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Scottish Parliament

Wednesday 26 March 2025

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

Portfolio Question Time

Deputy First Minister Responsibilities, Economy and Gaelic

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business this afternoon is portfolio questions, and the first portfolio is Deputy First Minister responsibilities, economy and Gaelic. Members who wish to ask a supplementary should press their request-to-speak buttons during the relevant question. There is quite a bit of interest in supplementaries, so I make the usual appeal for brevity in questions and responses.

Culture Sector (Contribution to Glasgow and West of Scotland Economy)

1. Pam Duncan-Glancy (Glasgow) (Lab): To ask the Scottish Government what discussions the economy secretary has had with ministerial colleagues regarding the contribution that the cultural sector makes to Glasgow and the west of Scotland's economy. (S6O-04480)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): We have demonstrated our commitment to the culture sector with an increase of more than £34 million to next year's culture budget, which takes us more than halfway to our commitment to increase support by £100 million annually by 2028-29. Notably, our commitment means that, through Creative Scotland's multiyear funding, organisations in Glasgow will receive almost £60 million in funding over the next three years. Although I have not had specific ministerial discussions regarding the culture sector's impact on the economy of Glasgow and the west of Scotland, I welcome discussions from all colleagues on that.

Pam Duncan-Glancy: The show "River City" has been a vital training ground for the culture sector in Glasgow and the west of Scotland. In the past five years alone, the show has launched the careers of 22 Scotland-based writers and 10 directors, most of whom are women. It also plays a key role in university programmes such as those in Glasgow Caledonian University, giving pathways to vital jobs in the industry. The issue is not just a cultural one—it is about skills and the economy, too.

What assessment has the Deputy First Minister made of the impact of losing that vital training infrastructure on pathways into the screen sector, particularly for working-class women and mid-career creatives in Glasgow? What action will she take to raise that directly with the BBC?

Kate Forbes: I commend Pam Duncan-Glancy and others for their cross-party support of the screen sector and for recognising the role of "River City" as a BBC production. As she says, the show has provided a pipeline of work for actors and actresses in Glasgow and, in particular, in the Dumbarton location, and she will know that the Cabinet Secretary for Constitution, External Affairs and Culture, Angus Robertson, is very involved in the issue. Only this week, he met Equity members on the matter.

The priority is that there should be no detriment to actors, actresses, the pipeline of work or the screen sector from BBC decisions. As Pam Duncan-Glancy knows, there are growing questions about drama commissions in Scotland, which Angus Robertson has raised with the Secretary of State for Culture, Media and Sport, Lisa Nandy.

Clare Haughey (Rutherglen) (SNP): The culture sector across Scotland has had a significant boost as a result of the delivery of multiyear funding. Can the Deputy First Minister say any more about how that is ensuring a thriving cultural scene and supporting employment opportunities in Glasgow and the surrounding areas, such as my constituency of Rutherglen, as well as boosting the growth of creative industries across Scotland?

Kate Forbes: Our investment in Scotland's culture sector has led to a significant increase in the number of community-based and locally focused creative industries and cultural organisations coming into the multiyear funding portfolio, which better represents the culture and geographical diversity of Scotland, including in Clare Haughey's Rutherglen constituency.

We are committed to increasing culture budgets by £100 million by 2028-29 to demonstrate the commitment to the sector's future. I refer Clare Haughey to my earlier answer, in which I said that, in Glasgow alone, that has resulted in securing nearly £60 million over the next three years for the future of key cultural and creative organisations.

Green Economy (Investment)

2. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government whether it will provide an update on the steps that it is taking to encourage investment in Scotland's green economy. (S6O-04481)

The Minister for Employment and Investment (Tom Arthur): The growth and success of Scotland's green economy are a priority for the Government. Delivering our climate and economic growth ambitions will provide opportunities that support jobs, trade, investment and growth. Our programme for government outlined a commitment to deliver a co-ordinated programme to attract investment in the priority areas of net zero, housing and infrastructure by implementing recommendations from the investor panel. That will focus on improving engagement with investors and strengthening our capacity and capability in delivery. A recent example of action in that area was the global offshore wind investment forum, on 17 March.

David Torrance: It is vital that Scotland sees the maximum economic benefit from the renewables revolution, particularly through the establishment of a strong Scottish supply chain to support green jobs up and down the country. Can the minister say any more about how the Scottish Government is working to encourage regional growth and sustainable job creation across Scotland?

Tom Arthur: The Scottish Government is supporting regional economic growth through our £1.9 billion investment in the national network of city and regional growth deals. That long-term investment commitment enables regional partners to deliver activity, which supports regional job creation.

