at the time that

“it is ... important that the House be seen”—

I repeat, “be seen”—

“to proceed fairly without any imputation of unfairness and that the whole House have confidence in the Committee of Privileges' proceedings.”

That was despite also saying that he believed that he would have done everything in his power to ensure that the

“inquiry was fair, consensual and evidence based”.

That is because the perception of unfairness is just as damaging to justice as the fact of unfairness.

I believe that there is an opportunity for parties to work across the chamber to inspire confidence in our procedures. Surely, as we mark a quarter of a century of the Scottish Parliament, now is the time to do so.

In that vein, I note Jackie Baillie's comments, and the Labour amendment in the next debate, about the recall of MSPs. If agreement can be reached, there is no reason why a form of recall cannot be introduced to this Parliament with cross-party support. That must be preceded by an independent process that is built on the well-established tenets of evidence-based, impartial and proportionate justice.

The recall process at Westminster is based on an entirely independent complaints procedure that has in-built rights of appeal. I believe that it is time for this Parliament, through the Scottish Parliament Corporate Body, to initiate an independent review of the complaints process. Perhaps, on that, we can agree. The objective must be to ensure that members of the Scottish Parliament abide by the highest standards of integrity in public service, that they give confidence to the public that actions have consequences and that there is a process to determine that—a process that is free of bias, prejudice and politics.

I think that, out of this situation, we can work collectively to avoid bringing any of our procedures into disrepute and to ensure that they are fit for the future.

The Presiding Officer: I call Martin Whitfield to wind up the debate on behalf of the committee.

15:26

Martin Whitfield: I have, as expected, different views from those being expressed today. However, I would like to clarify some of the points that have been raised.

I will turn first to Willie Rennie's contribution. I urge members in the chamber and people outside the Scottish Parliament to read the report in full. It is not the role of the committee to review the investigation that took place or the decisions that were reached. We were tasked with answering a question about whether there should be a sanction and about the extent of any sanction.

With regard to comments that have been made about the committee's terms of reference, a lot of what we undertook we undertook privately. The Deputy First Minister has talked about the need for fair, impartial and proportionate justice. Let me rephrase that, I hope with her consent, into the world of natural justice.

One thing that the committee undertook before we started any evidence gathering was to discuss and agree the procedure that we, as a whole committee, would follow. Alasdair Allan did not serve on the committee at that stage, because of changes that had occurred within the Scottish Government, but the committee was unanimous in its view on how the matter was going to be taken forward. If there were concerns among committee members, that would have been the opportunity for them to express those views.

Jackie Dunbar (Aberdeen Donside) (SNP): It has been mentioned in the chamber that I raised no concerns about the remarks that were made about another committee member. Will the committee's convener correct the record on that today? Will he also inform the chamber when the letters from John Swinney were shared with the committee? Those points are very important.

Martin Whitfield: I am grateful to Jackie Dunbar for that intervention and for her role on the committee. She raises a number of points. With the greatest respect to the First Minister, the correspondence from Mr Swinney arrived after we had agreed the process that we would take forward and the make-up of the committee. The provisions for how a committee is made up are in our standing orders, which I know have now been published for people to see. With regard to the process by which we reached the decision that is

expressed in the report—again I turn, with respect, to Willie Rennie—there was long and respectful discussion about periods of time that would or would not be put forward. Again, I would ask members and those outside the Parliament to read our report, which will give an explanation of where we got to.

There has been a question about a leak. Any leaks sit within the purview of the independent Commissioner for Ethical Standards in Public Life in Scotland. If anyone has any information regarding that, that is the appropriate route to take.

Kevin Stewart (Aberdeen Central) (SNP): Will the member give way?

Martin Whitfield: I will decline, simply because of the passage of time.

It is important to reflect that we are dealing with matters of genuine and significant concern regarding the way in which members conduct themselves in their parliamentary duties and the ethical standards framework that we must uphold under the principles known as the Nolan principles. It is an honour to be elected to this place, but one of the consequences of that honour is the absolute obligation that we have to set higher standards for ourselves than we expect of those who have not been elected, and we must also uphold those standards. The committee is an important manifestation of that expectation.

That is how respect is developed and how it is maintained so that, when and if we have to ask our communities some of the hardest questions or ask them to take some of the hardest actions, we can do so without being selfish and with integrity, objectivity, accountability, openness, honesty and leadership.

Kevin Stewart: On a point of order, Presiding Officer. We are dealing with an extremely important situation. Questions have been posed to the convener of the Standards, Procedures and Public Appointments Committee but not answered by him. He has just talked about honour and respect. It is absolutely essential that members have the answers to the questions that Dr Allan and Ms Dunbar posed around what they said to the convener privately. The convener has not answered those questions, which are extremely pertinent to the matter that we are discussing today. [*Interruption.*]

The Presiding Officer: Members.

Kevin Stewart: So that we make the right decision, I would like to hear the convener, with honour and respect, answer those questions.

The Presiding Officer: I am sure that Mr Stewart is well aware that that is not a point of order and that members' responses to questions

or contributions in this chamber are entirely up to them.

That concludes the debate on the Standards, Procedures and Public Appointments Committee's first report in 2024, in session 6.

There are two questions to be put. The first question is, that amendment S6M-13368.1, in the name of Kate Forbes, which seeks to amend motion S6M-13368, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee's first report in 2024, in session 6, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. There will be a short suspension to allow members to access the digital voting system.

15:33

Meeting suspended.

15:36

On resuming—

The Presiding Officer: We move to the vote on amendment S6M-13368.1, in the name of Kate Forbes.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 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)
 Dorman, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)

McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Chapman, Maggie (North East Scotland) (Green)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

The Presiding Officer: The result of the division is: For 68, Against 56, Abstentions 2.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S6M-13368, in the name of Martin Whitfield, on the Standards, Procedures and Public Appointments Committee’s first report in 2024, in session 6, as amended, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Martin Whitfield: On a point of order, Presiding Officer. My device will not connect to the digital voting system to confirm that I voted yes. I would like to see whether my vote has been registered.

The Presiding Officer: I can confirm that your vote has been recorded, Mr Whitfield.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)

Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Mackay, Gillian (Central Scotland) (Green)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 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)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 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)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 64, Against 0, Abstentions 63.

Motion, as amended, agreed to,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report, 2024 (Session 6), Complaint against Michael Matheson MSP (SP Paper 597); agrees to impose the sanctions recommended in the report that the Parliament excludes Michael Matheson MSP from proceedings of the Parliament for a period of 27 sitting days and withdraws his salary for a period of 54 calendar days to take effect from the day after this motion is agreed; recognises that Stephen Kerr MSP resigned from the Standards, Procedures and Public Appointments Committee in March 2024 as he had made public pronouncements on this case ahead of the complaint being heard by the committee; agrees with Stephen Kerr MSP that to have remained as a committee member 'would have been wrong' as he 'couldn't meet the test to be unbiased'; notes that Annie Wells MSP also made public pronouncements on this case in advance of the complaint being heard by the committee and has remained a committee member throughout; agrees that this runs the

risk of the committee report being open to bias and prejudice and the complaint being prejudged, thereby bringing the Parliament into disrepute; further agrees with the disappointment expressed by the Standards, Procedures and Public Appointments Committee that material relating to the committee's deliberations appeared in the media prior to its decisions being reached and announced, and calls on the Scottish Parliamentary Corporate Body to initiate an independent review of the Parliament's complaints process to restore integrity and confidence in the Parliament and its procedures.

The Presiding Officer: I will allow those on the front benches a moment to change positions before the next item of business.

Michael Matheson

The Deputy Presiding Officer (Liam McArthur): The next item of business is the debate on motion S6M-13365, in the name of Douglas Ross, which calls for the resignation of Michael Matheson. I invite members who wish to participate to press their request-to-speak button now or as soon as possible.

15:42

Douglas Ross (Highlands and Islands) (Con): We have just witnessed the Scottish National Party, under John Swinney, failing to vote for an amended motion that it drafted. Just to be clear to the public, the wording of the motion that has just passed, which every nationalist just failed to support, was the wording that the SNP Government asked the Parliament to agree to. We know that independence will be line 1 of the SNP manifesto. It seems that incompetence will be line 2.

SNP MSPs have just said to the public across Scotland that they believe that their friend and colleague should receive no sanction at all—nothing. They did not lodge an amendment to say that the sanction should be a suspension of fewer days or that his salary should be docked for a reduced number of days. They said nothing at all.

Up and down the country, people will look at that and wonder why the SNP politicians here today are supporting their friend rather than doing the right thing. I am struggling to understand the strategy behind that. I can only assume that SNP spin doctors are hoping that tomorrow's headline is "It's a guddle, not a fiddle", but of course it is both: it is a guddle, because they have ended up not voting for the wording of the motion that they drafted themselves, and it is a fiddle, because Michael Matheson tried to claim £11,000 of taxpayers' money and thought that he could get away with it. When he did not, he lied to cover up his tracks, and when he was found guilty by the Scottish Parliamentary Corporate Body and sanctioned by the Standards, Procedures and Public Appointments Committee of this Parliament, SNP MSPs refused to support that.

Now that the Scottish Parliament has agreed the guilt of John Swinney's disgraced colleague and friend, the question of what happens next is the substance of this debate.

I notice that the First Minister has walked out. He does not want to take part in a debate about his colleague, who should resign for what he has done. That is quite telling.

The standards committee has issued the longest suspension—27 sitting days—ever given

to an MSP. The committee can operate only within the rules of this Parliament, which, time and time again, we have found are out of date. Although the right to recall was introduced at Westminster more than a decade ago, no such opportunity exists here.

I know that some SNP MSPs would like to speak to the standards committee about procedures in Westminster and use their experience to frame the debate. One such MSP is Michael Matheson. In his personal statement to the committee, speaking about the independent nature of the House of Commons in looking at things and citing a House of Commons process such as the right to recall, he said:

"Should the committee give consideration to this at a later date I would be happy to assist in anyway, given my experience over the last five months."

I hope that Michael Matheson is also happy to assist the committee with a right to recall. My colleague Graham Simpson is introducing a non-Government bill to introduce a right to recall here in the Scottish Parliament. He has consulted on it, and it is close to being ready to be introduced in this Parliament.

We need that right, because the sanction that has now been agreed by every MSP, apart from those on the SNP benches, would have led to a recall at Westminster. It is almost three times the length of suspension that requires a recall at Westminster. If an MP is suspended from the House of Commons for more than 10 days, their local constituents have the right to say whether they are fit to continue in their job.

As I said earlier, I strongly believe that Michael Matheson does not just need to be suspended for 27 days—he needs to be sacked. He must leave this Parliament.

Even if SNP MSPs do not agree with that, what is their objection to saying to the people of Falkirk West, "Judge Michael Matheson. Judge his conduct in this scandal in a by-election"? Michael Matheson can be the SNP candidate. If, as we have seen today, every SNP MSP supports Michael Matheson to receive no sanction at all, they should call a by-election and go out and campaign with him. They should knock on doors with Michael Matheson in Falkirk West and ask the people of his constituency whether they believe that he is trustworthy and has integrity. If any of the nationalist MSPs has integrity, surely they would agree with that.

John Mason (Glasgow Shettleston) (SNP): Douglas Ross compared things with Westminster. Does he accept that the Westminster process is somewhat more independent and not run by other MPs?

Douglas Ross: I am very glad that John Mason raised that point, because I read in Michael Matheson's lengthy personal statement about his concerns with the process of the corporate body. I find it puzzling that Michael Matheson has been so dismissive of the process of the corporate body investigating Michael Matheson. Who was it that referred Michael Matheson to the corporate body for investigation? It was Michael Matheson.

If there is an issue with the system, it started with Michael Matheson referring himself to a body that he now thinks did not look at his claim in as appropriate a way as it could. However, we of course know that the corporate body looked at it in considerable detail. It looked at the facts of the case, and it is an open and shut case.

Michael Matheson could see that there were issues in his roaming bill. He actually said in his statement that he feels he was assisting Parliament in claiming £3,000 out of his office costs to pay for that bill. His story to this Parliament, the public and the press then repeatedly changed. We all remember nationalists lining up to say, "There's nothing to see here. Draw a line under this and move on". He had the support of the former First Minister and stayed in the Government for months.

The nationalists did not want to take interventions earlier, so I ask SNP members whether they really believe that the situation has been at no cost to the taxpayer. Let us not forget that Michael Matheson left the Government with a payment from the taxpayer of almost £13,000. The original bill that he tried to claim from the taxpayer was £11,000 but, because he resigned the day before the corporate body published its report, he got £13,000 from the taxpayer for resigning in disgrace.

However, resigning from the Cabinet and the Scottish Government is not enough: Michael Matheson should do the right thing and resign from the Parliament. I cannot understand how MSPs on the SNP benches—and, indeed, on the Green benches, given the Green amendment—are willing to continue to support someone who has brought our Parliament into such disrepute.

We know that the formal agreement between the SNP and the Greens has broken down, but we now seem to have the Bute house agreement 2.0. Strangely, the Government is not amending my motion. I am not sure that I can remember a case in which the Government did not want to amend a motion from the main Opposition party on our debating time. It has left that to the Greens.

If Mr Hepburn wants to intervene, I am more than happy to give way. I know that he is a new Minister for Parliamentary Business—perhaps he forgot to lodge an amendment—but does the SNP

agree with my motion? Is that why the SNP does not want to amend it or is the party working with the Greens behind the scenes to contrive to vote it down?

People—not just in the Parliament but across Scotland—can see that Patrick Harvie and Lorna Slater might have been kicked out of ministerial office but that the Greens and the SNP are still working closely together. In this case, it is not for the environment, for the climate or to do good for Scotland, as they often claimed that they would do, but to protect Michael Matheson. It is to protect someone who lied to the Parliament, said to the press and the public that there was nothing to see and continued regardless.

The Deputy Presiding Officer: Mr Ross, I remind you and other speakers in what I am sure will be an emotionally charged debate to be careful with the language that we use.

Douglas Ross: I am grateful, Presiding Officer.

The Greens will rush to the defence of the SNP again tonight and move their amendment—an amendment that, in normal times, the SNP would have lodged.

People across Scotland are watching in disbelief. They watched in disbelief last week when John Swinney defended the indefensible, and they watched today as SNP MSPs refused to vote for any sanction against Michael Matheson. John Swinney is now refusing to take action even within the party. He has not even suspended Michael Matheson when, in a normal job, he would have been sacked by now.

Standards in public life matter. The SNP is quick to accuse others but not so quick when the question relates to one of its own. Michael Matheson deserves to be sacked for the scandal. If the SNP and Green MSPs will not vote for that, and if they choose to defend him and defend the indefensible, it will be up to the voters across Scotland to judge on 4 July. Looking at the gloomy faces on the SNP benches, I think that they know what is coming.

I move,

That the Parliament believes that Michael Matheson should resign as an MSP for misusing taxpayers' money and making misleading statements.

15:53

Jackie Baillie (Dumbarton) (Lab): This is definitely groundhog day. There have been two debates on the same subject, one after the other, so I apologise to members and people who are listening if I repeat some of the points that I made earlier. I believe that they bear repetition.

Others will question the Conservatives' motivation, so I will consider that for a moment. Do I suspect that the Conservatives lodged the motion calling for Michael Matheson to resign because there is a general election? Yes, I do. Do I suspect that it was also prompted by John Swinney's extraordinary attempt to defend the indefensible? Yes, I do. Do I suspect that the Tories have noted the recent poll in *The Scotsman*, in which 65 per cent of those who were surveyed said that Michael Matheson should resign? Yes, I do.

That said, it is clear that neither John Swinney nor, indeed, Michael Matheson, consider that to be a course of action that they intend to follow. In fact, I saw a television clip of Michael Matheson last week saying that he intended to stay, and to stay for many years to come. I gently point out that that will be entirely a matter for the people of Falkirk West. It is breathtakingly arrogant to suggest otherwise.

The issue has had real cut-through with members of the public. The majority are clear that Michael Matheson should go. A number of people in my constituency, as I have met them going about my business, have said to me that, if they had abused their expenses in that way, they would have been sacked. That is the real world that the majority of people are living in, in contrast to the bubble that is Holyrood.

It is worth recapping the events. Michael Matheson misused a Parliamentary device, an iPad, that he took on his holiday to Morocco. He ran up roaming charges of £11,000, which is an eye-watering sum of money. I consider myself to be a hard-working and diligent MSP—my constituents will decide the truth of that. However, I would be hard pressed to spend that kind of money on roaming charges—and I work during my holidays, much to my family's horror and the dismay of my hard-working staff. Christmas and New Year are the quietest periods for parliamentarians, as our constituents, quite rightly, have other priorities on their minds. Any MSP would be hard pushed to run up a bill of £1,000, never mind £11,000, during that time of year.

Douglas Ross: Does Jackie Baillie agree that, if it is to be believed that the data roaming charges were solely used for parliamentary purposes, that that would have required someone to type and send an email every 10 seconds continuously for 24 hours during the Christmas holidays? Could any members on the SNP benches believe that?

Jackie Baillie: I will not dispute the information and data that has been given. That is the one time of the year that our constituents take a break and decide not to email us, so I struggle to understand how that could be achieved.