We are working closely with our enterprise agencies and the Scottish National Investment Bank to enable Scottish businesses to access domestic opportunities in, for example, the clean energy supply chain. This year, we have tripled our capital investment in the offshore wind sector to £150 million in order to support the ports, manufacturing and supply chain facilities that are required, which will help secure jobs and economic benefits at scale in Scotland.

Brian Whittle (South Scotland) (Con): The minister will recognise the necessity of building a skilled workforce and growing the green economy to encourage investment. He will also recognise the invaluable contribution that our colleges make in fulfilling that task. Given that, can he explain why Ayrshire College has been told that its core teaching grant has been cut, and why, despite 5,000 skilled engineers being required by the area's businesses, including many related to the green economy, engineering is not being prioritised as an area of growth?

Tom Arthur: Engineering, energy-related apprenticeships and the information technology and digital sectors are being prioritised, because of their role in driving economic growth. In response to employer demand, Skills

Development Scotland has ensured that requests for engineering apprenticeships have been met through in-year contract allocations.

We are aware that Ayrshire College plays an important role in supporting the Ayrshire regional economy. Skills Development Scotland oversees the national apprenticeship programme and administers funding on the Scottish Government's behalf. It conducts an open procurement process via Public Contracts Scotland and, throughout the year, implements in-year reallocations of modern apprenticeship starts to ensure flexibility in responding to employer demand. We encourage Ayrshire College to continue to liaise with SDS and raise any concerns about its contract with the organisation in the first instance.

Paul Sweeney (Glasgow) (Lab): Will the minister commit to progressing the Scottish Offshore Wind Energy Council project for offshore support vessels and crew transfer vessels, which is a shipbuilding opportunity for Scotland, as well as the Malin and Star Refrigeration B-Neatpump renewables project, which shows great potential for significant maritime manufacturing and shipbuilding in Scotland?

Tom Arthur: I recognise the member's points, and I am happy to engage with him directly on them.

Seafood Processing Sector

3. Karen Adam (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what immediate and longer-term actions it can take to support and promote the Scottish seafood processing sector, ensuring that it can compete effectively in a United Kingdom and global market. (S6O-04482)

The Minister for Business (Richard Lochhead): The seafood processing sector in north-east Scotland generates more than £100 million in gross value added a year, contributes £700 million of the region's £2.2 billion food and drink manufacturing turnover and provides more than 4,000 direct full-time-equivalent jobs.

To support the sector's economic growth, we have provided £10 million from 2023 to 2025 to support the implementation of Scotland's food and drink strategy, which was developed in collaboration with producers and which outlines how we are driving growth for businesses across various sectors, including the seafood processing industry. In addition, we have since 2014 invested more than £7 million in the Scotland food and drink export plan, which has helped Scottish businesses, including seafood processors, capitalise on key market opportunities both now and in the future.

Karen Adam: The Scottish Seafood Association, known for its quality and sustainability, has set out the growing need to increase sales and demand in the UK and across global markets and aligning that with the promotion of brand Scotland. However, with on-going challenges ranging from market access for small and medium-sized enterprises to logistics and skills shortages, it is critical that we not only strengthen our domestic seafood presence but bolster our position on the international stage and collectively work towards increasing the visibility of Scottish seafood as a premium sustainable product. What role can the Scottish Government play in facilitating the growth that the sector so badly needs?

Richard Lochhead: I know that the issue is close to Karen Adam's heart, given the importance of seafood processing and the catching sector to her constituency. The funding that we have provided for the food and drink industry strategy to date has increased the seafood sector's value and reputation at home and internationally.

A number of such projects have been led by Seafood Scotland. I am a big fan of the organisation, and in my role as trade minister, I am happy to meet it to discuss any further steps that should be taken to support the international opportunities that are being realised in that fantastic sector.

Tim Eagle (Highlands and Islands) (Con): Karen Adam has raised some incredibly important points. The catching and processing sectors are important to communities across Scotland, but many are very worried that, in future talks between the UK Government and the European Union on a new deal, there might be demands to back down on current fishing rights. What conversations is the Scottish Government having with the UK Government and European officials to protect the processing sector?

Richard Lochhead: The member has raised an important point, but he will be aware of the obstacles for seafood exporters in Scotland that Brexit created and the damage that those obstacles have caused the sector. I am therefore surprised that he has now reversed his position and is saying that being out of the European Union is causing problems and leading to difficult negotiations. Perhaps his party should not have supported Brexit in the first place, given all the damage that it has caused seafood exporters the length and breadth of Scotland. I am sure that, unlike the member's party, Mairi Gougeon, the cabinet secretary responsible for the negotiations, takes the interests of the fishing industry very seriously.