As I said earlier—the public might not know this—we all get emails from Parliament staff reminding us when there are changes to broadband providers; several, in fact, if we do not respond. We also get emails before recesses, asking us whether we are going on holiday and where, so that packages can be adjusted. Nobody in the Parliament can say that they did not know.

When the parliamentary authorities raised the matter with Michael Matheson on at least four occasions, he denied that there was any problem whatsoever. He had sight of the detailed bill and, to be frank, when it was released to the public, it took people on Twitter all of two minutes to work out that usage was highest when football games were on. It was obvious. Michael Matheson is not a stupid man. I believe that he knew, and that he said nothing. The tragic thing is that he has paid a high price for it. His reputation is in tatters, he has had to resign from ministerial office and he has been sanctioned by the Parliament. Had he held his hands up, apologised and paid back the money straight away, it might have caused a day's uncomfortable headlines, but many of us who have children would have understood. Teenage boys love football and it is a passion that many will share with their fathers. If it had been my daughter, I would have known, but in her case, she would have been watching either Netflix or Taylor Swift's "Eras" tour. We know these things about our families. To be frank, the problem was not the original sin but the cover-up, lies and obfuscation. There was no admission of error, no apology, no contrition. Instead, there has been denial, deflection and dishonesty.

As I said before, the most problematic for me were the questions from Parliament staff about the scale of the iPad bill and Michael Matheson's flat denials. The pattern of denial—misleading the Parliament, misleading the press and, ultimately, misleading the people of Scotland—continued right up to the end and showed contempt for all three. That is a profound error of judgment from someone who should have known better.

Michael Matheson has been in the Parliament since 1999. He has been a Government minister for much of the SNP's tenure, and I regret the fact that his career is, in effect, over. Ultimately, it should be for the people of Falkirk West to decide whether they want Michael Matheson to continue to represent them, but their voice is being denied because this Parliament has no provision to recall MSPs.

The UK Parliament can initiate a recall petition if a member is suspended for 10 days or more. We have seen that used in Scotland in the case of Margaret Ferrier, who travelled while infected with Covid and recklessly endangered the safety of others.

John Mason: Will the member take an intervention?

Jackie Baillie: No, thank you.

Her constituents recalled her, there was a by-election and the people of Rutherglen and Hamilton West elected Labour's Michael Shanks by a resounding majority. They decided what should happen in those circumstances. So, it is right that we should rectify this omission. It is right that the people of Falkirk West should have the opportunity to recall their MSP, too.

I genuinely do not understand the attitude that has been adopted by John Swinney this week. Instead of upholding the highest standards of office, he chose to protect a friend. Instead of upholding the integrity of Parliament, he chose to attack members of the standards committee. Of course, John Swinney has form in undermining the Parliament and the ability of its committees to do their job, but what utterly poor judgment. This is about John Swinney, as First Minister, putting party before country, defending the indefensible and being out of touch with the people of Scotland.

I hate the sleaze and scandal that we have seen with the Tory Government, but I am afraid that the behaviour of John Swinney over the past week has been straight out of the Boris Johnson playbook. If members need any proof of that, they should look at the preceding debate. Frankly, I am astonished that the SNP failed to support a motion that it had succeeded in amending. By doing that, the SNP demonstrated its contempt for the Parliament and, more important, the people of Scotland. It has undermined the committee and the Parliament, and it has demonstrated yet again that it always puts party before country.

There is a pattern of behaviour here from the SNP. This is a party that is currently under live police investigation, that lied to the *Sunday Mail* over membership numbers and that covered up for the fact that its auditors quit.

The Deputy Presiding Officer: Ms Baillie—

Jackie Baillie: I am coming to a close, Presiding Officer.

The Deputy Presiding Officer: I know. As I indicated to Mr Ross, I think that we need to be taking care with the language that we use in this debate, and I encourage you to do likewise.

Jackie Baillie: I would be nothing other than careful, and everything that I have said is factual.

The people of Scotland need to have a right to recall their MSPs, but, until that happens, I think that Michael Matheson should do the decent thing and consider his position.

I move amendment S6M-13365.1, to insert at end:

“, and further believes that the people of Scotland should have the same right to recall MSPs as they do to recall MPs from the UK Parliament, if they are found to have behaved inappropriately by the Standards, Procedures and Public Appointments Committee.”

16:03

Patrick Harvie (Glasgow) (Green): I was not expecting today to be the Scottish Parliament's finest ever day, and I think that that expectation is going to be met. I am in no doubt at all that Michael Matheson's actions have severely damaged trust in our Parliament and deserve serious sanction. That is why the Greens made it clear that we would vote for the sanctions that were proposed by the committee, and we would have voted against any attempt to water down those sanctions, had such a proposal been made.

I suspect that Michael Matheson knows only too well that, as Jackie Baillie said, if he had been honest and up front about the situation from the outset and had made it clear from day 1 that he had made a mistake, that he had repaid the money and that he was sorry, he would not have won many fans, but it would not have resulted in this long-running scandal. His actions were serious and, appropriately, the sanction that has been agreed to is the most severe sanction that the Scottish Parliament has ever agreed to. I have to say that I think that the SNP should have accepted that and should have voted for the sanction.

However, the proposition that is before us in this second debate that we are now having goes so far beyond the sanction that was proposed that there is only one comparison that I can think of. The only time I can recall when the Parliament voted for a motion that called for a member to resign was when an MSP was sentenced to 12 months in prison after being convicted on multiple counts of domestic violence. Michael Matheson's actions were serious, but they were not that. I hope that no one in the Parliament would suggest that they should be compared with that level.

My party and I have serious concerns about the process. Far from being fair and objective, many aspects of how the situation has been handled have been partisan. There is quite clearly agreement that there has been a serious breach of the code of conduct. We supported the sanction for that reason. The Standards, Procedures and Public Appointments Committee process is the only one that we have, and its proposal for the sanction was the only one that was brought, but we need to be clear that that leaves a lot to be desired. There is no consistency about the severity of sanctions that should be used in different cases. This is a harsher sanction—significantly so—even than that for a case of

sexual harassment that was dealt with in session 5.

A committee member made public comments before taking evidence and then did not step back from the process. That opens the possibility of at least the appearance of a lack of impartiality. There has been the question about John Swinney's correspondence to committee members not being provided to them. There was, of course, the leaking of draft recommendations before a last-minute decision to significantly increase the proposed sanction. That leaves us no way of knowing what the committee would have done if that leak had not happened. We cannot know whether that affected its final decision.

I am afraid that the convener's reference to the commissioner is of no real help. We all know that action after the fact in such a case is pretty unlikely. We need a process that is beyond reproach in the first place.

This is not the first time that MSPs entrusted with a confidential process have acted in that way. At least one member of the Committee on the Scottish Government Handling of Harassment Complaints in session 5 leaked evidence that victims had given confidentially. That was a far more serious situation than this one, but both situations show that we do not have a process that we can properly trust to be impartial compared with what would take place in another workplace. What kind of process would be capable of that? What kind of process could we have that would not be subject to partisanship?

A power of recall has been proposed again in this debate. That is a worthy issue to bring for discussion. I support the principle, at least for the most serious cases, of an equivalent approach to someone in another job and walk of life losing their job for an offence such as gross misconduct. However, I have argued in the past that, for that kind of process to be above reproach, it must be conducted and decided on independently, not by politicians, and set out on clearly defined ground so that it is not susceptible to the shallow partisan politics that we are seeing today. Let us be clear: that is what we are seeing today.

The Conservatives have some nerve to pretend that they are acting out of principle today after their leader went election campaigning in Falkirk just days ago. They might have maintained the pretence that they are acting out of concern for parliamentary standards at least until after the vote had taken place, but they could not be bothered to do so, because they know that no one will take them seriously. I will treat the idea that a man who served in Boris Johnson's Government is now presenting himself as the standard bearer of truth and decency in politics with the contempt that it deserves.

I began by saying that Michael Matheson's actions have severely damaged trust in Parliament. I think that that is right. That is why he has been investigated, that is why the committee proposed a sanction, and that is why my colleagues and I voted for that sanction. I did so without the slightest pleasure.

I worry that far too many people who have been part of this process see it as a political opportunity to milk some advantage during an election period. Some of the Tory behaviour that we have seen, particularly in bringing this second debate to the chamber, demonstrates that that is what the Tories are here for and that, rather than addressing the damage that has been done to the reputation of Parliament, they seek to exacerbate it.

I move amendment S6M-13365.2, to leave out from "should" to end and insert:

"has been investigated by the Scottish Parliamentary Corporate Body (SPCB), and that decisions on sanctions are a matter for Parliament on the recommendations of the Standards, Procedures and Public Appointments Committee; rejects the calls for sanctions that go far beyond those recommended by the committee; believes that the Parliament requires a sanctions process that can retain confidence across all political parties; recognises that concerns have arisen in relation to the lack of a consistent tariff of sanctions, the potential pre-judging of a case by an MSP who did not recuse themselves from the process, and the leaking of draft recommendations by the committee, and agrees, therefore, that reform of the current arrangements for considering sanctions against MSPs is urgently needed."

16:10

Willie Rennie (North East Fife) (LD): I am a long-time advocate of recall for members of the Scottish Parliament. That has been a welcome innovation at Westminster, and it has restored some degree of faith among voters and changed the relationship between members of Parliament and the parliamentary rules. It is with regret that the perfect was allowed to become the enemy of the good when I pressed several years ago for a cross-party consensus in the Scottish Parliament for its introduction here. The excuse that was deployed by party leaders at the time was that the list system meant that power was not handed back to the voters, but was controlled by the party whips. If we think that the list system is undemocratic, we should change the list system. Our list system has always invested power in the parties to order the list in the way that they wish, but I believe that considering that all MSPs should be free from recall just because we do not have a by-election for the list misses a big opportunity for change.

In the House of Commons, a 10-sitting-day suspension followed by a petition that is signed by 10 per cent of the electorate in that seat would

trigger a by-election. The member who is suspended is entitled to stand in a subsequent by-election. It works. Several members have been subject to the process. It is becoming an established part of our democracy. I am sure that the Scottish Parliament is capable of developing a system of equal integrity compared with that which is established in Westminster.

The 27-day suspension that was recommended by the Standards, Procedures and Public Appointments Committee for Michael Matheson, which we have only just agreed to, is far in excess of the 10-day threshold that triggers the House of Commons process. If Michael Matheson were a member of the United Kingdom Parliament, he would now be subject to a constituency petition. In the absence of a recall mechanism, we will support the motion, which calls for his resignation so that a by-election can occur. Michael Matheson would be entitled to stand in that by-election.

I attended the North Shropshire by-election following the departure of Owen Paterson. Members will recall that Conservative MPs tried to change the rules to benefit him and to save him in his position. That was very much seen as one rule for the Conservatives and another rule for everyone else. They subsequently lost that by-election to the Liberal Democrats. There is a risk that, by acting in the way that Mr Swinney is over Michael Matheson's case, he will be seen in a similar way by the voters.

I therefore believe that it would only be right for Michael Matheson to act voluntarily here as he would be required to act by law in Westminster. He should step down so that a by-election can be held. If he wishes to stand in that by-election, he would be entitled to do so. If his party—the SNP—wished to adopt him as its official candidate, it would be entitled to do so, and if the voters of Falkirk West wished to re-elect him as their MSP, they would be entitled to do so, too.

I have always found Michael Matheson to be a pleasant and courteous member of the Scottish Parliament. I was especially impressed by the way in which he took over as justice secretary after the somewhat turbulent years of Kenny MacAskill. It is therefore with some regret that I support the motion, but I must adhere to the recall policy that I have always supported.

16:14

Graham Simpson (Central Scotland) (Con): None of us can say that we have gone through life without making any mistakes. None of us can say that we have not told the odd porky now and again. We are all human, and none of us is perfect. We occasionally get things wrong. The test is how people react when that happens. We

all live by sets of rules and, as elected representatives, we have rules that we are expected to, and must, abide by. We must accept that, if we break those rules, there can and should be consequences.

I do not know Michael Matheson. I have never had a conversation with him, and I do not have a view on what he is like as a person. However, I do know that he committed a serious error that involved a huge bill to the public purse, that he then tried to wriggle out of it and that he stumped up only when he was bang to rights. I can also say that there is an arrogance about his response to the inquiry into his behaviour and the suggested punishment that I find distasteful. I was astonished by the First Minister's comments last week, but at least common sense has prevailed in the chamber.

I read the reports from the corporate body and the Standards, Procedures and Public Appointments Committee. The job of the first was to establish whether Mr Matheson, who asked it to investigate, had breached the rules under which we operate as MSPs, and its findings were crystal clear—Mr Matheson was guilty and had not met the standards of behaviour that people expect us to hold to.

It was not the corporate body's job to decide what should happen to Mr Matheson, if anything. That was the job of the committee, and that was its only job. It was not its job to reinvestigate, as it made clear in its report. We know what it suggested, and we have just voted on it. A 27-day suspension and 54 days without pay is a record, but the offence is extremely serious. We have just voted on that. Bizarrely, the SNP abstained, and I was disappointed in Kate Forbes's comments, but we must move on.

I briefly turn to the explanation that Mr Matheson provided, which was that his sons watched two football matches on their own device, that they used his iPad as a wi-fi hotspot to do so and that he knew nothing about it until much later. A football fan, such as Mr Matheson, would surely have known that his sons were going to watch an old firm game and would surely have discussed what they watched afterwards. In fact, it would be natural for him to have watched the game with them. Most people would think that a father and his sons might discuss how they were going to watch key football games before they even went on holiday.

If Mr Matheson worked for a private employer and did what he did, he would be out on his ear. He is lucky that he does not. He is also lucky that he does not sit in the United Kingdom Parliament because if he did—election aside—he could have faced a recall process that would no doubt have seen the end of his political career. However, he

faces no such process here, because we have none. That is why he should resign.

That legislative deficit needs to be fixed, which is why I am introducing a member's bill that, if supported, will do just that. It will also tackle the very important issue that Willie Rennie raised about what we do with regional members. I have a solution for Mr Rennie. I hope that the bill will be published before the summer recess. I had planned to say that I hoped that the legislation would never be used—I do hope that—but, as I said, we are all human, and humans make mistakes, so there will be other Michael Mathesons. There will be Scottish Parliament equivalents of Margaret Ferrier and Peter Bone. Some time in the future, if Parliament votes to have a recall process, it will be used.

I will outline the details of my proposals in the next few weeks. My bill is intended to protect the Parliament's integrity, and I hope that those who say that they value that will support it. The public will expect nothing less.

Murdo Fraser (Mid Scotland and Fife) (Con): On a point of order, Presiding Officer. Will you clarify a point of parliamentary procedure? I understand that, although there was no Government amendment to the motion, the Government would be entitled to have an opening speaker in the debate, but I noticed that you did not call a Government speaker. Will you advise me on why that was?

The Deputy Presiding Officer: The Scottish Government elected not to put forward a representative, and that is not a matter for the chair.

16:19

Fulton MacGregor (Coatbridge and Chryston) (SNP): I will start by saying something that has not yet been mentioned. We should all remember that we are talking about a colleague—a man with a family and with feelings. It is important that we reflect that.

The motion that the Conservative Party lodged was intended for a debate on whether Michael Matheson should resign as an MSP but, in reality, it has exposed a sanctions process that does not retain the confidence of all political parties in the chamber. We are now in a situation where the integrity of the sanctions process has been brought into question.

This case has made it apparent that the Standards, Procedures and Public Appointments Committee process is open to prejudice, bias and—it is important to note—political motivation.

Douglas Ross: Will the member take an intervention?

Fulton MacGregor: No. I will not take an intervention, because I want to make progress.

Surely we can all agree that the system needs to be totally unbiased. As it stands, the parliamentary process that we have as MSPs, to stand in judgment on each other, has been brought into serious question.

Let us be clear that Michael Matheson was indeed found to be in breach of the MSP code of conduct by the Scottish Parliamentary Corporate Body.

Stephen Kerr (Central Scotland) (Con): Will the member take an intervention?

Fulton MacGregor: Not just now, Mr Kerr.

Michael Matheson acknowledged the mistakes that he made—I believe that they were genuine mistakes that he was not initially aware of—and then paid back the full amount of the data roaming bill. There has been no cost to the public purse. Because of the incident, the committee was granted, through standing orders, the ability to propose sanctions on the member by a motion to the Parliament.

Michael Marra (North East Scotland) (Lab): Will the member give way?

Fulton MacGregor: I am sorry—I will not give way just now.

Although everyone in the chamber can agree that a sanction is necessary when a member has contravened the code of conduct, the process of developing and determining sanctions is opaque and lacks clear guidance. It is within that ambiguity that politically motivated decision making and bias can arise. It is due to those biases and motivations that such a disproportionate sanction was brought to Parliament.

Stephen Kerr: Will the member give way on that point?

Fulton MacGregor: I will not give way just now, Mr Kerr. I am aware that members want to come in, and I will try to take their interventions if I can.

Before this case was brought to committee and before any evidence was heard, social media posts by Stephen Kerr and Annie Wells, who are both members of the committee, commented on the issue and questioned Mr Matheson's integrity. Those posts clearly indicated that they had prejudiced opinions.