Gaelic-medium Education (Glasgow Shettleston)

4. John Mason (Glasgow Shettleston) (Ind): To ask the Scottish Government whether it will provide an update on the provision of Gaelic-medium education at primary level in the Glasgow Shettleston constituency. (S6O-04483)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I commend Glasgow City Council for its commitment to Gaelic-medium education and the good progress that it has made in that regard. Plans are in place for a fourth Gaelic school, which will serve the Glasgow Shettleston constituency and other areas. We understand that planning permission has been granted and that the construction contract is in place. Pupils who will attend the school have already started their Gaelic-medium education at North Kelvinside primary school, and Glasgow City Council expects that they will move to the renovated school in autumn 2026. By means of the £2 billion learning estate investment programme, which is being delivered in partnership with local authorities, we will provide Glasgow City Council with significant funding support for the school project.

John Mason: The Deputy First Minister's answer is really encouraging. As she has said, Glasgow will now have four Gaelic-medium schools and, on top of that, an extremely important building in the east end of Glasgow has been saved. Could other councils learn from that example and increase the number of Gaelic-medium schools?

Kate Forbes: The most recent census figures and other evidence show that Gaelic-medium education continues to grow in popularity. As a product of that education, I obviously think that it is a great idea that offers pupils great prospects. We stand ready to support local authorities that want to develop Gaelic-medium opportunities and respond to parents who indicate a preference for placing a child in Gaelic-medium education.

The Deputy Presiding Officer: With a reminder that the question relates to Gaelic-medium education in the Glasgow Shettleston constituency, I call Emma Roddick to ask a supplementary question.

Emma Roddick (Highlands and Islands) (SNP): It is vital that we support Scotland's indigenous languages and promote Gaelic language and culture through continued education and investment. Will the Deputy First Minister say more about the Scottish Government's work to support growth of the language and promote its cultural, economic and community value across Scotland?

The Deputy Presiding Officer: It would be helpful if you mentioned Glasgow Shettleston.

Emma Roddick: Including in Glasgow.

Kate Forbes: We can all agree on the wonders of the Glasgow Shettleston constituency and its long-standing representative.

Gaelic is Scotland's language and, if Scotland cannot protect one of its indigenous languages, nobody else will, so I have always appreciated the cross-party support for Gaelic. There are quite a number of encouraging examples of progress, and we will continue to support Gaelic and promote its educational, cultural, economic and community value.

Long-term Economic Inactivity (Fife)

5. Roz McCall (Mid Scotland and Fife) (Con): To ask the Scottish Government what action it is taking to tackle long-term economic inactivity in Fife. (S6O-04484)

The Minister for Employment and Investment (Tom Arthur): Economic inactivity is a complex area, which has required the Government to commit to a co-ordinated approach. Devolved employability services are pivotal in supporting people to progress towards and into sustainable fair work. The programme for government prioritises addressing economic inactivity by committing to improving health services and introducing specialist employability support for disabled people across all local authorities.

The Deputy First Minister recently met business, third sector and public sector leaders to discuss what additional measures would have the greatest impact. For example, we know that childcare is important, and Fife is one of the six early adopter communities that are working to develop and test local systems of childcare for families who need it most.

Roz McCall: The number of registered private sector enterprises fell by 60 in 2023-24 and employment in businesses in that sector fell by almost 2,500 jobs in the same period.

If we dig a little deeper, we find that Fife's job density as a whole for the period 2018-2022 was only 0.69 jobs for every resident of working age, which is far behind the Scottish average. Fife's claimant rate remained static in 2023-24, and it remains higher than the Scottish average, with the Kirkcaldy claimant count almost treble that of affluent areas in north-east Fife.

What specific support is the Scottish Government providing to help people in Fife to re-enter the workplace and to address the persistent economic inactivity challenges there?

Tom Arthur: The Opportunities Fife partnership commissioned several projects to support individuals who are economically inactive back into the workplace. As the member will appreciate, it is the local economic partnership that delivers employability support, harnessing the power of regional working with a mixed economy of partners.

The ground that the member covered in her supplementary question illustrates the complexity and multifaceted nature of the drivers of economic inactivity. She touched on the issue of employment opportunities in particular. Through regional growth deals, from which Fife benefits, and community wealth building initiatives, we are seeking to create greater equality between the regions in Scotland.

We are taking a multifaceted approach through investing to stimulate jobs and economic growth, as well as making direct interventions through employability provision.

Willie Rennie (North East Fife) (LD): Such high rates of economic inactivity are neither good for the individuals concerned nor for our long-term economy, especially as the new cohort of people who are economically inactive tend to be younger and have neurodevelopmental conditions. What discussions has the minister had with his health colleagues about prioritising neurodevelopmental services to ensure that we can get those people back to work, if that is possible?

Tom Arthur: The Government takes that extremely seriously. Of course, as is implicit in the point that Willie Rennie makes, it is about not just employability services but mental and physical health services. We are taking an holistic, joined-up approach, recognising the multitude of factors that can determine whether someone is economically inactive.

As I referenced in my earlier answer, the Deputy First Minister has been engaging with a range of stakeholders and partners, including those who operate in the mental health and disability spheres.

I reassure Willie Rennie that the Government is committed to working in partnership at local, regional and national level to ensure that we can provide the most rounded and holistic support possible, to help to address economic inactivity.

The Deputy Presiding Officer: With a reminder that the question is about economic inactivity in Fife, I call Daniel Johnson briefly.

Daniel Johnson (Edinburgh Southern) (Lab): The issues in Fife demonstrate the need to have an accurate picture of where there are issues with people accessing the workplace. As Willie Rennie referenced, there is an issue with young people.

However, at the Economy and Fair Work Committee this morning, Skills Development Scotland said that the real youth unemployment figure is upwards of 10 per cent, and that is not the official figure. Does the minister agree that we need to re-examine our approach to data gathering to get a clearer picture? Has he had discussions with Skills Development Scotland about the issue of youth unemployment figures?

Tom Arthur: I assure the member that we are having conversations across Government, on the point that he referenced in particular. That speaks to the consideration that we are giving to the specific transition points in people's lives where economic inactivity can begin. We are giving that very serious consideration and I would be happy to engage further with the member on the matter.

Artificial Intelligence (Regulation)

6. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government what its position is on the regulatory approach to AI and any impact that differences between regulations in the United Kingdom and the European Union could have on Scotland's economy. (S6O-04485)

The Minister for Business (Richard Lochhead): Regulation on AI is reserved to the UK Government, so the Scottish Government does not make direct decisions about AI regulation.

Scotland was the first of the UK nations to publish an AI strategy in 2021, and we continue to provide AI support to business through our enterprise agencies and the Scottish AI Alliance.

Although AI is reserved, the UK Government position can influence devolved responsibilities. We have to continue to engage with the UK Government to advocate that its approach to AI regulation considers the interests of the citizens and businesses of Scotland.

Patrick Harvie: It is increasingly clear that the rapid development of AI potentially carries great benefits and catastrophic risks. Therefore, only a balanced approach to regulation gives us a chance of gaining the benefits while reducing the risks.

That is what the EU is seeking to achieve, unlike the US or, apparently, the UK, but any divergence on regulations could also impact on Scotland. The AI strategy from the Scottish Government has little to say about risk, but it endorses one of the Organisation for Economic Co-operation and Development's principles, which is that potential risks should be continually assessed and managed. Will the minister tell us what specific actions the Scottish Government is taking to systematically carry out such risk assessment? When will it publish a breakdown of what risks

have been identified, how they are being managed and what the implications are for regulation?

Richard Lochhead: Patrick Harvie raises a number of important points. First and foremost is the point about the balance between addressing the risks of AI and capturing its massive benefits at the same time. That should be reflected in regulation. As he says, it is also important that we guard against divergence from EU regulation, given that many of the companies in this country export to the EU. We have a UK Labour Government that is making targeted interventions to address the AI risks, whereas the EU has taken a much more comprehensive approach to the issue. I assure Patrick Harvie that we in Scotland are refreshing our AI plan and we will take his valid points on board.

Liz Smith (Mid Scotland and Fife) (Con): Is the Scottish Government, together with its UK partners, giving any consideration to concerns around the misinformation that AI can contribute to, in terms of undermining democracy and elections across the world in particular?

Richard Lochhead: Liz Smith raises a very important point, which we—and I personally—have raised time and again with successive UK ministers, including the ministers in the new UK Government. One of the issues of concern to the Scottish Government is that, although the UK has tended to talk about the long-term frontier threats of AI, that has come at the expense of talking about and addressing the short-term risks of misinformation, deepfake images, or other more immediate threats that the public and business community, which want to use AI in a way that can be trusted, are very concerned about. That is a point that we are conveying to the UK Government.

Net Zero Sector (Economic Contribution)

7. Evelyn Tweed (Stirling) (SNP): To ask the Scottish Government, as part of the development and delivery of its economic strategy, what assessment it has made of the contribution of the net zero sector to the economy. (S6O-04486)

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): The Scottish Government set out the opportunities from net zero in its green industrial strategy. The strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero. The strategy focuses our efforts and resources on specific opportunities, based on an assessment of Scotland's likely sources of comparative advantage in the net zero economy.

Evelyn Tweed: The development of carbon capture and storage, through the Acorn project, for example, will form an important part of our net zero journey. Given that the United Kingdom Government is yet to approve the Acorn project, will the Deputy First Minister outline any on-going discussions between both Governments?