I welcomed Stephen Kerr's decision to step down from the committee; he cited that it would have been wrong to sit on the committee having previously made public comments on the case. Mr Kerr's decision set a clear precedent about the conduct that Parliament should expect from members—[*Interruption.*] I am talking about facts

in this instance. That was a precedent for members who may sit in judgment on such cases and, in many ways, it mirrored the conduct of Chris Bryant MP, who also recused himself recently.

However, the other committee member did not step down and, after publicly prejudging the case, put forward the politically motivated sanction that we have before Parliament today.

Stephen Kerr: Will the member give way on that point?

Fulton MacGregor: I will not give way just now.

Presiding Officer, is there a way to stop heckling? I have said that I am not taking interventions just now.

The Deputy Presiding Officer: Mr MacGregor, please resume your seat for a second. Members are perfectly within their rights to ask for an intervention, and whether to take an intervention is entirely at the discretion of the member who is speaking. If I consider that the attempts to make interventions are in bad faith, as a means of disrupting the member who is on their feet, I will intervene. At this stage, I do not judge that to be the case.

Stephen Kerr: On a point of order, Deputy Presiding Officer. If a member mentioned another member, it would be in good faith for them to consider taking an intervention. Is that a fair point to make about order in this chamber?

The Deputy Presiding Officer: As I said, Mr Kerr, whether to take an intervention is entirely at the discretion of the member who has the floor.

Fulton MacGregor, please continue, and I will give you the time back.

Fulton MacGregor: Thank you, Presiding Officer. I accept your judgment on that.

In addition, details of sanctions and discussions were leaked to the media ahead of the publication of the final decision and, as far as I know, no investigation into the leak has taken place in the committee. Confidence in the system is at a low, and reform is needed.

There have been sanctions in the past, including one for a member who we have discussed, who was excluded from all meetings of Parliament for leaking an embargoed committee report to the press. When sanctions have previously been imposed, there have been no guidelines on what sanction should be imposed, and the development of sanctions has been decided solely by the committee on an ad hoc basis.

Annie Wells (Glasgow) (Con): Will the member take an intervention?

Fulton MacGregor: I will not take an intervention just now.

There is no right of appeal, and it is now becoming glaringly obvious that sanctions that are decided by MSPs can be subject to party political biases. When no guidelines exist, there is too much room for politically motivated decisions.

I stress that I am saying not that there should be no sanctions but that the sanctions need to be proportionate, transparent and fair. I am not the only person to suggest that the process is open to political interference. In 2008, when the Standards, Procedures and Public Appointments Committee proposed just a one-day ban from Parliament for failing to declare leadership campaign donations as gifts, Jackie Baillie said:

“Wendy Alexander has paid a high price for a report that some commentators have described as partisan. Some members may regard what they have done as a political victory, but wiser heads will reflect on the consequences for the Parliament and for democracy. Let the wiser heads in this Parliament dismiss the report, which is unfair, unjust and, frankly, plain wrong.”—[*Official Report*, 4 September 2008; c 10443.]

Michael Marra: I greatly appreciate the member giving way. Does he not recognise that, in this case, a member who knew that something had gone wrong—that there had been a mistake—thoroughly misled both the press and Parliament when he knew fine well what had happened? That is a breach of the standards in public life. It is not comparable to a situation in which people disclose what happened. The situation that we are looking at involves a clear breach of faith, where the standards in public life were broken.

Fulton MacGregor: I accept the member's point, which he is right to make, but I am not the first person to say that the process is open to political bias. His colleague Jackie Baillie made the same point in 2008. Therefore, as I am about to say in relation to the two amendments, there might be scope to change that.

The amendments that the Labour and Green parties have lodged address different concerns. I am happy to look at them in a bit more detail. The Labour amendment seeks to introduce a recall system similar to the one that is used in Westminster, and I and my party colleagues are happy to support that. However, the system can be introduced only if members have complete confidence in the way in which it will be utilised. If we are to emulate the Westminster recall system, the approach must also include an independent process that contains a right of appeal—other members have made that point, too.

Likewise, along with my party colleagues, I am happy to support the Green amendment, which underlines the need for reform and the current weaknesses in the process and procedures. The

amendment also comments on the disproportionate nature of sanctions and the need for clear guidance on sanctions. Importantly, the amendment stresses the need to have confidence in the system, while condemning the committee leaks and prejudicial comments. On that note, I am happy to take an intervention from Annie Wells.

Annie Wells: I would like Fulton MacGregor to reflect on saying that I was suspended from the Parliament for leaking a committee report. I was suspended for commenting on an already-leaked report—it was not leaked by me.

The Deputy Presiding Officer: Fulton MacGregor, will you wind up now?

Fulton MacGregor: I note that the member has had the chance to put that on the record, and I thank her for her intervention.

The issue has highlighted the clear need for reform in our sanctions process. Michael Matheson has been a key member of the chamber since the Scottish Parliament was established. He has been a powerful legislator, introducing almost 20 bills in his time in government, including the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill, the Human Trafficking and Exploitation (Scotland) Bill, the Management of Offenders (Scotland) Bill, the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill and the Domestic Abuse (Scotland) Bill. I remember that it was a very emotional day when the last of those was passed; there were tears all round. I mention that because Michael Matheson is an MSP who actually cares about people.

Of course, those are just some of the examples of good legislation that Michael Matheson has introduced in Parliament. His record also includes voting for progressive policies and voting to mitigate cruel policies of the UK Tory Government. Rather than have him resign, I would say that we need more MSPs like Michael Matheson, who legislate—[*Interruption.*]—to stand up for people in our society who need support and protection.

Stephen Kerr: Will the member give way on that point?

Fulton MacGregor: What we do not need—

The Deputy Presiding Officer: Mr Kerr, resume your seat. Mr MacGregor, conclude your remarks.

Fulton MacGregor: What we do not need is those who use a privileged position to heap misery on the most marginalised in our society.

To sum up, I will support the amendments that Labour and the Green Party lodged. Members must have confidence in our sanctions process, and this politically motivated attempt to remove a

member by handing out an incredibly disproportionate sanction has highlighted the urgent need for reform.

16:29

Craig Hoy (South Scotland) (Con): I am not sure which doors Fulton MacGregor is knocking on, but they are clearly not on the same planet that we are all on—if they were, he would understand that the last thing that people are asking for is more politicians like Michael Matheson.

The old adage that the cover-up is worse than the crime refers to the fact that attempts to conceal wrongdoing can lead to more severe consequences than the original misdeed. However, in the case of Michael Matheson, both the misdeed and its cynical concealment will rightly shock anyone who believes in public service or justice.

Mr Matheson emerges out of the scandal as someone who cynically sought to put his career and his bank balance before the reputation of this Parliament; as someone who fought to save his own skin when he should have been fighting to save our national health service; and as someone who was given repeated opportunities to tell the truth about an improper expenses claim and simply did not.

The sum of money that is involved is not just eye-watering; it is also pertinent and instructive. It exposes why Michael Matheson may have decided to break the rules of this Parliament and, in doing so, the bond of trust that exists between MSPs and the people whom we serve. Had Mr Matheson returned from Morocco to discover a roaming bill of £11 or £1,100, I suspect that he would have just paid it and moved on. However, the fact that it was a staggering £11,000 must surely have been the determining factor when he decided to risk his career, and his reputation, which now lies in tatters, by loading that cost on to the taxpayer.

Mr Matheson still has questions to answer, but I suspect that he will dodge them today, just as he has done in the past. However, questions remain for the former First Minister and, indeed, for the present First Minister. Humza Yousaf stood by his minister, whom he described as a “man of integrity”. Why? Mr Swinney stands by his friend and refuses to sack him. Why? What does Mr Matheson know? What grit is he aware of in the SNP’s oyster that means that he cannot be sacked? Why is John Swinney burning political capital to prop up his pal? Those are all very valid questions, but where is Mr Swinney today to answer them, and why is nobody from this

Government willing to stand at the Government front bench and account for their actions today?

I turn to the First Minister's shocking attempt to smear my colleague Annie Wells—a stunt that has spectacularly backfired this afternoon, as chaos rules in this Parliament, with the SNP's amendment passing but the SNP then not voting for the amended motion. Mr Swinney is meant to be the brains of the operation. If that is so, it is no wonder that many people think that the operation is in serious trouble.

In an act of political self-harm that must, frankly, have even astonished his colleagues, Mr Swinney has sought to lay the blame elsewhere. Last week, he mounted a pathetic rearguard offensive to deflect attention from the fact that he was defending, and is continuing to defend, the indefensible. John Swinney cynically sought to focus on process rather than do what every single one of my constituents wants him to do: to sack Michael Matheson forthwith.

For the record, I am proud to have Annie Wells as a friend and colleague. I am proud that she is willing to speak truth to power. I am proud that she stood her ground as a member of this Parliament's Standards, Procedures and Public Appointments Committee, and I am proud that she did not bend or buckle under the sustained pressure of the SNP's cynical and orchestrated attempt to discredit her reputation.

Our constituents are rightly appalled by Michael Matheson's actions, but they are now equally appalled by John Swinney's mismanagement of the affair. The Scottish Conservatives and the public will welcome the sanction that was proposed and voted for today, but it is clear that it does not go far enough. It is not good enough that Mr Matheson has been sent home without pay. He should now be sent packing, with his P45.

However, Michael Matheson still has time. At the 11th hour, he can admit that the game is up and resign. If he does not, John Swinney must dismiss him from the SNP. If the First Minister fails to do so, in key seats across Scotland, voters can pass a verdict on Michael Matheson, John Swinney, Humza Yousaf and Nicola Sturgeon, and vote Scottish Conservatives to beat the SNP on 4 July.

16:34

Paul O'Kane (West Scotland) (Lab): Wisdom, justice, compassion and integrity are the values that, 25 years ago, this Parliament committed itself to and that every parliamentarian must live up to. Those words are also inscribed on the mace at the front of the chamber.

On the opening day of this Parliament, Donald Dewar said:

"We will make mistakes. But we will never lose sight of what brought us here: ... to do right by the people of Scotland".

It is for each of us to reflect on how we do right by those who have sent us here. To my mind, that means taking responsibility for our actions and responding accordingly.

Claiming thousands of pounds from the people who sent us here and then misleading the press and the public about it, I believe, shows no wisdom of judgment. I believe that it shows no integrity in holding oneself to account, and it shows a lack of compassion for those who are sitting and watching our proceedings, aghast at what has taken place here today. I think that that damages all of us and the very institution of Parliament.

The events of the past month, and of the past week in particular, have shown an utter failure on the part of the SNP and, in particular, John Swinney, to do anything to guard against that damage. We have had the unedifying spectacle of the SNP and the First Minister spending weeks and months trying to defend Mr Matheson. Just a week ago, the First Minister rejected sanctions in an extraordinary performance at First Minister's questions. Then, this morning, we heard that the SNP was performing a U-turn and would back the sanction. However, SNP members got themselves into a situation this afternoon in which they sought to abstain—they did not vote on any sanction at all, and then refused to vote for the motion that they had successfully amended. To call it an "unedifying spectacle" is an understatement.

It is, of course, welcome that the sanction has now been applied, but there are serious questions to answer around the judgment that has been exhibited by the First Minister and SNP members over the past week, which has been

"riddled with inaccuracies and reeks of prejudice".

That sounds familiar, but those are not John Swinney's words from last week but the words of former Prime Minister Boris Johnson defending himself as the House of Commons Committee of Privileges investigated Tory sleaze, including partygate. Along with his allies, the former Prime Minister deflected, and attacked Harriet Harman for having made public comments and for, in his view, politicising the process.

Now we have the First Minister, no less, and allies of the former health secretary making similar criticisms about the impartiality of the Standards, Procedures and Public Appointments Committee. I have to say that some of the language that was used in the chamber this afternoon, particularly in relation to the convener of the committee, was

outrageous. It should be a moment when we hang our heads in shame because such behaviour has been imported into this Parliament, watched over by the SNP.

Those have been astonishing misjudgments by someone who is supposed to be the experienced set of hands and fresh leadership. Perhaps we should not be surprised, because, sadly, this is not new. My colleague Jackie Baillie outlined in some detail the record of failure in this regard by the SNP.

It is clear that if Michael Matheson does not do the right thing and resign, the saga will be recorded in the growing list of SNP sleaze incidents for months and years to come. The SNP acts with an impunity and a hubris that shows that it thinks that this will never come back to haunt it. All the while, faith in our politics and our devolved system slip further and further.

That is why, if Michael Matheson does not do the right thing and resign, the Labour amendment is so important. It sets out our belief that it is time for Parliament to have a recall mechanism to empower our constituents, so that they can hold us accountable when we fall short of the expectations that we set for ourselves and that they have set for us. We have already seen the introduction of such a system at Westminster. It was used in Scotland in the Rutherglen and Hamilton West recall petition and by-election last year, although I point out that, in the process leading up to the sanction of Margaret Ferrier, the SNP MP Allan Dorans sought to vote with the Conservatives to reduce her sanction to nine days in order to avoid having a recall petition and subsequent by-election. That tells us everything we need to know about the SNP's priorities—party first, country and constituents second.

It is beyond doubt that this Parliament must have a right of recall. It will be for Parliament to consider such proposals in the coming weeks and months, but today it is for Michael Matheson to reflect on his own behaviour. I am sure—and my dealings with him have shown me—that he is a decent man. He must now reflect on what has taken place. He must reflect on the judgment and the view of the Parliament. He must do the decent thing and resign.

If, however, he clings on and the Government continues to defend the indefensible, it is clear that the public will sit in judgment on this saga, and they will have their say very soon. Is it not clear that the people of Falkirk West deserve the same chance to decide who represents and speaks for them in this place, and to have the opportunity for a fresh start?

16:40

Stuart McMillan (Greenock and Inverclyde) (SNP): Michael Matheson has indicated that he made mistakes. He has been found to have broken parliamentary rules and has now been sanctioned. It follows that, after the process that was put in place, the sanction was inevitable. In my opinion, however, this debate is just sheer political opportunism. It is a debate following on from a sanction against an MSP, which we have just debated—

Stephen Kerr: Will the member give way on that point?

Stuart McMillan: I have just started.

That sanction was undertaken based on a process that was flawed and, in my opinion, it risks bringing the Parliament into disrepute. The Standards, Procedures and Public Appointments Committee process was open to prejudice, bias and political motivation, when it should have been totally unbiased. If we were supporting a constituent with a case in which the process was clearly flawed, we would highlight the flaw so that the constituent could get a fair hearing. In any court process where a jury is used, consideration is given to the make-up of the jury so that it is made up of independent people with no link to the case that they are about to consider.

Patrick Harvie: With the best will in the world, if that was the SNP's position, should it not have brought a proposal to amend the sanction and then voted for the sanction that it thought was appropriate, rather than refusing to back any sanction?

Stuart McMillan: Today, we had to listen to the debate. The amendments that are taken forward are entirely up to members in the Government but, nonetheless, we had to listen to the debate in terms of what was proposed today.

Why would the Parliament allow a process in which one of the committee members had already prejudged the outcome but remained on the committee to vote in its considerations? That contradiction is highlighted even more by the fact that another member of the committee recused himself for that reason, and I congratulate that member for doing so. Stephen Kerr resigned from the committee in March 2024, and he said:

"I concluded that I couldn't meet the committee requirement to be unbiased toward Michael Matheson and his conduct in public office".

He went on to say that continuing

"would have been wrong, having made so many public pronouncements"

on the matter. He continued:

“For due process to be observed, I feel I must resign from the committee.”

Stephen Kerr: For the record, it is important to state that, in that same set of remarks, I called on Michael Matheson to resign as a member of the Parliament. In any other workplace, if someone attempted to take £11,000 of expenses that were not due, they would face instant dismissal. All that the motion that is before us does is recognise that this workplace is no different from any other workplace—

The Deputy Presiding Officer (Annabelle Ewing): Mr Kerr, I think that Mr McMillan needs to have the chance to respond.

Stuart McMillan: I acknowledge the comments that Mr Kerr just made, but his comments that I quoted suggest that he wanted an independent process in the inquiry. The complete lack of consistency in approach is galling and does the committee and the Parliament absolutely no favours whatsoever.

A number of constituents have contacted me about the situation, some of whom favour a sanction and some of whom are very much against one. However, when someone contacts me and claims that the committee was, and I quote,

“acting like a kangaroo court”,

that says it all.

Stephen Kerr: Aw, no.

Stuart McMillan: Mr Kerr might not want to hear them, but those are comments from a constituent of mine.

I genuinely do not understand why the Conservatives thought that it would be fair and beyond reproach to keep Annie Wells on the committee.

The next point of contention is something that every Parliament and committee suffers from, and that is leaks from private discussions. Those have happened before and, sadly, they will happen again. However, what was reported last week supports the point that the committee has acted with prejudice, bias and political motivation.

Despite the committee having just five members, details of the sanctions and the discussions were leaked to the media, with the *Daily Record* reporting on Wednesday 22 May, ahead of the final decision on Thursday 23 May, that

“The Record can reveal suspension will be the sanction—but MSPs were divided on whether it should be for longer than 10 days ... A Holyrood source said there was a view on committee that the optics would be bad if a 10 day-plus sanction was applied and Matheson stayed on as an MSP.”

The final line in the committee’s report, which was referenced today by the committee’s convener, states:

“Finally, the Committee notes its disappointment that material relating to the Committee’s deliberations appeared in the media prior to its decisions being reached and announced.”

I am not sure whether the convener has asked for any investigation into the leak—although I note his comments in the earlier debate—but what has happened highlights yet again that there was not going to be a fair process.

There is also the question of why the reported 10 days changed to 27 days overnight. What changed? A cynic would say that the calling of a general election led to people seeing an opportunity to push for a by-election on the same day.

It is time for the SPCB to initiate an independent review of the Parliament’s complaints process to restore integrity to and confidence in parliamentary procedures. If no review takes place, we will be in trouble and no one will or should have faith in the process again. Members of the Parliament, now and in the future, need to rely on, trust and have confidence in the Parliament’s processes and procedures.

The Deputy Presiding Officer: I take it that you are concluding, Mr McMillan.

Stuart McMillan: I am.

I have absolutely no qualms about the Labour amendment, but it is crucial that people realise that, as well as the recall process, Westminster has an independent complaints process and an independent Parliamentary Commissioner for Standards. If we are to have any type of recall process, before we get to that point, we need to have an independent process.

16:47

Sue Webber (Lothian) (Con): The Scottish Conservatives lodged this motion calling on Michael Matheson to

“resign as an MSP for misusing taxpayers’ money and making misleading statements.”

Surely it should not need the Scottish Conservatives to do that; Michael Matheson should have resigned for misleading the public and the Parliament long ago.

Frankly, the SNP’s subsequent handling of the situation has been appalling. Doubling down, it has put the party before the people of Scotland, and Fulton MacGregor appears to be saying that the SNP’s position is that we need more Michael Mathesons—I tell you what.

In the real world, someone would lose their job for what Michael Matheson did. In businesses across the country—large and small—misusing expenses is a sackable offence. It is black and white in the world outside this parliamentary bubble, but First Minister John Swinney has chosen to defend the SNP MSP—his friend.

The Scottish Parliament's Standards Procedures and Public Appointments Committee recommended that Michael Matheson be suspended for 27 days and have his salary withdrawn for 54 days, which we voted for earlier this afternoon. The penalty should have been, and could have been, far more severe.

However, despite a cross-party group of MSPs, including SNP MSPs, reaching that conclusion, John Swinney said that the investigation into Michael Matheson's £11,000 data roaming scandal was prejudiced. He said:

"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 ... I do not believe that the sanction can be applied."—[*Official Report*, 23 May 2024; c 13.]

Has the First Minister conveniently forgotten that Michael Matheson was reimbursed following his £11,000 claim for roaming charges on a family holiday? It was agreed with the Parliament that the bill would be paid out of the public purse, including £3,000 from his own office costs allowance. That is all taxpayers' money. There was no cost to the public purse, as the First Minister stated, because, several months later, Mr Matheson came clean and eventually paid back the money because he was found out.

Last week, I was stunned to witness John Swinney turn on my colleague Annie Wells during First Minister's question time. Sitting next to Annie on Thursday, I felt the full ferocity of the attack as it was made, all while John Swinney attempted to portray his friend Michael Matheson as a victim in this whole sorry situation. It was quite something to behold. Let us remember that SNP members on the Standards, Procedures and Public Appointments Committee, alongside Annie Wells, also felt that Michael Matheson should be sanctioned, so this performance by the First Minister was completely unnecessary and uncalled for.

What is more telling is how members of the public who were watching FMQs from the gallery that day perceived the entire sorry situation and how out of kilter that was with public opinion. Immediately afterwards, I popped to the chat room, where we often go after FMQs to meet pupils from our areas. I met S3 and S6 pupils from Forrester high school. It is a shame that the First Minister is not here because I do not have to tell him where that school is: that is the school that he

attended. Those pupils had just been at FMQs and the very first question came from a young lad. His hand shot up and he asked, "What's all this about an iPad and £11,000?" When the pupils found out, the chat room erupted. They were absolutely scunnered, stunned and thought that it was outrageous.

So, my first question to the First Minister, if he had been able to be in the chamber this afternoon, would have been: does the SNP think that it is a good idea to send a message to our young people that it is ok for our politicians to not tell the truth in public office and to abuse taxpayers' money?

To be honest, I am astounded that this sorry saga got to this point because, at the same time that the iPad scandal was unravelling, this is what happened to me. In Edinburgh, we have a £2 flat-rate bus fare, or a capped fare, if you are hopping off and on all day, and that is often the mode of transport that I use to get to meetings and surgeries across my constituency. I had submitted an expenses claim for a bus fare and, this time, I had not provided the information that explained where I got on the bus and where I got off the bus. I had to redo that claim—for a £2 bus fare. Given the rigour involved and the email exchanges that took place for a £2 bus fare, I can only imagine the email exchanges that were pinging back and forth justifying an £11,000 roaming bill.

I will touch briefly on Jackie Baillie's amendment. My colleague Graham Simpson has already spoken at length about the process that he is developing for his member's bill, one element of which relates to establishing a system of recall for MSPs.

In all parties, most parliamentarians go into politics with the intention of serving their constituents dutifully and to the best of their ability. However, in all parties, there are examples of times when representatives have abused their position or failed to meet the standards that the public have the right to expect. John Swinney has displayed a staggering lack of political nous by defending the indefensible Michael Matheson from sanctions that were approved by all members, including SNP members, of the Standards, Procedures and Public Appointments Committee and were voted on today. That speaks of fatigue—

The Deputy Presiding Officer: Ms Webber, you need to conclude your comments.

Sue Webber: I am. It speaks of fatigue—

The Deputy Presiding Officer: Thank you—

Sue Webber:—and desperation, and have no doubt—

The Deputy Presiding Officer: Ms Webber, you are over the time that the business manager asked for.

Sue Webber: —it will stick in people’s minds.

16:52

Marie McNair (Clydebank and Milngavie) (SNP): Michael Matheson made a mistake and has apologised for it. He has, rightly, repaid the roaming charges in full, with no cost to the public purse. Even though the investigation has been tainted when it comes to natural justice, what is proposed is one—

Stephen Kerr: Will the member give way on that point?

Marie McNair: No, not just now. I have just started.

What is proposed is one of the largest sanctions in the history of this Parliament. Michael Matheson has shown genuine remorse and has taken full responsibility for the serious matters that occurred. No person, regardless of their position, is immune to making mistakes, but I recognise and agree that elected members must be held to a very high standard, and I agree that Michael Matheson clearly made mistakes. This was a mistake, and he has clearly paid the price. It is not a matter over which to resign as an MSP.

If the price of a mistake is resignation, Douglas Ross should have resigned a long time ago, but we know that this motion is really—

Douglas Ross: Will the member take an intervention?

Marie McNair: Okay.

Douglas Ross: I am grateful to the member for giving way. Can she explain the SNP position today? The SNP amended the motion so that it was worded in the way that it had drafted the amendment, and then it opposed the motion. Can she explain to fellow MSPs and the public the SNP’s thinking behind that?

Marie McNair: I thank the member for the intervention. I actually thought that you were standing up to concede your obvious double standards, given your £28,000 expenses scandal, but obviously not.

The Deputy Presiding Officer: The member needs to speak through the chair, please.

Marie McNair: My apologies, Presiding Officer.

It is the usual attempt, on the part of Mr Ross, to score political points instead of making a serious contribution to this Parliament, with aggressive, shouty behaviour that he should have left in the playground. Especially evident this time is the breathtaking hypocrisy contained in his contribution—which surely even he must have been aware of.

We remember when Mr Ross reluctantly apologised for the £28,000 expenses scandal debacle. There was no offer of resignation there—just a grovelling apology.

Douglas Ross: Will the member take an intervention?

Marie McNair: I have taken an intervention. I am not taking any more.

There are two choices available to the Tories—was it a muddle or was it a fiddle? We accepted then Mr Ross’s version that it was just a muddle—but what a muddle it was. He was quoted in a newspaper article at the time as saying that he did not know why he failed to declare £28,000, and he added the following grovelling apology:

“This was a big mistake, by me, for which I’m deeply sorry. I know how badly I performed here and how much I’ve let people down and for that I’m very sorry.”

Douglas Ross: On that point, will the member take an intervention?

Màiri McAllan: I have said that I am not taking any more interventions.

Douglas Ross: On that point?

The Deputy Presiding Officer: Mr Ross, the member has made it clear that she is not taking any more interventions.

Marie McNair: An apology was good enough for the Tories then, but it is not now.

The motion is a partisan move. It is not one made out of integrity or any morals. If it was, surely the Tories would have more to say on the fact that their party presided over Boris Johnson’s partygate scandal, the PPE scandal, the lobbying scandal and the bullying claims about senior members of the Cabinet and the crashing of the economy that has inflicted hardship on so many—to give just a few examples.

The Tories are a party of misusing taxpayers’ money and making misleading statements. This is clearly a hypocritical, partisan and self-interested move. If our Tory colleagues cared so much about doing what is right, they surely would have called out those in their own party for all their wrongdoings over their decades in charge—but they do not and never will. [*Interruption.*] If they cared about what was right, they would not be presiding over the two-child policy and its abhorrent rape clause, they would have acted to ensure that WASPI women were fully compensated, and they would not have turned their backs—[*Interruption.*]

The Deputy Presiding Officer: We need to hear from the member who has the floor. That is Ms McNair and none of the members who are

making the noise at the moment. Please continue, Ms McNair.

Marie McNair: I repeat that the Tories would have acted to ensure that WASPI women were fully compensated and they would not have turned their backs on those impacted by the infected blood scandal for so long.

No—the Tory motion is not about doing the right thing. It is about political point scoring. [*Interruption.*] It is a schoolboy-like attempt at scoring political points, and gut-wrenching hypocrisy just drips out of it.

16:57

Stephen Kerr (Central Scotland) (Con): It is astonishing for me to be in the position of being held up by the nationalists as a paragon of parliamentary virtue, but I do take my duties as a parliamentarian very seriously. I also take my responsibilities to all my colleagues very seriously, and the attack on the integrity of my colleague Annie Wells is unwarranted and totally unfair. I would add that there have been comments directed to the convener of the standards committee this afternoon that are a parliamentary disgrace.

As I played a key role in the public disclosure of Michael Matheson's wrongdoing and then went on to make serial comments about his guilt, it was right that I should stand down from the committee, but the assault on the integrity of Annie Wells is beyond the pale. It is one of the most despicable things that I have heard in this chamber as long as I have been a member of this Parliament.

The First Minister's conduct last Thursday in defending Michael Matheson is something that I believe he will never live down. What we got from John Swinney was all the fake piousness of nationalism. It was party first—it is always party first. The SNP members care only for party and their own jobs and careers. Well, here is some news: the gravy train is coming to an end for the SNP careerists.

The other astonishing thing that has come out of this fiasco is John Swinney's obsession with my social media. He sent 37 pages—37 pages!—of my social media posts to the convener of the standards committee. He is my most active follower on social media.

It has also become clear that John Swinney would go to any length to defend Michael Matheson. I wonder why.

The evidence of the report, which was prepared by a fair and impartial investigator on behalf of the corporate body and upheld by the members of the corporate body, and the unanimous decision of the standards committee, which has two SNP

members on it, was that Michael Matheson falsely claimed £11,000. He—I shall put this politely—deliberately misled the Scottish Parliament, the media and the people of Falkirk West. He was not engaged on parliamentary business in Morocco. The bill was racked up watching football. He did not try to claim £11,000 but claimed £11,000. He used £11,000 of taxpayers' money for his own personal use. Outside the Parliament, that is called misappropriation.

It was the lowest of low points in the Parliament to watch an SNP cabinet secretary, Michael Matheson, throw everybody and everything under the bus to save himself. He was aided and abetted by not one but two SNP First Ministers. They put party first and everything else second. The First Minister chose to scapegoat one of the most conscientious members of the Parliament, my colleague Annie Wells. John Swinney should be embarrassed.

The reputation of this Parliament hangs by a thread because of Michael Matheson's actions and John Swinney's appalling judgment. If we had the appropriate legislation to do as is done at Westminster, Michael Matheson would now face the judgment of the people of Falkirk West. However, in the absence of the power of recall, if Michael Matheson had a scintilla of integrity left in him, he would resign immediately.

I worked in business leadership for more than 30 years and I can tell members that it would be acceptable in no other walk of life for someone to fraudulently claim expenses and expect to stay in their employment. They would face instant dismissal. The people of Scotland know that only in this Parliament is it possible for someone to do what Michael Matheson did and feel so entitled as to think that they can sit it out without any prospect of dismissal—or, I would add, any thought of a police inquiry. Any casual reading of our newspapers tells story after story of employees who do exactly what Michael Matheson did and are subject to criminal proceedings.

The people of Falkirk West cannot have their say, but the members of this Parliament can. If we have any regard for this institution, we must vote to call on Michael Matheson to do the decent thing—to resign immediately and leave public life.

17:03

Alasdair Allan (Na h-Eileanan an Iar) (SNP): As a recently conscripted member of the Standards, Procedures and Public Appointments Committee, I will not take the bait of some of what the Tories have said in their motion. However, I will make two or three separate and—I dare to hope—useful points.

I stand by the view that I expressed in the public session of the committee last week. The committee did not—and I do not—dispute the need for a sanction in this case. However, I still struggle to see the logical basis for the figure of a 27-day ban on sitting in Parliament—the sanction that three of the five committee members eventually supported—and how it was arrived at. Whatever members' views about the case, it is factual to say that the sanction is exceptionally high, compared with any comparable incident on which the Parliament has imposed a penalty in the past.

Edward Mountain (Highlands and Islands) (Con): Will the member take an intervention?

Alasdair Allan: No, thank you.

Although there is a need for a penalty in many cases, including this one, there has to be some logical basis for the sanctions that we impose.

I share the astonishment that has been expressed by a number of members that it is possible for anyone who is sitting on a committee of that kind to tweet extensively their views about the individual whom they are about to investigate, before they have heard the evidence about him or her. The real world has been mentioned a fair bit in the debate, but that would never be allowed to happen in any industrial tribunal and, if it happened in a jury, it would land someone in serious trouble. I therefore sympathise with the sentiments on that point in the Green amendment.

Douglas Ross: Will the member take an intervention?

Alasdair Allan: No, thank you.

As our committee report mentions, it is disappointing—to put it mildly—that the committee's deliberations were in the papers before they were even finalised. All that needs to change. The bigger picture—I appreciate that the question is separate from, but related to, the specific case—is that the Parliament has to have better systems in place for the future. As our report indicates, the committee has an appetite for helping to review some of those issues, going forward.

In the first century AD, the Roman satirist Juvenal famously asked:

“Quis custodiet ipsos custodes?”

or,

“Who will guard the guards?”

In other words, whose job is it to police those whose job it is to police the rules? That has never proved to be an easy question for anyone to answer.

What can be said is that the answer that we have come up with to that question in Holyrood is open to improvement. In fact, it is ripe for reform. Other legislatures do not ask a room full of politicians to reach a non-political view about an allegation against another politician. They certainly do not ask them to do so in the run-up to a national election—yet, our Parliament likes to do exactly that, as Patrick Harvie has rightly said. Nor do a number of other parliaments ask such committees to impose penalties without reference to any clearly understood scale of severity, under rules that are not always clear and do not include a right to repeal, or ask parliamentary staff in such investigations to be put in the unfair position of writing binding reports in which their colleagues are mentioned.

To anyone who is looking in on the debate, I frankly admit that there has been a lot more political heat than procedural light in the chamber. I will conclude by simply saying this: I believe that it is now time for a proper review of how the Parliament deals with allegations against its members. The public have a right to know that such decisions will be reached according to the highest and most objective of standards.

We should learn from the example of other legislatures, where the investigation is handed over to a person from outside both the political sphere and the parliamentary staff, with that person's recommendations being put to Parliament or its committees for a recommended sanction that is based on some kind of logical scheme. I think that that would be a good place to start, and it would be an approach that the public would expect of us in the future.

17:08

Sarah Boyack (Lothian) (Lab): Like many MSPs, I have been reflecting on the 25 years of the Scottish Parliament. I had the privilege of being elected for the first time in 1999, as did the First Minister. It is a bit disappointing, given the statements that he has made over the past few days, that he is not in the chamber to hear the debate.

Like Paul O'Kane, I thought back to Donald Dewar's words in his opening speech in the Parliament, when he said:

“We are fallible. We will make mistakes. But we will never lose sight of what brought us here: the striving to do right by the people of Scotland”.

I feel that, in the tone of today's debate, we have lost sight of what brought us here. It is okay to be fallible and to make mistakes, but we are not just talking about a simple mistake: we are holding to account a member of the Parliament who attempted to use taxpayers' money for personal

gain, then misled others about it, thereby breaking the code of conduct that we are all bound by.

On reflection, we have to ensure that parliamentary standards are upheld and that those who ignore them are held to account. It is absolutely vital that the Parliament demonstrates that we are all still

“striving to do right by the people of Scotland.”

In her opening speech, Jackie Baillie was measured in highlighting the importance of the need for us to take the right decision. I feel that, in mishandling the episode, the Scottish National Party and the First Minister have potentially jeopardised the integrity of the Parliament at a time when we know that trust in politicians is plummeting.