Kate Forbes: The importance of the Acorn project for Scotland's net zero commitments and economic ambitions cannot be overstated, and the continued delays from the UK Government are not helping. I note that Aberdeen and Grampian Chamber of Commerce, with support from MSPs in the Parliament, has today raised concerns about jobs, energy security and future investment, all of which is being put at risk by the fact that the UK has not taken a positive decision on Acorn. The First Minister and the Acting Cabinet Secretary for Net Zero and Energy have both recently engaged with the Prime Minister and the Secretary of State for Energy, Security and Net Zero on the urgent need for a positive decision on Acorn. Scottish carbon capture has suffered two decades of broken promises at the hands of various iterations of the UK Government, and it is time for the UK Government to finally come good on its promises.

South Scotland (Investment in West of Region)

8. Sharon Dowey (South Scotland) (Con): To ask the Scottish Government what action it is taking to invest in the west of the South Scotland region. (S6O-04487)

The Minister for Employment and Investment (Tom Arthur): The Scottish Government is investing in a number of actions that will deliver economic growth across the South Scotland region. Those include our £180 million investment across the Ayrshire and Borderlands growth deals. The deals allocate a budget of over £29 million in 2025-26 to South of Scotland Enterprise to promote business growth, and they commit to a total spend of £15.5 million through the regeneration capital grant fund to deliver nine projects in Dumfries and Galloway and four projects in South Ayrshire. All of that demonstrates the Government's commitment to driving growth and regeneration in our cities and regions.

Sharon Dowey: With the Ayrshire growth deal, businesses want to invest and to provide high-paying jobs in the area. There are also developers who want to build good-quality housing, which would provide accommodation for high-skilled workers, but poor infrastructure across Ayrshire is blocking investment by those businesses and housing developers. The A77 is the slowest A road in this country. The block is all too evident at critical junctions such as the Monkton, Dutch House and Bankfield roundabouts, not to mention

the Bellfield interchange. What action can the Government take to work with local authorities to improve infrastructure and unlock the economic potential of the region?

Tom Arthur: Along with net zero, housing and infrastructure, three of the key priorities where the Government has committed to driving forward investment, the member also highlights the critical importance of transport in enabling opportunities to be realised. I reassure the member that the Scottish Government is absolutely committed to continue working with growth deal partners to identify workable and deliverable solutions to support investment opportunities. To that end, I would be more than happy to have further engagement with the member and with local partners on the matter.

The Deputy Presiding Officer: My apologies to those whom I was not able to call. We are tight for time across the afternoon.

That concludes portfolio questions on Deputy First Minister responsibilities, economy and Gaelic.

Finance and Local Government

The Deputy Presiding Officer: The next portfolio is finance and local government. There is a lot of interest in asking supplementary questions, so we will need more brevity in both questions and responses.

Local Services (Motherwell and Wishaw)

1. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government how the Scottish budget 2025-26 will improve local services in Motherwell and Wishaw. (S6O-04488)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The Scottish budget for 2025-26 focuses on laying the foundations for Scotland's long-term success and for directly addressing the priorities of the people of Scotland, including those who live in Ms Adamson's constituency. The budget delivers £890.2 million for North Lanarkshire Council as part of the record £15.1 billion that is made available through the local government settlement. That record funding will help to ensure that people across Scotland, including those in Motherwell and Wishaw, continue to receive the high-quality local services that they expect and deserve.

Clare Adamson: The Scottish Government's number 1 priority is the eradication of child poverty, and local services and front-line organisations are integral to that aim. Does the cabinet secretary agree that the United Kingdom Government's decision to hike employer national insurance contributions, along with the Chancellor

of the Exchequer's brutal cuts to social security that were announced today, will have a devastating impact on Scottish finances, on local and front-line services and on third sector organisations, and that they will have an impact on vulnerable people in my Motherwell and Wishaw constituency?

Shona Robison: It is clear that the increased employer national insurance contributions will have a damaging effect on the funding that is available for public services, including those that are delivered by the third sector. At the same time, the compound impact of the decisions to cut the winter fuel payment, to freeze local housing allowance rates and to continue with the previous Government's welfare reforms can only increase demand for those services.

We are still digesting the impact of the chancellor's statement today, but there is a clear threat that the repeated attacks on some of the most vulnerable members of society risk creating a vicious cycle of reduced funding and increased demand. We have had confirmation from the Treasury that there will be cuts to our block grant from the welfare cuts from 2026-27 onwards.