People are getting tired of a Government that puts self-interest before the national interest, and they are tired of the accusations of bullying, the Covid rule breaking and the WhatsApp deleting. This week’s events add to that narrative. By his refusal to acknowledge the findings of the Standards, Procedures and Public Appointments Committee, the First Minister has undermined the vital structures that make this Parliament work. Accountability is an essential component of a democracy, and the standards committee is one of the most important ways of ensuring that all of us in this chamber are accountable. We also have the Commissioner for Ethical Standards in Public Life in Scotland, which we set up in 2002.

There are ways in which people can complain about us, and we all have to go through the process. If we disregard the standards committee when it does not suit us or it goes against our party, we potentially bring the work of our Parliament into disrepute. I question SNP members having, in the previous debate, amended the motion then not voting for the amended motion.

To be clear, the committee was unanimous in its view that Michael Matheson should face sanctions, and it agreed on the need for a financial sanction for 54 days. As Alasdair Allan said, there was not agreement on what the period for which he should not be allowed to come back to Parliament should be. However, that was a discussion in the standards committee, and there is an extent to which we must respect the work of that committee.

I cannot be the only MSP who is regularly told on the doorstep that politicians are only in it for themselves. That is an issue that we all have to address. One of my constituents observed that, if they had done what Michael Matheson did, they would have automatically lost their job. I would probably not be doing my job if I did not comment on the fact that it is a bit of an irony that this

debate, which rightly criticises Michael Matheson’s actions, is a Tory debate, given the previous actions of the Tories’ colleague and former Prime Minister, Boris Johnson, who broke the ministerial code on numerous occasions. However, this is politics, and we are all going to disagree with one another.

Fundamentally, since our Parliament was established, we have had to make sure that our constituents have been able to have confidence in it. That does not mean that people will not make mistakes, but we must be accountable. Our constituents need to know that we reflect on the changes that have been made.

A couple of years ago, we published our proposals in the Scottish Labour document, “A Stronger Scotland”, in which we suggested that we should have a right of recall and other measures to improve the operation of our Parliament. A right of recall was introduced in the UK Parliament in 2015. When the Scottish Parliament was first established, that process was an example of best practice. There is a need for us to look at the experiences of our work over the 25 years since then, and to involve everyone in that process.

Under the proposals that Jackie Baillie put forward in her speech and in her amendment, voters would, in certain circumstances in which there had been misconduct, have the opportunity to remove their MSP. That is an obvious step to strengthen our democracy and restore the electorate’s trust. They need to know that we are here to serve them and that we are accountable.

After last year’s result in Rutherglen and Hamilton West, I totally get why the SNP might not be in a hurry to introduce a right of recall, but that would be the most democratic way of returning to the ideals that were outlined by Donald Dewar—that parliamentarians are here to serve the people of Scotland, and that we should always strive to do what is right. It is not too late for Michael Matheson to do what is right.

We need change, and we need it now. It cannot come soon enough.

17:13

Patrick Harvie: The one line that will stick in my mind from this debate more than any other is the one in which Douglas Ross made reference to Donald Trump before then accusing somebody else of bully-boy behaviour. All of us recognise that one of Donald Trump’s standard tactics is to accuse an enemy of his own worst traits.

I voted for the sanction against Michael Matheson because I care about the reputation of this Parliament. Michael Matheson’s actions damaged it, and approving a sanction is a

necessary step in attempting to restore the Parliament's reputation. However, after the debate that we have just had, I am very worried about the period that we are going to be moving into, because I think that most people can recall that, at the tail end of the previous session of the Scottish Parliament, which was a period of minority government, members of the Conservative Party in particular gleefully leapt on every opportunity to drag the name and the reputation of this Parliament down to their own level. I fear that they are about to do the same again, which is what they have done in today's debate.

We have seen shallow partisanship throughout all this. I am sorry to say that we have seen a lack of judgment from SNP members, too, who should have fairly expressed the reasonable and valid concerns that they have, which I share, about the process that has taken place and then should have clearly backed the sanctions against Michael Matheson. If they did not believe that the sanction was appropriate, they should have proposed an alternative and voted for a sanction that they genuinely believed was so, even if that meant losing a vote.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I previously sat on the SPPA Committee. It is quite difficult for members who are not on the committee and are not having those private discussions to work out what an alternative sanction would look like. It is possible to have concerns over process and accept that there should be a sanction, but, by abstaining, not stand in the way of the sanction that the committee actually took forward.

Patrick Harvie: I take Bob Doris's point. Although I share many of the concerns about the process, I voted for the SPPA Committee's proposal for the sanction, precisely because that is what is on the table. The one thing that everybody seems to agree on is that Michael Matheson's behaviour fell far short of the standards that are expected of MSPs and should be sanctioned. Indeed, it has now been given a severe sanction.

I repeat the comparison that I made in my opening speech in relation to the second debate's motion. As far as I can recall, the only member who has ever been subject to a vote of Parliament calling for their resignation is someone who was sentenced to 12 months in prison after conviction for multiple acts of domestic violence. Am I wrong? Is my memory failing me on this? Has that happened in any other case, or is anyone seriously suggesting that what Michael Matheson did is anywhere near as grave a crime as that? I do not think so.

Edward Mountain: I will not talk about other people's crimes, but let us be honest: 40 years of employment law have taught me that, if an

employee steals from their employer, they are considered to have committed gross misconduct—indeed, borrowing money overnight and subsequently repaying it is also gross misconduct. Gross misconduct gets people fired. Why should we not discuss that in this case? Everyone else in Scotland does.

Patrick Harvie: I will come on to relevant points.

I do not think that the motion adds anything by trying to treat Michael Matheson's case in a way that is comparable to that in which Bill Walker's was treated. I do not think that that is appropriate or what the Parliament should vote for.

The motion adds nothing, but Jackie Baillie's amendment adds something with serious substance, and it deserves to be discussed. There is a legitimate argument in favour of a recall process, and I am open to—and my party and I support—that principle. Let us have a debate about it. A system that works and is not susceptible to political partisanship could be found. However, it is inappropriate to try to retrofit that on to an individual case in this way. I would support an independent process, but not the version of a process where politicians decide.

In session 5, I was a member of the SPPA Committee that considered some of those issues. I supported the idea of a recall process or something comparable to a person's losing their job for gross misconduct. However, that must be for the most extreme cases, it must be done in a way that is impartial rather than being subject to political decision making and it must carry cross-party support. In her speech, Jackie Baillie acknowledged the political motivations, including electioneering, in some of the debate. In a debate such as today's, I cannot support simply deciding to copy the Westminster system—even Paul O'Kane's speech demonstrated that that system itself is susceptible to political motivations.

Everyone will offer their own version of what we should do. If Graham Simpson wants to introduce his bill, he will do so and we should debate it. If he wants it to be debated in a fair, balanced and reasonable way, I urge him, seriously, not to go back to his previous habit of proposing it in a way that personalises the issue with the name of a political opponent. We all know that we could pick names from any political party and find a way to personalise the issue in that way. I hope that he will resist that temptation.

Graham Simpson: I agree with Patrick Harvie on that, and I am desisting from following that approach. I urge Mr Harvie to discuss my proposals when he sees them.

Patrick Harvie: I am glad that Graham Simpson is going to desist from that approach. That would be helpful.

I am pleased that the Parliament has voted in favour of asking the SPCB to conduct an independent review of the process. I hope that it will heed the words of Gillian Mackay earlier today in recognising that harm to people is the most serious form of offence that an MSP can commit and that it should be the one that is subject to the most serious sanction. I say that not only in relation to the example of sexual harassment that I gave earlier. Jackie Baillie mentioned the case of Margaret Ferrier, whose actions directly put other people's lives at risk. Harm to people is surely a more serious form of offence for any MSP and should be treated more seriously.

I hope that what comes from the independent review is an impartial system that is not susceptible to politically motivated decision making. It needs consistency and decisions that are made on the basis of evidence and with the right of appeal, because those kinds of things would be available to people in what has been regularly called "the real world" in this debate. We should have those principles in any system of standards and sanctions in this Parliament.

17:21

Michael Marra (North East Scotland) (Lab): From listening to the debate, you could begin to imagine that this was a complicated issue, but it is very far from that—it is a very simple matter. A man earning £126,000 a year wrongly claimed £11,000 on his expenses from his employer, and then he was caught. He misled the Parliament, he misled the press and, ultimately, he misled the public. It is a simple matter.

Sixty-five per cent of the public believe that Michael Matheson should resign, because they know that 99 per cent of the people whom they work with would have been sacked for exactly the same offence. However, the SNP does not support any punishment whatsoever—none at all. It puts party before country every time.

What we have seen from the fresh leadership of the First Minister in the past week has been incredible, inexplicable and incompetent. I ask members to spare a thought for his MP colleagues who will face the voters in the coming weeks. Of course, it has been easy to read their thoughts about the First Minister widely and in graphic detail in the press. This is no fresh leadership, really. It is the same John Swinney, who was once—for two days—the most popular politician in Scotland. The Parliament's process produced an answer that he did not agree with, so he denigrated those involved, sought to undermine the procedures and

sought to cast doubt on the ability of the Parliament to deal with the wrongdoing of an arrogant SNP Government that believes that it is, and should be, above reproach.

Police investigations, repeated briefings to the press of matters of blatant factual inaccuracy, a culture of cover-ups, WhatsApps deleted on an industrial scale and egregious conduct during the Salmund inquiry where evidence was withheld—John Swinney was right at the heart of it all. Scottish Labour's amendment is the right means to deal with that egregious misconduct, and it is right that the Parliament's democratic view is taken on that.

Jackie Baillie highlighted Rutherglen and the actions of Margaret Ferrier, which rightly resulted in a recall petition and the defeat of the SNP in that by-election. It is possible to draw that lesson more widely, because, although there have been few recall petitions, the process has triggered resignations because of the reality of the prospect of a recall. That has led to a slew of by-elections across England, where the venal corruption and grotesque misconduct of so much of the Tory party has whittled down the chaff of that dying Government. A recall procedure in Scotland could help to rebuild the faith in politics that is being washed away by two Governments that care very little about the public.

I must congratulate Jamie Hepburn on an extraordinary whipping operation. The free-thinking evaluation of the case brought the SNP to the universal position of an entirely illogical contortion. As a result, he decided not to stand and defend it but to ask SNP back benchers to do the job, instead.

The contradictions of the case were fully set out by Paul O'Kane, who was right to show how it mirrored the conduct of Boris Johnson when he questioned the UK Parliament's right to hold him to account for his actions. The language of a "kangaroo court" was repeated again by Stuart McMillan, from the back benches. That might be an uncomfortable comparison for John Swinney, but it is based on fact, and, again, this is a very simple matter. Any man or woman who acted in the way that Michael Matheson did would have lost their job. He should lose his. The SNP believes that there should be no punishment whatsoever.

17:26

Murdo Fraser (Mid Scotland and Fife) (Con): In essence, the debate is about two interconnected issues: the question of integrity; and respect for the Parliament and its procedures. That not a single minister in the Government was prepared to speak up for their former colleague

tells us all that we need to know. They have left it to their back benchers to make the case throughout the debate. We have had three ministers on the front bench throughout the entire debate, and not one of them has said a word. I am happy to give way to any of them who wants to contribute to the debate and give us the Government's position on where matters stand.

No, they are embarrassed—and they are right to be embarrassed—because Michael Matheson acted indefensibly. He claimed £11,000 of taxpayers' money in data roaming fees incorrectly, he misled Parliament and he misled the Presiding Officer.

Russell Findlay: Last week, John Swinney said that

“there has been no cost to the public purse”,—[*Official Report*, 23 May 2024; c 11.]

but this has been going on for over a year, and it has taken up a huge amount of parliamentary time and resources, so that lie should not be repeated.

The Deputy Presiding Officer: As has been mentioned a few times this afternoon, I caution members on the language that they use in the chamber, cognisant of the standards to which we are all subject.

Murdo Fraser: I thank Mr Findlay for that intervention. I agree with his sentiments.

Each one of us knows how the expenses system in the Parliament works. When we incur a cost, we all have to sign a declaration saying that expenses were properly incurred on parliamentary or constituency business. Michael Matheson must have made that declaration—indeed, we know that he did—and he did so fraudulently. The most generous interpretation that can be put on his behaviour is that he did not know when he signed that declaration how the roaming costs were incurred. However, either he knew that it was not a legitimate parliamentary expense or he should have made appropriate inquiries. He did not, and he induced the parliamentary authorities to pay £11,000 of taxpayers' money that should not have been paid by refunding him costs that should have come out of his own pocket.

Better lawyers than I have already argued that that sequence of events amounts to a fraud on the public purse. That is a matter for the police, and not for the Parliament, but it illustrates the seriousness of the matter that we are dealing with and why nothing less than Michael Matheson's resignation from the Parliament is appropriate as an outcome.

Earlier, we heard the Deputy First Minister's defence that the money was repaid, as if that is an excuse for Mr Matheson's behaviour. Yes, the money was repaid, but it was repaid only after the

matter was publicly exposed. A thief who returns the stolen goods does not escape punishment in law.

This Parliament has agreed an unprecedented 27-day suspension and a 54-day loss of earnings but, astonishingly, the SNP members did not support any sanction against Mr Matheson. They could have amended the motion that is before us this afternoon with an alternative sanction, but they chose not to do so. They regarded him as somebody who should get off scot free.

That will be the end of the matter for Mr Matheson, as matters currently stand. As we have heard during the debate, had he been a Westminster MP, he would potentially face a recall petition, and I would not give much for his chances of re-election in a by-election in those circumstances.

We have no such mechanism here. Graham Simpson, who we heard from earlier, is bringing forward a member's bill to bring a right of recall to this Parliament, but that is still at an early stage. If Michael Matheson were an honourable man, he would do the right thing and step down at this stage. As Willie Rennie said, he can always contest any subsequent by-election and seek the confidence of his constituents for re-election.

I have no personal animus against Michael Matheson. When he was a minister, I worked co-operatively with him on a number of issues, including lodging amendments to the Transport (Scotland) Bill to address the issue of private parking, and I always found him congenial and helpful to deal with. However, in acting in the way that he did on this matter, he has brought the Parliament into disrepute, and he needs to bear the consequences for that.

The point has already been made that, in any other workplace, Michael Matheson would have been sacked long ago for his actions. It is inconceivable that, in any private sector organisation or, for that matter, in much of the public sector, anyone who made a false claim for expenses of £11,000 would still be in a job. The Parliament should not hold itself to a lesser standard than that which applies to those who pay our wages. For those reasons, Michael Matheson should resign.

None of what has happened over the past few weeks reflects well on either the previous First Minister, Humza Yousaf, or the current one, John Swinney. John Swinney's response to the decision of the standards committee to sanction Michael Matheson was not to support that decision or to recognise that Matheson deserved punishment but, rather, to launch a disgraceful attack on my colleague Annie Wells. As we know, that has led,

in a totally unacceptable fashion, to social media abuse of a female member of this Parliament.

In the 27 pages of evidence that John Swinney submitted to the standards committee, there was just one reference to a social media post by Annie Wells. She was expressing an opinion on Michael Matheson's wrongdoing, as she was quite entitled to do. As our well-respected former colleague, Andy Wightman of the Scottish Greens, said on Radio Scotland this morning,

"everyone and their dog had an opinion"

on Michael Matheson when the news broke about the scandal last year. Politicians are asked for—and freely express—opinions on matters in the news, and the idea that expressing an opinion means that Annie Wells's role in the committee was inappropriate, is simply grasping at straws from a desperate First Minister who is determined to undermine the integrity of the Parliament in order to protect a political colleague whom he described as a friend.

In any event, Annie Wells's comment was on the question of the guilt of Michael Matheson, not on what the appropriate sanctions should be, and the guilt of Michael Matheson has never been in doubt. His guilt was accepted by the Scottish Parliamentary Corporate Body even before the issue came to the standards committee. What Annie Wells did was adjudicate on the punishment, not on the question of guilt, and she should not be criticised for that. Had there been concerns about Annie Wells's behaviour, that was properly a matter for the committee convener, and not for the First Minister.

We always hear from the First Minister and others about the need to show respect for this Parliament. However, here we have had the First Minister showing contempt for this Parliament and its institutions. SNP members always like to claim some sort of moral superiority over Westminster, but this whole episode has exposed the fact that they are prepared to engage in tawdry politicking and undermine the Parliament when it suits them in order to defend one of their own.

I was in this Parliament in 2008 when SNP members of the standards committee insisted on an inappropriate and unduly harsh punishment on the former Labour leader, Wendy Alexander, for what was a technical infringement of the rules on declaring interests at that time. Who voted for that punishment at that time? John Swinney did, Nicola Sturgeon did and—yes—Michael Matheson did. They did not complain about the process then, and they did not demand a review of the process, but now, when it is one of theirs in the firing line, they take a different stance. It is the most egregious of double standards.

I will leave the last word on this to Andy Wightman, who said last week, in response to comments from Michael Matheson complaining about the process:

"Straight out of the Nicola Sturgeon playbook. Smear Committee members undermine and discredit a Parliamentary Committee—all to save your own career. Scottish Parliament standards now hugely undermined."

That is why Michael Matheson should go, and that is why we should support the motion this afternoon.

The Presiding Officer (Alison Johnstone): That concludes the debate on Michael Matheson's resignation.

Emma Harper (South Scotland) (SNP): On a point of order, Presiding Officer. Rule 7.3 of the Scottish Parliament's standing orders relates to the conduct of members in the chamber and, in particular, to the need for members to follow the direction of the Presiding Officer. During this afternoon's debate, which I have sat through, we heard the Conservative member Craig Hoy state:

"in key seats across Scotland, voters can pass a"

clear judgment on Michael Matheson and John Swinney and vote to get rid of the SNP on 4 July. *[Interruption.]* That is in direct contradiction to the statement that was made by the Presiding Officer on Thursday 23 May, when she clearly said:

"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."—*[Official Report, 23 May 2024; c 26.]*

I therefore seek the Presiding Officer's guidance on whether Mr Hoy's comments are in line with her direction and, if not, what steps can be taken—*[Interruption.]*

The Presiding Officer: Can we please hear the member?

Emma Harper: Presiding Officer, I know that they are not interested, but your presiding over—*[Interruption.]*

The Presiding Officer: Mr Kerr.

Emma Harper: Presiding Officer, your presiding over the chamber is absolutely paramount and really important to me, although I know that it is perhaps not important to the members sitting to my left. I seek your guidance. Thank you.

The Presiding Officer: Thank you for your point of order, Ms Harper. I have made my views on electioneering in the chamber very clear, and I would also say that the Presiding Officer in the chair at any time is usually best placed to rule on such matters.

That concludes the debate on the motion calling for Michael Matheson's resignation.

Business Motions

17:37

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-13392, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a business programme. *[Interruption.]*

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 4 June 2024

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Ministerial Statement: Tackling Child Poverty Delivery Plan - Annual Progress Report 2023-24
followed by Stage 1 Debate: Social Security (Amendment) (Scotland) Bill
followed by Financial Resolution: Social Security (Amendment) (Scotland) Bill
followed by Scottish Government Debate: A Vision for Health and Social Care in Scotland
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 6.15 pm Decision Time
followed by Members' Business

Wednesday 5 June 2024

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Constitution, External Affairs and Culture, and Parliamentary Business; Justice and Home Affairs
followed by Scottish Conservative and Unionist Party Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.10 pm Decision Time
followed by Members' Business

Thursday 6 June 2024

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Education and Skills
followed by Stage 3 Proceedings: Bankruptcy and Diligence (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.30 pm Decision Time
 Tuesday 11 June 2024
 2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 12 June 2024
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Deputy First Minister Responsibilities, Economy and Gaelic; Finance and Local Government
followed by Stage 3 Proceedings: Abortion Services Safe Access Zones (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 7.00 pm Decision Time
followed by Members' Business
 Thursday 13 June 2024
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Scottish Parliamentary Corporate Body Questions
 2.45 pm Portfolio Questions: Net Zero and Energy, and Transport
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 3 June 2024, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—*[Jamie Hepburn]*

The Presiding Officer: No member has asked to speak to the motion, although I am aware that lots of members are speaking while I am speaking, which I find slightly distracting.

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S6M-13393, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on a stage 2 extension.

Motion moved,

That the Parliament agrees that consideration of the Regulation of Legal Services (Scotland) Bill at stage 2 be extended to 1 November 2024.—[*Jamie Hepburn*]

Motion agreed to.

Parliamentary Bureau Motions

17:39

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of six Parliamentary Bureau motions. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move motions S6M-13394 to S6M-13398, on approval of Scottish statutory instruments, and motion S6M-13399, on committee membership.

Motions moved,

That the Parliament agrees that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Tribunals (Listed Tribunals) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Damages (Review of Rate of Return) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that Jeremy Balfour be appointed to replace Oliver Mundell as a member of the Delegated Powers and Law Reform Committee.—[*Jamie Hepburn*]

The Presiding Officer: The question on the motions will be put at decision time. Before we come to that, I ask members to take a moment to refresh their voting app screens.

Decision Time

17:40

The Presiding Officer (Alison Johnstone):

There are four questions to be put as a result of today's business. The first question is, that amendment S6M-13365.1, in the name of Jackie Baillie, which seeks to amend motion S6M-13365, in the name of Douglas Ross, which calls for the resignation of Michael Matheson, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. There was an error with my phone. I would have voted yes.

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

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. There was something wrong with my phone. I would have voted yes.

The Presiding Officer: Thank you, Mr Kidd. We will ensure that your vote is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 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)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 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)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 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)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Burgess, Ariane (Highlands and Islands) (Green)
 Chapman, Maggie (North East Scotland) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Mackay, Gillian (Central Scotland) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)

The Presiding Officer: The result of the division on amendment S6M-133651.1, in the name of Jackie Baillie, is: For 116, Against 0 Abstentions 7.

Amendment agreed to

The Presiding Officer: The next question is, that amendment S6M-13365.2, in the name of Patrick Harvie, which seeks to amend motion S6M-13365, in the name of Douglas Ross, which calls for the resignation of Michael Matheson, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)

Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on amendment S6M-13365.2, in the name of Patrick Harvie, is: For 68, Against 55, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S6M-13365, in the name of Douglas Ross, which calls for the resignation of Michael Matheson, as amended, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Pam Duncan-Glancy (Glasgow) (Lab): On a point of order, Presiding Officer. I would have voted no, but my app would not refresh.

The Presiding Officer: Thank you, Ms Duncan-Glancy. We will make sure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)

Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-13365, in the name of Douglas Ross, as amended, is: For 68, Against 55, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament believes that Michael Matheson has been investigated by the Scottish Parliamentary Corporate Body (SPCB), and that decisions on sanctions are a matter for Parliament on the recommendations of the Standards, Procedures and Public Appointments Committee; rejects the calls for sanctions that go far beyond those recommended by the committee; believes that the Parliament requires a sanctions process that can retain confidence across all political parties; recognises that concerns have arisen in relation to the lack of a consistent tariff of sanctions, the potential pre-judging of a case by an MSP who did not recuse themselves from the process, and the leaking of draft recommendations by the committee; agrees, therefore, that reform of the current arrangements for considering sanctions against MSPs is urgently needed,

and further believes that the people of Scotland should have the same right to recall MSPs as they do to recall MPs from the UK Parliament, if they are found to have behaved inappropriately by the Standards, Procedures and Public Appointments Committee.

The Presiding Officer: I propose to ask a single question on six Parliamentary Bureau motions. The final question is, that motions S6M-13394 to S6M-13398, on approval of Scottish statutory instruments, and S6M-13399, on committee membership, in the name of Jamie Hepburn, be agreed to.

Motions agreed to,

That the Parliament agrees that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Tribunals (Listed Tribunals) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specification of Public Authorities) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Damages (Review of Rate of Return) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that Jeremy Balfour be appointed to replace Oliver Mundell as a member of the Delegated Powers and Law Reform Committee.

The Presiding Officer: That concludes decision time.

Wood-burning Stoves and Direct Emission Heating (Rural and Island Communities)

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-12917, in the name of Jamie Halcro Johnston, on the importance of wood-burning stoves and other direct emission heating in homes in rural and island communities.

The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible.

Motion debated,

That the Parliament recognises what it sees as the importance of wood-burning stoves and other forms of direct emission heating in homes in rural, island and remote communities across Scotland; notes that wood-burning stoves are often the only source of heat and hot water, and method of cooking, when power is lost or when bad weather leaves households or communities isolated; further notes that the Non-domestic Technical Handbook: April 2024 Edition states that "in smaller buildings there will be little justification to install emergency heating"; considers that any emergency heating can only be used in emergencies and must be connected to both the normal heating system and an emergency power source, and that the cost and technical implications of this have led to the Scottish Government's Building (Scotland) Amendment Regulations 2023 being described as "an effective ban" on wood-burning stoves in new-build properties; believes that this will put vulnerable households in more remote areas of Scotland at greater risk when cut off or when power is lost, as well as exacerbate already high levels of fuel poverty, and recognises reports of the concern and anger that this has caused in rural and island communities across Scotland, especially in the Highlands and Islands.

17:48

Jamie Halcro Johnston (Highlands and Islands) (Con): I thank colleagues on all sides of the chamber for supporting my motion, which has allowed this important debate to take place. I also thank representatives from across the industry, and other stakeholders, for their engagement and advice, and I thank my constituents across the Highlands and Islands for sharing their experiences and concerns as to why the ban is so dangerous.

Of course, we now debate the matter with the Scottish Government having committed yesterday to a review of the Building (Scotland) Amendment Regulations 2023—a review that was announced just the day before the debate was to be held, and which was forced on the Government by a concerted campaign, led by members on the Conservative benches, to drop the new regulations. We should remember that the Scottish

Government brought those regulations into force less than two months ago.

As I said yesterday, I welcome the review, but we still have no real detail on it.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I want to be terribly friendly to you, but I will correct you. There are Scottish National Party members who are concerned about the restrictions on log-burning stoves—we signed your motion, and we are here today.

The Deputy Presiding Officer: Ms Grahame, I remind you to put your comments through the chair, please.

Jamie Halcro Johnston: I very much welcome that, and I have made that point in the past. Christine Grahame is absolutely right to say that she—along with two former ministers and the current Deputy First Minister—signed my motion. I appreciate that support from members across the chamber; it is very much welcome.

As I said yesterday, I welcome the review. Unfortunately, however, we have no real detail on what it will include; when it will start; how extensive it will be; or when it will conclude. The Minister for Climate Action said that it would not start before the summer recess, which suggests that, even if we assume a September start date, we are unlikely to see it concluded, or action taken, before the end of this year.

The Minister for Climate Action (Gillian Martin): I believe that I said yesterday that the review would not conclude until after the recess. I did not say that it would not start until the recess—it has already started.

Jamie Halcro Johnston: That clarification is welcome; I am grateful to the minister for that. It matters, because—as I will speak to later—the new regulations are already having a serious impact on the sector and on the future resilience of rural homes.

I described the ban as dangerous, and that is not scaremongering. For many people who live in homes in our rural and island communities, including in my region, wood-burning stoves are not a luxury item but an absolute lifeline, providing heat, hot water and a means of cooking when the power goes out, as it often does. In December 2022, more than 5,000 homes in Shetland were left without power, some for many days. Last December, hundreds were left without power because of storm Gerrit; earlier this month, thousands were left without power overnight because of damage to the network; and only last night, more than 1,300 properties in Shetland suffered an outage—more than 100 homes were still without power this morning.

I have experienced that in Orkney: we were left without power for five days because of extreme weather, and our only source of heat and means of cooking was our wood-burning stove. The roads were blocked, and help, had we needed it, could not have got to us easily. I know that many families across the Highlands and Islands will have found themselves in a similar position.

Those of us who live in rural Scotland know that we will lose power. It could be down to snow or high winds, or even geese flying into lines. Power outages are not unusual, so we have to be allowed to be ready for them. We cannot simply pop next door when we are snowed in, and we cannot always rely on emergency services being able to get to us quickly. That is why the ban shows just how little the Scottish Government understands the needs of rural and island communities, because it will leave families less able to deal with bad weather and power cuts.

I call it a ban—I know that the Scottish Government will be keen to claim otherwise—because that is what it is. Scottish ministers will claim that emergency heating may still be considered, but the guidance in the updated “Non-domestic Technical Handbook” clearly states that,

“In smaller buildings”

—including dwellings—

“there will be little justification to install emergency heating”.

It also says that any appliances that can be used only in emergencies must be connected to the “normal heating system” and must have electrical back-up.

Whereas previously, a wood burner would have been sufficient to provide heat and a means of cooking in the event of a power cut, my constituents in the Highlands and Islands who look to install a wood-burning stove in any new build will now be forced to connect it to their central heating system and to an emergency power source—probably a diesel generator, which has significant technical and cost implications.

That is to presume that permission would be given in the first place, yet we are already seeing wood burners being blocked by local council planning and building standards departments. New homes are already being built with reduced resilience, and that is why the measure is, in all but name, a ban on wood-burning stoves.

I turn to the economic impact. Last week, the Scottish Conservatives met again with the stove industry and others, and heard from them about the damage that the ban is already having on their businesses. One told us that, for the first time in 10 years, they had had no installations in a month. Another reported that footfall was down by 80 per cent, and one was warning staff of potential

redundancies. There are more than 2,000 people working in the sector; we were told that if other industries were treated like that, there would be uproar and the Scottish Government would act, but it is this Scottish Government that is causing all the uncertainty.

Gillian Martin: Would the member accept that some of the misreporting around the measure, such as saying that it is a ban on wood-burning stoves, which it never was, has perhaps led to the public thinking that they cannot have wood-burning stoves in existing homes, when that has never been the case? That misreporting might have contributed to the issue.

Jamie Halcro Johnston: It is interesting that the minister says that. Yesterday, the Deputy First Minister, in welcoming the news of the review, said that people had “got in touch with” her

“expressing concerns about what was essentially a ban on installing wood stoves in new builds.”

Perhaps the minister disagrees with the Deputy First Minister.

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I point out to members that I have a stake in the matter. The minister was saying that the measure is about new builds and there was misreporting about it applying to all properties.

Jamie Halcro Johnston: That may be the case, but that misreporting has not come from members on the Conservative benches. Perhaps the Scottish Government should be clearer when it presents policies.

I turn briefly to some of the other issues. First, I thank my constituents—including Andy Wightman, formerly of this parish—for sharing some of their personal experiences. They have highlighted how the ban could actually block low-emission heating, including biomass; I am sure that colleagues will say more about that. Other constituents of mine have raised concerns that it will leave households reliant on new technologies, such as air source heat pumps, which can be expensive to install and prohibitively expensive to replace when they break. One constituent wrote to say that their heat pump had broken twice and that it had taken eight months for expensive parts to arrive.

We did not have to be here. The Scottish Government ignored concerns that were raised during the consultation process, and pushed ahead with the regulations because its disastrous—now thankfully defunct—Bute house agreement with the Greens was more important to it than the rural communities of Scotland.

I appreciate that the minister is new to her position, and she may not want to take responsibility for this mess, but her Scottish

Government has to do so. The ban is opposed by members on all sides of the chamber, and opposed by key stakeholders because of the damage that it is already doing. It is opposed by the industry, which has worked so hard to build businesses and work with Government on emissions but has now been left wondering whether there will even be an industry in the future. It has been opposed by the Scottish Conservatives and by our constituents across rural Scotland, who know just how dangerous it could be.

I urge the minister to save the industry and save lives—that is how serious it is. She should not simply review the ban on wood-burning stoves, but drop it entirely. Until then, given the timescales around the review and how long it might take to conclude, and given the uncertainty that is being caused right now, I urge the minister to suspend the new regulations relating to wood burners until the review is carried out.

The Deputy Presiding Officer: There is an awful lot of interest in the debate, so I ask all members to stick to their speaking time allowance, or take even less time if that is possible.

17:57

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I extend my thanks to Jamie Halcro Johnston for securing the debate. I also declare an interest, of sorts, as someone who cuts peats for my own use.

There is no doubt about the importance of stoves in those areas of the country that are off the gas grid, and in housing types where there are few workable alternatives to choose from as heating sources. Those are, of course, the same areas of the country, and the same housing types, which currently endure some of the worst fuel poverty.

First, however, it is vital, in the interests of accuracy, to recognise that there is not, and never has been, a proposal to ban stoves in any existing house, nor—despite some efforts to sow confusion on this point—is there any proposal for an effective ban on peat cutting.

Nonetheless, all that said, very many reasonable questions have been asked, by me and many others, about what the new regulations on new-build houses actually mean in practice. Currently, the proposed guidance would allow people to install a stove as an “emergency” heat source in a new house, provided that

“the size, complexity or heat demand ... makes portable solutions”

unsuitable. As I understand it, it would be down to local authorities to decide whether a potential property meets those criteria.

While I remain confident that rural local authorities would understand the unique requirements of rural heating solutions, I was very pleased to hear the minister indicate in the chamber in recent days that the Scottish Government will be reviewing and reassessing those criteria in order to make them more readily workable, in particular in rural and island areas. I thank the minister for her correspondence with me on these issues in recent weeks; I know that many of my constituents are also grateful for her engagement on the matter.

I think that most members in the chamber accept that decarbonising our homes is an essential part of ensuring a greener future. However, the importance of ensuring the suitability of these policies for rural and island communities is paramount in order to ensure that they are workable and do not have the unintended consequence of increasing already high rates of fuel poverty. Many of the houses in my island constituency differ radically from urban homes in their type and construction. Land ownership types vary, as does the prevailing local climate, and the energy infrastructure also varies widely from that in other parts of the country.

Only 22 per cent of Western Isles homes—all of them in one town—are connected to gas, with the rest currently relying on heating oil, solid fuel, air-source heat pumps and electric heating. Unpredictable power cuts are part of island life and, in many parts of my constituency, solid-fuel options are often essential, at the very least as a back-up.

While I understand that most people will use the stoves to burn wood, peat remains one of the most common fuel sources in the Western Isles. Peat cutting remains a culturally significant aspect of island life, as well as being an affordable option for many.

All of that said, nobody—including me—is suggesting that either peat or wood should be the only or even primary means of heating new homes in the future; the point is merely that there should be provision for the use of solid fuels where that is appropriate, and the guidance should accommodate that and do so more simply.

The perfect can be the enemy of the good in writing guidance, and I welcome the fact that the Government is willing to recognise that.

18:01

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank my colleague Jamie Halcro Johnston for securing the debate. I welcome many members of the stove industry to the public gallery this evening.