Spring Budget Revision (Impact of IFRS 16 Changes on Discretionary Funding)

2. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what the impact will be on discretionary funding in the current financial year of the international financial reporting standard 16 changes outlined in its spring budget revision. (S6O-04489)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The IFRS 16 changes will negatively impact on our available discretionary funding this year. Changes in the profile of leasing requirements against original plans require additional budget cover. In contravention of the agreement with His Majesty's Treasury that the transition period should be budget neutral, the full additional budget cover has not been provided, so we have no option but to manage the shortfall within our overall funding envelope. The difference between the funding provided by HM Treasury and the budget requirement in the spring budget revision resulted in an increased funding gap of £9 million for resource and £40 million for capital.

Kenneth Gibson: Does the cabinet secretary agree that it is shocking that this bureaucratic change has enabled a Labour-led UK Treasury to deprive Scotland of £49.2 million—£8.9 million of resource and £40.2 million of capital—this year? The original arrangement was for the Treasury to provide ring-fenced budget cover. Clearly, however, that has not happened. Can the cabinet secretary advise the Parliament what discussions

are taking place with her UK counterparts about the level of funding that should be baselined into our budget as we move into 2025-26 and beyond?

Shona Robison: As Kenny Gibson said, it is shocking, and it is contrary to HM Treasury's stated position that this technical change should be budget neutral. Despite my frustration about that, I have now moved on to focusing on securing fair treatment as we move beyond the transition period. From 2025-26 onwards, the funding will not be ring fenced, but will be baselined into the block grant. I have repeatedly raised that issue with the chief secretary, and my officials are working to ensure that the upcoming spending review will fairly reflect the future budgetary impact that will arise as a consequence of the continued application of IFRS 16.

Alexander Stewart (Mid Scotland and Fife) (Con): Without clear adjustment, discretionary funding in capital figures risks appearing stable or even increased when the reality is that it is being artificially inflated. That undermines transparency and hampers scrutiny of the Scottish Government's investment record. Will the cabinet secretary provide spending figures that are published on a like-for-like basis? If she does not do that, it can confuse Parliament and mislead the public.

Shona Robison: Far from doing that, I say to Alexander Stewart that we took on board the comments of the Finance and Public Administration Committee and changed the budget comparisons to meet its requirements. We did so in order to provide that additional transparency, which has received acknowledgement from a number of independent stakeholders and commentators, and we will continue to do that.

Planning Applications (Support for Local Authorities)

3. Oliver Mundell (Dumfriesshire) (Con): To ask the Scottish Government what action it is taking to support local authorities with managing planning applications (S6O-04490)

The Minister for Public Finance (Ivan McKee): The Scottish Government is taking a range of actions to boost resources, skills, proportionality and long-term resilience in planning. We recently increased planning application fees, and a further increase will follow this summer, putting more money into local authorities. Scotland's first planning hub is providing direct support to authorities. We also fund the national planning improvement champion, who is working directly with local authorities. Through our future planners programme, we are directly recruiting graduates, and we are trebling the number of bursaries that we offer. Last week, I

launched the national planning skills commitment plan, which involves cross-sector commitments to improve skills and resources across planning.

Oliver Mundell: Processing planning applications takes up significant resources, especially for smaller rural authorities. Despite those commitments on planning and development, net expenditure by local authorities was more than 30 per cent lower in 2023-24 than it was in 2013-14. We do not have to look very far to find damaging delays that are holding back growth, particularly in the rural economy. What work is the minister doing to review the work of local authorities and ensure that there is consistency across Scotland?

Ivan McKee: We are delighted to work with the national planning improvement champion and his team in the Improvement Service. The Scottish Government funds part of that work, which is focused on working with local authorities through peer-to-peer review, identifying best practice, supporting linking up so that authorities can learn from one other, and helping them to improve their processes to be the best in class.

Through the planning hub, which is focused on housing, the Scottish Government is working initially to identify stalled sites and where we can provide extra resource and expertise to unlock opportunities across the country—particularly, it must be said, in the local authorities that Mr Mundell identifies, which might not have as much resource in the planning team as other, larger authorities have.

The Deputy Presiding Officer: I will allow a couple of supplementary questions, but they will need to be brief.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Can the minister outline how the recently launched national planning skills commitment plan, which he referred to, is set to support our next generation of spatial planners and equip them with the skills that they will need to make efficient planning decisions and overcome many of the challenges that Scotland's communities face?

Ivan McKee: Our national planning skills commitment plan, which I was delighted to launch in Govan in the past two weeks, is intended for people of all age groups and career stages. Immediately post launch, in recognition of the clear need for efficient planning decisions, we made it a priority of the first workshop to focus on the art of processing planning applications for our next generation of young planners.

We intend to roll out more hands-on learning in the future to respond to demand, and the commitment plan has been designed to ensure that we work to address the different and

emerging skills needs of all planners. It is great to see so many young planners coming forward, who can look forward to a very fulfilling career in the profession.