On 1 April, the SNP-Green Government's new build heat standard came into force, which, in effect, constitutes a ban on direct emission heating systems in new-build homes, whichever way we want to say it. Yesterday, it was confirmed that the new regulations were under review—I will quote from the Scottish Government's website—

"to consider the treatment of woodburning stoves and the wider use of bioenergy systems in more detail."

That is a clear admission that the policy was misguided. It was ill informed, and it lacked the necessary detail and understanding of rural communities from the start.

The Scottish Conservatives have strongly campaigned on this issue since the new regulations were introduced, and our petition campaign has amassed more than 950 signatures.

Gillian Martin: I hope that Ms Hamilton understands that I had very similar concerns. The regulations went through the Local Government, Housing and Planning Committee, with its two Conservative members. Did they raise concerns or, indeed, ask for the regulations to go to a vote before they were passed?

Rachael Hamilton: Absolutely. My colleague Miles Briggs raised concerns, and we were the only party on the Local Government, Housing and Planning Committee to raise them.

Last week, we held a round-table event to discuss the impact of the new regulations, which was attended by 40 significant and key people from across Scotland and across the industry, representing stove businesses, chimney sweeps and industry experts.

I would like to share a few of the key issues that were raised at that event. Many of the participants were disappointed by the lack of clarity and detail in the guidance, which left people questioning the practicalities of the new rules. It was noted that the regulations were open to interpretation by local authorities, leaving the risk of regional differences. Moreover, and as I noted in my question on the matter yesterday, the new regulations have had a significant impact on the industry, which is worth about £60 million and employs more than 2,000 people.

One company noted that, since the ban, it had taken zero inquires, compared with 25 in the same period last year. Another business shared the information that, since 1 April 2024, it had had three stove installation inquires, versus 20 in the same period in 2023, which equates to £100,000 in lost revenue, based on previous sales.

The impact of the measures on rural communities was widely raised. One member of the round-table event noted:

"Scottish winters in many rural and island areas"

are different from those in

"the central belt ... electricity can be lost for days, and with no back up heating source people's health and well-being could be compromised."

That perfectly sums up the realities of the new regulations, which reach directly into the heart of homes, depriving rural people of reliable access to heat.

I welcome the fact that the SNP has now admitted that the new build heat standard lacked the necessary detail to ensure that it worked for rural communities. However, what is happening is a review, not a reversal, which is what we will continue to call for.

The Deputy First Minister suggested on social media yesterday that the review shows that the SNP now understands rural communities, but if the SNP really understood rural communities, it would never have introduced the ban in the first place.

Let us not be fooled—the review represents a screeching U-turn, which has taken place only two months after the former Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights, Patrick Harvie, resolutely defended the policy in the chamber, with the SNP's backing. The Bute house agreement might be over, but its legacy continues to cast a dark shadow over rural Scotland. The SNP must listen to rural communities by committing to reversing the ban and to categorically ruling out any similar ban in existing homes.

18:05

Rhoda Grant (Highlands and Islands) (Lab):

I, too, thank Jamie Halcro Johnston for securing the debate, and I welcome the review of the policy that the minister announced yesterday. We all know that we need to reduce emissions and move to sustainable heating, but there needs to be a just transition, and there was nothing just in the way in which this matter was handled.

We need to develop sustainable heating for rural areas, as simply imposing urban solutions does not work. I ask the minister to give some thought to those who are currently on the cusp of installing efficient and sustainable wood-fired heating systems, and who have been stopped in their tracks. It seems perverse that a person can have a grant for installing such a system but now cannot get a building warrant in order to do the work. I ask the minister to perhaps put in place a derogation for those new builds in order to allow them to be completed, given the time that will pass before the review is complete. As she said, it will not be completed until after the summer.

In addition, guidance to local authorities needs to be consistent. Comhairle nan Eilean Siar's planning department has deemed it unlikely that applications would warrant an exemption in any instance, whereas, in Highland Council, there has been a different interpretation, depending on the specific location of the new build. Councils need to know what they can and cannot approve. Perhaps renewed guidance could be issued in the interim so that much-needed homes can be completed.

A modern urban house can withstand a power cut of a few hours, which, in truth, is probably as long as an urban power cut lasts. However, the same modern home in a rural community needs to be able to withstand a power cut for a number of days and even, in extreme conditions, for weeks. No house can hold heat for that long, and those homes therefore need a secondary source of heat.

Weather patterns also have an impact, as Alasdair Allan mentioned. That means that it might not be possible to heat a house from an ambient heating source alone and that, realistically, a direct source of heating might be needed to work alongside that.

What was even more perverse about the standards was that we were told that emergency wood-burning and peat-burning stoves needed to be "portable". A solid fuel burner needs a chimney and cannot, therefore, be temporary or portable. Again, that displayed total ignorance of the impact that the policy would have if it was pursued. I was having visions—as, I am sure, many others were—of people having to take their fire pit or chimney inside from the garden, coughing and spluttering through the smoke. It was absolutely senseless.

We need to rural proof policies and have them developed by people who understand the conditions in the rural areas in which our constituents live. It adds insult to injury that the areas that already suffer the highest level of fuel poverty are also suffering the worst excesses of urban-centric policies, given that, as things stand, heating their homes is far more expensive.

A Changeworks report from 2023, entitled "A Perfect Storm: Fuel Poverty in Rural Scotland", highlighted that one in four houses in the Highlands and Islands is in "extreme fuel poverty". The same report highlighted that, in the Highlands and Islands, the fuel poverty gap—that is the amount by which fuel bills need to be lowered to lift a household out of fuel poverty—was £1,260, in comparison with £750 to move urban homes out of fuel poverty. We need to address that.

The Deputy Presiding Officer: You need to conclude.

Rhoda Grant: We need to have rural policies for rural heating and to look at things such as

hydro-treated vegetable oil as well as wood-burning sources of heat.

18:09

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I thank Jamie Halcro Johnston for securing this debate. First, let me put on the record that I am the owner of a very old property that benefits from a wood-burning stove, which provides highly effective space heating and helps to prevent condensation, mould and damp. It has been a game changer for the gable wall of my house. It has also helped us to heat our sandstone home during periods of loss of power, and I know that, during a prolonged period without mains power, it would enable us to heat water and cook food. It has also given us a degree of control during the period of volatile energy prices over the past two winters.

All that said, I am very aware that the recently published new build heat standard would not, in fact, have prevented someone who had the same house type as me—an older existing property—from installing a stove. However, I am also aware that the Scottish Government has recently consulted on creating a pathway to 2045, which could require those purchasing a home or business premises to end their use of polluting heating systems within a fixed period following the completion of the sale. I assume that that would include direct emission heat sources, such as stoves and boilers, potentially leaving many homes such as mine, built in the 1800s, with poorer heating outcomes.

We all need to play our part in reaching net zero, and that will include radically rethinking many of our ways of working and living. However, we need to take into account variations in geography, topography, grid connection and capacity and, conversely, our increasingly volatile climate. We need to think about that, because our climate is increasingly volatile and we must ensure that what we do does not exacerbate that.

There is no doubt that the burning of fossil fuels contributes to climate change and that addressing that via legislation is necessary. However, I also understand, as the MSP for the large and predominantly rural Carrick, Cumnock and Doon Valley constituency, that grid connections can be tenuous for outlying rural communities and isolated farms and cottages and that the stopgap for many of those, for heating and eating, is a wood-burning stove. During the horrendous weather event known as the beast from the east back in 2018, many folk in my area were snowed in for weeks and relied heavily on their stoves. That was not just a power cut for a couple of hours—it lasted for weeks. People who live in rural properties or properties that are remote from the

grid infrastructure would still have a need for wood-burning stoves in such emergency situations, and those cannot be portable—they need to be fixed.

I understand that the new build heat standard made some provision for such emergency situations, but, as we have heard, I and many others felt that that was a bit vague and open to local interpretation, so I am keen to hear from the minister exactly how a house builder is able to demonstrate the need for a stove, because, in my mind, that need is almost a given in rural settings.

I have a degree of sympathy with the arguments that burning dried wood from sustainable sources in a modern efficient stove or boiler has a lower carbon emission calculation than some grid resources, and we need to remember that. Indeed, many crofters and those living in rural areas have factored access to sustainable forestry for energy provision into their way of life. We must ensure that we do not exacerbate fuel poverty in any way. I am glad that the minister has taken our collective concern seriously and is urgently reviewing the standard, and I am keen to hear from her on that when she winds up the debate.

It is really important that we start to break down silos in this Parliament. Perhaps if the standard had come to the Rural Affairs and Islands Committee for consideration, we would have been able to flag up those concerns. I take on board the fact that Miles Briggs did that in the Local Government, Housing and Planning Committee, but we need to square that circle a bit.

I am keen to bring to the minister's attention the plight of one of my constituents, who raised an issue in light of this debate. She recently had a wood burner installed but found out only when it was later inspected by a Heating Equipment Testing and Approval Scheme engineer that it was dangerous. She is very concerned about the lack of regulation for stove installation in Scotland and has asked that the Scottish Government considers changes to legislation to allow stove fitting to be carried out only by installers who are accredited by HETAS. If we are going to make changes and ensure that there is a place for stoves in the future, we could look at that type of accreditation.

The Deputy Presiding Officer: You need to conclude.

Elena Whitham: Thank you.

18:14

Tess White (North East Scotland) (Con): I, too, thank Jamie Halcro Johnston for securing this evening's debate on the banning of wood-burning stoves in new-build homes. It is an opportunity for MSPs to scrutinise the Scottish Government's ill-

conceived policy and, crucially, to raise constituents' concerns about its impact.

Yesterday, as we heard, Gillian Martin announced a review of the guidance. A review is not the same as a reversal. It should not have taken a public outcry and pressure from the Scottish Conservatives—

Gillian Martin: Does Tess White agree that it is important that I take the time to reach out to the stakeholders who are involved and hear their views, rather than just taking knee-jerk action, as she suggests?

Tess White: Gillian Martin raised the word "knee-jerk". I call that pot and kettle. It is evident that Gillian Martin has not even listened to her own back benchers or members of her own party. My point is that it should not have taken a public outcry and pressure from the Scottish Conservatives to sense-check this sorry episode.

The new build heat standard is not just an ill-conceived policy. It is another example of wokerati wine-bar politicians being totally blinkered to the needs of rural Scotland. It was crafted by a central-belt-obsessed SNP Government that was in hock to the Scottish Greens before Patrick Harvie was unceremoniously told to get on his bike by the former First Minister. The Government has shown utter contempt for rural communities the length and breadth of Scotland. It has totally disregarded the financial impact of the policy on the stove industry and the sustainable biofuel companies that rely on that.

The SNP has completely underestimated the realities of rural life. Need I remind the SNP Government of storm Arwen in November 2021, and the countless communities—some 4,000 people across the north-east—that lost power for days? One resident of Sauchen in Aberdeenshire said that the village was without power for a week.

"Luckily",

he said,

"we have a wood-burning stove, so that kept us warm in one of the rooms."

For thousands of people, such stoves are a feature of rural resilience. The SNP can try all that it wants to qualify, mitigate and dilute the policy, but when experts such as the Royal Incorporation of Architects in Scotland say that a

"more nuanced approach is needed, tailoring heating specifications to rural circumstances and real-world use scenarios",

the SNP needs to act.

One stove industry representative from Angus said:

“When cars were deemed pollutants, no one suggested banning them, the industry was allowed to address the issues”

through improvement and innovation such as catalytic converters and hybrid technology.

The new build heat standard is a knee-jerk reaction.

Jamie Halcro Johnston: Will Tess White take an intervention?

Tess White: Yes.

The Deputy Presiding Officer: I ask Jamie Halcro Johnston to be brief.

Jamie Halcro Johnston: I am sure that Tess White is aware that the industry has worked extremely hard with the Government to reduce emissions. All that effort seems to have been ignored in the new regulations. That is part of the great disappointment.

Tess White: Exactly. I hope that the minister is listening carefully. Members of the industry are in the public gallery. As other industries have that are transitioning as part of net zero, the stove industry must have the opportunity to evolve and adjust.

Regulations such as these are not simply a legacy of the disastrous Bute house agreement, as Kate Forbes would have us believe; rather, they are due to the way in which policy is made and imposed on rural and remote communities by the SNP Government.

As Scottish Land & Estates has called for, the Scottish Government must change its approach to policy making. It must take account of rural proofing and improve consultation and communication. In the meantime, the Scottish Conservatives will keep standing up for the interests of our rural communities.

18:18

Ariane Burgess (Highlands and Islands) (Green): I thank Jamie Halcro Johnston for securing the debate.

Yesterday, we heard the minister commit to the review of the new build heat standard. The new build heat standard is necessary to directly cut emissions from new homes and buildings, and it will help to stimulate the supply chain for zero-carbon heating. It has been praised, and the United Kingdom Government has been urged to bring forward its own measures to match Scotland’s timetable.

We are here today to debate this topic due to significant lobbying from manufacturers as well as some misinformation. That has caused understandable concern for people who can make

use of the flexibility that exists in the building standards or who have existing biomass systems and have been misled into thinking that they will have to remove them.

Off the back of that lobbying and misinformation, I have heard from woodland crofters, design and build contractors, architects, self-builders and community woodland groups, all of whom are concerned about the potential impact of the new standard on their projects. I met members of Isle Of Eigg Heritage Trust, who are concerned about their need to install wood stoves as a primary source of heat for their new builds while they develop electric grid capacity in their move to net zero by 2030. I thank the minister for her reassurance that wood-burning stoves can be installed for off-grid communities such as Eigg.

The Scottish Government supports the creation of new woodland crofts. A key feature of such crofts is their self-sufficiency in heating fuel. More widely, occupiers of land, such as crofters, farmers and owners of forests, could sustainably grow all their own fuel from their own land with minimal fuel miles, with corresponding benefits arising through managing that land for fuel in respect of shelter, biodiversity and improved timber quality.

To put people at ease, we must communicate that the standard is not a ban on biomass heating in existing homes. It is for new buildings and major rebuilding projects.

Jamie Halcro Johnston: Will the member take an intervention?

Ariane Burgess: I am sorry, but I do not have time to take an intervention.

The standard does not ban biomass as an emergency back-up system in situations in which the electricity supply fails, for example. It is implemented through the building standards regime, which already includes flexibility for local authorities to take account of special circumstances—for example, where homes need to be built in a place where they cannot have a reliable electricity supply. I ask the minister to provide clear guidance to local authorities to apply a flexible approach where appropriate.

A highly efficient wood-fuelled heating system that minimises emissions and captures gases for additional burning, especially if powered through locally grown and harvested timber, could well have lower overall lifetime emissions than some zero direct emissions systems.

The standard will have a small impact on biomass, as very few new homes are built with biomass as their main heating system. The number of situations in which that is necessary is, as I have described, so small that the flexibility in the regime will be able to cope. Again, I ask the

minister to provide guidance on the standards to local authorities.

Energy efficiency standards have also been increased in the building standards regime, and further changes will put in place a Scottish equivalent of the Passivhaus standard. That means that the energy demand for heating in all new homes will be very low, which will further reduce the already rare instances in which zero-emissions heating is not viable.

Biomass has a role to play in home heating. That will be most relevant for existing homes that have characteristics that make them especially difficult or expensive to retrofit for energy efficiency and zero-emissions heating, and where a sustainable supply of feedstock is readily available and can be relied upon for the long term. However, putting it into new buildings still generates avoidable gas emissions. Doing so out of necessity in circumstances in which no zero-emissions option can be made viable is justified.

The concerns that have been raised are understandable, but they result from a lack of clear commitment from SNP ministers reconfirming the direction of travel—

The Deputy Presiding Officer: You need to conclude.

Ariane Burgess: —on the wider heat in buildings strategy and the intention to introduce legislation this year. Only that clear signal will create the conditions for the investment that is needed in skills, the supply chain and innovation.

The Deputy Presiding Officer: A large number of members still wish to participate in the debate. On that basis, I am minded to accept a motion without notice, under rule 8.14.3 of the standing orders, to extend the debate by up to 30 minutes. I invite Jamie Halcro Johnston to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by 30 minutes.—[*Jamie Halcro Johnston*]

Motion agreed to.

The Deputy Presiding Officer: I call Alexander Burnett. You have up to four minutes, Mr Burnett.

18:23

Alexander Burnett (Aberdeenshire West) (Con): I promise to be brief and not to use the 30 minutes that the debate has been extended by.

I thank Jamie Halcro Johnston for bringing this very important issue to Parliament for debate, and I note my entry in the register of members' interests relating to renewable energy, biomass and forestry.

As we have heard from colleagues throughout the debate, the issue deeply impacts people in our rural communities along with anyone who would enjoy the freedom of having a wood-burning stove for heat and comfort. Many of my constituents in Aberdeenshire West have expressed concerns about how they will stay warm during future power cuts. Sadly, extreme weather events are becoming too frequent. Power cuts can last for days, if not weeks. I was without power for 10 days during storm Arwen.

However, my additional concern with the ban from a renewable energy perspective is that it sends a message that biomass and wood fuel will become prohibited down the line. With thousands of people, including myself, having been encouraged to invest in various wood fuel systems, the ban is extremely concerning. Many public authorities have also gone down that route. For instance, dozens of schools in Highland Council use wood fuel and I hope that the minister will assure all who rely on wood fuel that support and encouragement for the sector still exists.