Katy Clark (West Scotland) (Lab): A number of my constituents have got in touch with me to raise concerns about sub-audible sound noise pollution caused by wind turbines. Does the Scottish Government plan to issue guidance to local authorities regarding the siting of wind turbines and the potential health issues associated with living in close proximity to turbines?

The Deputy Presiding Officer: That subject is slightly off the topic of the substantive question, minister, but you may respond if there is anything that you think it would be useful for you to add.

Ivan McKee: I do not know exactly what guidance is in place, but I am sure that there is already guidance in place with regard to the siting of wind farms. If the member wants to clarify precisely what guidance is in place on the specific issue that she raised, I will be happy to meet her separately on that.

Edinburgh (Financial Pressures)

4. Miles Briggs (Lothian) (Con): To ask the Scottish Government when ministers last met with the City of Edinburgh Council to discuss the reported financial pressures facing the capital. (S6O-04491)

The Cabinet Secretary for Finance and Local Government (Shona Robison): The Scottish Government continues to meet the Convention of Scottish Local Authorities and individual local authorities on a regular basis to cover a range of topics, including current and future budget pressures.

Miles Briggs: The City of Edinburgh Council receives the lowest level of funding per head of population, yet it has the highest pupil teacher ratio in Scotland. As a result of the United Kingdom Labour Government's decision to change VAT on independent schools, we are already seeing data that shows an increase in the number of pupils who are entering the state sector.

The cabinet secretary mentioned COSLA. What plans do the Government and COSLA have to review the funding formula to ensure that it keeps pace with potential increased school rolls here in the capital?

Shona Robison: In 2025-26, the City of Edinburgh Council will receive more than £1 billion to support day-to-day services. That is an extra £60 million, or an additional 5.9 per cent, compared with 2024-25. The council will also get an additional capital allocation and support to help

it to meet the costs of employer national insurance contributions.

Miles Briggs asked about the funding formula. I am sure that he will be aware that any funding formula has to be agreed within COSLA. That is challenging when there are 32 local authorities, which often have their own interests. The fact that they do not always have the same interests can make the process very challenging.

We cannot impose a funding formula. Were we to do so, that would be received very badly by local government. It will be for representatives of the City of Edinburgh Council to persuade their COSLA colleagues of the need for any changes to the funding formula.

Sarah Boyack (Lothian) (Lab): I refer members to my entry in the register of members' interests.

We know that there is a housing emergency in Edinburgh and that there are huge pressures on the health and social care budget. At what point will the cabinet secretary acknowledge that the huge increase in the population of, and the pressures on, Edinburgh are not going away and that our constituents are being let down by the Government?

Shona Robison: In order to support the affordable housing supply programme, we provided a massive increase in the capital allocation for affordable housing in the budget, which Sarah Boyack did not vote for. We also provided a massive increase in funding for health and social care.

That is not to say that there are no challenges in social care—we absolutely acknowledge that there are challenges. The Edinburgh health and social care partnership has been making good progress on delayed discharge. There was real concern about the situation on delayed discharge in Edinburgh, compared with the situation in other local authority areas, but there has been a significant improvement in that regard.

The funding behind all of that is important, which is why the Parliament supported the provision of such funding.

Rural Affordable Homes for Key Workers Fund

5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government how much it has allocated in its budget to fund applications to the rural affordable homes for key workers fund, including from housing associations where there have been housing stock transfers from a local authority. (S6O-04492)

The Minister for Public Finance (Ivan McKee): The Scottish Government has committed

up to £25 million as part of the affordable housing supply programme from 2023 to 2028 to support the acquisition of homes in rural communities for key workers. To date, more than £4 million has been committed to support the acquisition of 26 homes, including the acquisition of six homes at a cost of more than £1.3 million in the Western Isles, where the local authority is a stock transfer authority.

Local authority and registered social landlord partners have identified the potential for a further 40 homes to be acquired, and Scottish Government officials continue to actively work with them to maximise the use of the fund.

Christine Grahame: I do not want to disappoint the minister about “actively” communicating. As we know, the issue of recruiting key workers to rural areas is not new. I was a key worker in a rural area in the 1960s when I moved to a key workers' house in Galloway as a schoolteacher. However, neither of the councils in my constituency—Midlothian Council and Scottish Borders Council—seem to be aware of the fund. I therefore ask whether it can be given more publicity and made much more accessible, as the councils simply do not know about it.