The effective ban on wood-burning stoves for new homes is the start of a slippery slope to wiping out the sector altogether. Colleagues have raised the significant economic impact that that will have on jobs and local businesses, the livelihoods of the 2,000 people who work in the sector, and the £60 million that it contributes annually to our Scottish economy.

I promised that I would be brief, so I will finish on a specific point. Managing forestry is a long and costly process and any wood products that can be extracted are critical for what is a very difficult economic sector. Firewood is the lowest value-added product and there has been support for schemes such as woodlots—the forestry equivalent of allotments—to maintain small areas of non-commercial forestry. If we want to support the forest sector and the environmental benefits that stem from it, we must understand its economics. Sadly, the Parliament has a reputation for pursuing ideological ambition with ignorance and disregard for the people and sectors that it impacts. Yet again, it is clear that this legislation must be rethought.

Gillian Martin: Will the member take an intervention?

Alexander Burnett: I have just finished.

18:26

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am a wee bit peeved that the SNP is being accused of being anti-rural. Many of my colleagues have spoken up for rural communities for generations, and I have

done so for 25 years. I just had to get that off my chest.

I congratulate the member on securing the debate in the chamber, and I was pleased to sign the motion for debate. As the minister will be aware, I raised my concerns about the limitations and restrictions on log-burning stoves for new builds, as that would impact many households and, indeed, businesses in my rural constituency. We are not talking about the fashion for wood-burning stoves in the city, but the fact that, for centuries, people in rural Scotland have warmed their homes with a ready and inexpensive—sometimes free—supply of logs.

When I lived in Minnigaff near Newton Stewart, I would, during the summer, have a trailer deliver a supply of logs that we could stack and dry for the winter. We had no mains access to gas and, after many a storm, the electricity supply would cut out. Candles were easily located and, not for the first time, I had to cook on the open log-burning fire. That remains the case in many rural areas in my constituency.

Some of these details are historic, but I will refer to them anyway. I raised my concerns at First Minister's question time on 25 April, when I said:

"There is a well-established business in West Linton that supplies log-burning stoves and accessories. I am very concerned that, after 30 years, the business may very well be under threat. I understand that clean, eco-designed wood-burning stoves that use locally supplied wood can be used in conjunction with other renewable energy heating options, and that that position is supported by a Government study that was done a few years ago. Will the First Minister ask the appropriate cabinet secretary to revisit that study, as the issue may affect other small rural businesses?"

The then First Minister, Humza Yousaf, replied:

"I will ensure that we continue to keep those regulations under review. I say to Christine Grahame that there are appropriate exemptions in place and we take account of unique circumstances, particularly in rural and island Scotland."—[*Official Report*, 25 April 2024; c 25.]

I followed that up on 22 May during portfolio questions, when I asked the Scottish Government:

"what discussions it has had and will have with rural communities, such as residents and businesses in the Midlothian South, Tweeddale and Lauderdale constituency, regarding the restrictions on the installation of wood-burning stoves."

The Minister for Climate Action, Gillian Martin, replied:

"The new-build heat standard currently applies only to new buildings and certain conversions. Wood-burning stoves can still be installed to provide emergency heating where justified".

One of my concerns with that response is the use of the word "emergency". The minister went on to say:

"I am new in this post. We are urgently reviewing the position in light of those concerns and ensuring that we work with and communicate with all concerned parties, including businesses, as we do so. I believe that I have already said that I would go to Ms Grahame's constituency to speak to one such business."—[*Official Report*, 22 May 2024; c 6.]

I had forgotten the minister's invitation, which is typical of me. However, she has agreed to come. She then said the following:

"Christine Grahame makes a good point about sustainable supply of fuels for these forms of heating. I assure her that I take very seriously the concerns that she and many others have raised. I am happy to reiterate the commitment to urgently review our position"—

which she is doing—

"which was made in the letter of 16 May."—[*Official Report*, 22 May 2024; c 7.]

She also accepted my second invitation to come to the constituency.

I should say that the first invitation was to Dryden Aqua—I do not want the minister to get confused, as that was about recycling glass—and the second, which still stands, was to visit The Fire Side shop in West Linton. I know that that invitation is in the post to the minister.

I want to add a third invitation—I am very good at invitations—to Baddinsgill farm, which is near West Linton and also trades as Treeline Woodlands. It sells bagged logs, kiln-dried hardwood and what it calls "wee wonky wood" for log burners. That is local wood that is burned locally and which, simply by being local, reduces emissions. We could tackle those issues at the same time.

It is important that we work with rural communities, domestic communities and business communities, because we all want to play our part in reducing emissions, but we have to do it together through a nuanced and flexible approach.

18:30

Finlay Carson (Galloway and West Dumfries) (Con): I thank my colleague Jamie Halcro Johnston for bringing this debate to the chamber.

As we have heard, the stove industry in the UK and here in Scotland makes a valuable contribution to our economy, financially and in employment terms. The most recent figures show that the sector contributes £750 million annually and supports 25,000 jobs, which absolutely should not be ignored in the debate. Nor should we ignore the fact that log-burning stoves have been a vital mainstay of many communities in rural Scotland down the generations, especially as many homes have no access to the mains gas supply and some are so remote that they have no reliable electricity

services during the winter. That situation will be no different for new builds.

In recent years we have witnessed a string of devastating storms that have left many rural and island communities without power, on some occasions for several days, often amid chilling temperatures. Unexpected interruption of power is no longer a rarity and Highland Council now recommends that, in the winter, people might need to be self-sufficient for 72 hours. It has been well publicised that, after storm Arwen, as many as 4,000 people were without power for a whole week.

Consumer Scotland has highlighted the issue of infrastructure resilience in rural parts of Scotland, such as my Galloway and West Dumfries constituency and Christine Grahame's old home in Minnigaff. Wood-burning stoves have proved a godsend in many emergency situations, as they give families and others back-up warmth as well as cooking facilities.

Putting aside all the resilience, climate and economic factors, I wonder whether members know that wood-burning stoves or open fires are good for people's health and personal wellbeing, with as many as 93 per cent of users reporting an advantageous effect. According to research, the warmth, light, sound and smell of a fire can have direct benefits for an individual's blood pressure and stress levels, and I absolutely need to get one installed.

The circulatory system is complex and is influenced and managed by mental images and emotions. The presence of a flame in stoves, fireplace inserts or candles in a household can connote homeliness and safety. That is well documented in Scandinavian countries, where residential combustion is more commonplace and where the term "hygge"—I think that I pronounced that right—is used to describe that ambient mood.

In fact, the use of a fireplace or stove, often in a central living space, provides a central focal point within a household, and encourages communication between family members, leading to a friendly and creative discussion. The next time the other half, the weans or the dog is getting stressed, simply turn on the fire or stove and watch those troubles melt away. The minister can thank me for that advice later.

In conclusion, if someone is looking for a stress-free, healthy life in their traditional or new-build home, wood-burning stoves are the answer.

18:34

Emma Harper (South Scotland) (SNP): I welcome the opportunity to speak in the debate. I will keep my contribution brief, as colleagues have

already described the issues really well. In fact, I have scratched out loads of what I was going to say.

I thank Jamie Halcro Johnston for bringing the debate to the chamber. I also thank the Stove Industry Association, architects and Scottish Land & Estates for briefings that we have received ahead of the debate.

We have heard that some of the content of the heat in buildings strategy has been controversial, particularly for people in remote, rural and island communities. Indeed, we have heard that from rural colleagues across the parties.

My inbox has had muckle contact from people across Dumfries and Galloway and the Borders. Elena Whitham mentioned grid connection; according to the Scottish Government's estimates, 34 per cent of dwellings in Dumfries and Galloway are off the gas grid. That is a higher percentage than that for the whole of Scotland, for which the average is 16 per cent. In many of those homes, my constituents rely on wood-burning stoves and biomass boilers for heating, hot water and cooking. Others have said the same already.

At Tuesday's topical questions, the minister confirmed that she had listened to rural communities' concerns and stated that she was willing to review the regulations on wood-burning stoves and biomass boilers, with the intention of adapting them to address the inflexibility that has been raised. That will be welcome news to my constituents who have contacted me about the matter.

For people in rural Wigtownshire, Dumfriesshire and the Borders, there exists deep concern about the current proposals. In particular, constituents contacted me about the cost of having to change their whole heating system from wood-burning stoves and biomass boilers, particularly at a time of energy poverty and a Westminster-inflicted cost of living crisis. The minister's announcement is, therefore, an example of how the Government listens to the views of rural Scotland and ensures that policy works for everyone.

I agree with Elena Whitham that the proposed regulations could have come to the Rural Affairs and Islands Committee as well as going to the Local Government, Housing and Planning Committee. In fact, that brings me to an issue that I raised recently about cross-committee and cross-portfolio working. We saw the same thing with the Good Food Nation (Scotland) Bill, which went to the Rural Affairs and Islands Committee and did not come to the Health, Social Care and Sport Committee. I am a member of both and see a warrant for cross-portfolio working.

Jamie Halcro Johnston: I agree with Emma Harper on cross-portfolio working and with Elena

Whitham on her point about silos. I recognise that this is perhaps not a mess of the minister's making but, less than two months after the regulations were introduced, they have to be reviewed. It is not the case that the Scottish Government is listening to rural communities—it should have done so before the regulations were introduced.

Emma Harper: My understanding is that the review has already started, but the situation highlights the need, sometimes, for more cross-portfolio working. My colleague Brian Whittle said as much in a recent debate.

As I have said, the minister is already undertaking the review and I look forward to it. We need to decarbonise heating in our homes, and I look forward to progress being made as we take that forward.

18:38

Edward Mountain (Highlands and Islands) (Con): I am conscious of the time constraints but, as we have extended the debate by 30 minutes, I think that I have 15 minutes left. I will not talk for that long.

I thank Jamie Halcro Johnston for bringing the debate to the Parliament. It is important. Every time that I go home, some of the more rural constituents that I face ask what I do down here. I cannot believe that I have been forced to argue the defence against a ban on wood-burning stoves. I do not need to remind the minister that, in 2012, for three and a half months, no lorries could come anywhere near my home to deliver oil or gas and the electricity was pretty shaky on occasions in the area where I live, so the log-burning stove was critical.

My constituents ask me what I will do with all the wood that is left up in the forestry. I tell them that we cannot chip it any more, but they say, "Oh, yes, you can chip it, Edward. You can send it down to the local CoRDe plant in Rothes, next to where they are building these new houses. They can get a Government grant for burning it, but we cannot burn it in our own houses." That is what my constituents do not understand. They do not understand why the ban was introduced without considering rural areas.

I could bang on for ages about the issue, but I am not going to. I am glad that we are having a review, that we think that the ban is probably not a wise idea and that our party and other members across the chamber have pointed that out to the Government. I am also glad that, without Mr Harvie, the Government is now in a position to consider reversing the idea.

The Deputy Presiding Officer: I am glad that you did not take 15 minutes, Mr Mountain. I call Gillian Martin to respond to the debate.

18:40

The Minister for Climate Action (Gillian Martin): I really welcome the debate. I thank Jamie Halcro Johnston and members across the chamber for the nearly 100 per cent constructive tone. I found myself nodding along to most of the points that have been made, although, obviously, I will shrug off the anti-SNP stuff.

The concerns that have been highlighted echo my own, and they echo those that I had before I had responsibility for this. When I had responsibility for fuel poverty and just transition, I was particularly aware that the regulations did not hit the mark on those two areas and, as a rural MSP, I am acutely aware of the importance of having the options of wood-burning stoves and biomass boilers, not just for existing homes but for new builds.

Rachael Hamilton: We trust that the minister will commit to taking the review forward in a different way from two months ago, but why were the industry bodies not initially consulted, particularly the stove industry? Will they be consulted? Will Gillian Martin commit to meeting cross-party members and stakeholders?

Gillian Martin: As I said to Ms Hamilton yesterday when she asked me a topical question on the issue, there will be a review. However, as I said to Tess White, who wants me to do it tomorrow, it is important that I listen to stakeholders. I am happy to meet the Stove Industry Association; a member of the association is a constituent who came to see me, as a constituency MSP, a couple of weeks ago.

We are already looking at what can happen in the interim. A review must take place in order to allow conversations like the one that Ms Hamilton has mentioned. I am conscious of the fact that there must be interim solutions, which is a point that Rhoda Grant brought up, too, so my officials are meeting the Local Authority Building Standards Scotland officers tomorrow and will report back to me. It is about guidance at the moment; obviously, there are regulations, but there is guidance and flexibility there. Rhoda Grant made a really important point about building warrants, too. I will see what that conversation brings out around what I can do in the interim.

Jamie Halcro Johnston: I am pleased to hear that your officials are looking at the issue. Could those considerations include a suspension of the regulations or at least a removal of the presumption against wood-burning stoves? As damage is already being done to the sector, will

you, as I asked yesterday, consider doing an economic impact assessment on the impact of the regulations so far?

The Deputy Presiding Officer: Through the chair, please.

Gillian Martin: My biggest concern at the moment is ensuring that the unintended consequences of the regulations will not have more of an impact. The regulations must go through a parliamentary process—Mr Halcro Johnston knows that well. However, the question is what I can do in the interim.

I made representations about the emergency situation that many people found themselves in during power cuts. In all honesty, I do not think that people put a biomass boiler in for an emergency—they will not spend that money just for that—and the question is what constitutes an emergency. I am alive to the fact that people put in biomass boilers for primary and secondary heating.

Jamie Halcro Johnston: Will the minister take an intervention?

Gillian Martin: I will not take another one, because I have loads to say, and I might even answer Mr Halcro Johnston's question. I had and still have those concerns; the guidelines around emergencies needed to be looked at, and they will be. I heard the range of concerns that communities have; I am actively working on interim solutions and am actively involved in the review. I raised the issue as soon as I got responsibility, and Mr Halcro Johnston heard my response to Ms Hamilton yesterday.

The debate has highlighted the unique challenges that rural communities face, including the need for resilience around power cuts. Storm Gerrit was mentioned by Mr Halcro Johnston, and a few people mentioned storm Arwen, which also impacted my constituency. Interestingly, after storm Arwen, a lot of people who were not affected and who did not have a wood-burning stove thought about putting one in, in case anything like that happened again. We are talking about existing homes, as well as new builds, and people thinking about how they can be future proofed.

Alexander Burnett mentioned extreme weather events. Extreme weather events are a result of climate change, so we must act proportionately. The problem is that the regulations did not quite take into account the need to be flexible in rural areas, for all the reasons that members have mentioned. Chris Stark, the former chief executive of the Climate Change Committee, said on X that he agreed with the regulations on the whole but admitted that

“The wood burner proposals are far too inflexible—I agree.”

I agree with him.

Finlay Carson: Will you give us a commitment today that you will also look at the future of wood-burning stoves in new builds? We currently have myths peddled by the Green Party that there is significant impact on the climate from those wood-burning stoves. The industry has invested millions to ensure that wood-burning stoves are one of the most effective ways to heat homes. Why should new homes not have the advantages that I set out, including in relation to wellbeing, with little impact? The Greens would have us banning air fryers, which have a significantly greater impact on the climate than wood-burning stoves ever would.

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

Gillian Martin: Bizarrely, for a debate about heat generation, I ask that we take the heat out of it. We need to work cross party on the matter. What Mr Carson has asked me to do is what I am doing. It is about new builds, which are a very small part of the regulations. It is not about throwing out all the regulations; it is about looking at the very small part that is causing such concern in rural communities.

I will talk about fuel poverty. I have had responsibility for fuel poverty since I was made a minister last year, which Elena Whitham mentioned. I want to reassure members that we continue to follow the principles that are set out in our heat in buildings strategy to ensure that people are not pushed into fuel poverty in the process of doing things to decarbonise homes. That is really important—again, it is a just transition issue.

The regulations do not exist in isolation. They build on a recent uplift in energy standards and ensure that new buildings have high levels of energy efficiency. However, it is about recognising that, in some areas, people are doing everything that they can to decarbonise and to be sustainable. Many people have their own sustainable wood supply, which Edward Mountain, Alexander Burnett and Elena Whitham mentioned. I need to consider that aspect as we review the regulations.

We also need to support grid upgrades to make sure that more communities have sustainable electricity supplies. Extreme weather events are one thing, but we also have a grid infrastructure for electricity that needs dramatic investment. We have to look at the issue in the round and stop using it as a political football.

The context of the debate is the reality of a climate emergency. It is the Government's clear priority to take urgent action to reduce emissions. However, the number of new builds in Scotland

that put in wood-burning stoves is a fraction. We cannot throw the baby out with the bath water here. With regard to the emissions that are being created by those homes, we are not talking about a substantial number of homes. The people in those homes are not making those decisions to pollute; they are making those decisions for the good of their families and for the circumstances that they find themselves in. We have to be alive to that. I am alive to that, as are Emma Harper and Christine Grahame. I take offence when people say that I do not understand rural Scotland. I am a rural Scotland MSP, and I have consistently stood up for rural Scotland. I am now in a position to review the guidelines. I hope that everyone will take me at my word when I say that I am treating it as an urgent matter.

The Deputy Presiding Officer: Thank you, minister. That concludes the debate.

Meeting closed at 18:49.

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