Ivan McKee: I congratulate Christine Grahame on using this platform, because the many people who are watching the live stream of the Parliament's proceedings will now be very much aware of the fund. I confirm that up to £21 million is available over the next three years to support this demand-led fund. It is available to local authorities and registered social landlords for the purchase of suitable properties where there is identified need. I encourage MSPs to promote the use of the fund locally. The rural housing and islands housing funds continue to be available for other organisations, including community organisations, to acquire homes to meet local demand.

Strathclyde Partnership for Transport (Funding)

6. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government how much it has allocated in its budget for revenue and capital funding for Strathclyde Partnership for Transport for 2025-26. (S6O-04493)

The Cabinet Secretary for Finance and Local Government (Shona Robison): I am pleased that the 2025-26 budget was agreed to on 25 February. That has allowed for general capital grant funding to be reinstated to the SPT, with £12.4 million to be allocated from the finance and local government portfolio. Additionally, the budget allocated £617,025 in revenue grant funding for the SPT from the transport portfolio. Moreover, £25 million is allocated to the Glasgow subway

modernisation programme in capital funding from the transport portfolio.

Neil Bibby: The SPT concessionary travel scheme has provided discounted rail travel to older people in Strathclyde for many decades. However, due to the scheme's underfunding, those people are facing huge hikes in their rail fares from the start of April. For example, a return from Paisley Gilmore Street station to Glasgow Central station will rise from £1.50 to £3.75, which is a staggering 150 per cent increase. I am sure that we would all agree that that level of increase is too high. Given that budgetary pressures have been stated as the reason for the increase, will the cabinet secretary consider what support the Scottish Government can give to the SPT and local councils to reduce the eye-watering hikes?

Shona Robison: One of the budgetary pressures that is impacting on the SPT is the additional £488,000 that it will be charged each year from the hike in the employers' national insurance contribution. That will not help the SPT's position. We have supported the SPT and other organisations with budgets to ensure that they can provide the services that they are required to provide. I will ask Fiona Hyslop, the Cabinet Secretary for Transport, to reply to Neil Bibby on the specific point about the concessionary travel scheme fare issues.

Paul Sweeney (Glasgow) (Lab): A contractual commitment of around £70 million remains outstanding on the Glasgow subway modernisation project, with the key milestone of achieving unattended train operation due by quarter 3 of 2026. Will the Scottish Government commit to ensuring that all capital works will be fully funded to achieve that milestone?

Shona Robison: By the end of 2023-24, the Scottish Government will have contributed £171.9 million towards the subway modernisation programme. We have been working with the SPT on the issues. I will ask Fiona Hyslop to respond to Paul Sweeney on the specifics around the £70 million.

Edinburgh Third Sector Grant Programme

7. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government what discussions the finance secretary has had with ministerial colleagues regarding the allocation of additional funding for health and social care, in light of the Edinburgh integration joint board's reported plans to end funding for its third sector grant programme. (S6O-04494)

The Cabinet Secretary for Finance and Local Government (Shona Robison): We understand the pressures that are faced and have invested a record £21.7 billion in health and social care in

2025-26, which includes almost £2.2 billion for social care and integration, increasing investment by £1.2 billion since 2021-22. On top of that, our budget makes a record £15 billion available for councils for 2025-26. However, it is important to note that it is for local authorities and national health service boards to work with their health and social care partnerships to ensure that the appropriate social care support services, including third sector support, are in place.

Jeremy Balfour: Many vulnerable groups are negatively impacted by the cuts, including families living with Huntington's disease, which is a hereditary and currently incurable neurological condition. Edinburgh is served by Huntington's disease specialists employed by the Scottish Huntington's Association, who proactively support patients and carers in the community with a view to preventing crisis situations from arising. That service might go.

Does the cabinet secretary agree that cutting preventative spending such as that is short sighted and a false economy? Will she work with me and all stakeholders to ensure that that extremely worrying prospect does not come to pass?

Shona Robison: As I understand it, the Edinburgh integration joint board has been discussing those issues. With engagement between officers and third sector organisation representatives, there has been an agreement to extend the existing grants to at least the end of June.

Like Jeremy Balfour, I very much recognise the role of the third sector in the delivery of social care services. It is a cost-effective way of delivering social care services. Ultimately, those are local decisions, but the funding that we have put in place should ensure that the third sector can continue to provide those vital services.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I appreciate what the cabinet secretary says, but many of the third sector organisations that face potential reductions after June, such as the Cyrenians, the Ripple Project and the Pilmeny Development Project, do valuable prevention work that serves or is based in my constituency. Therefore, I would be grateful if the Scottish Government would consider undertaking additional engagement with other parties involved about the longer-term impact of those potential reductions, were they to happen after June. Those organisations do remarkable preventative work.

Shona Robison: I am happy to ask my health colleagues to engage with Ben Macpherson on the matter, because we all recognise its importance.

Visitor Levy

8. Jamie Halcro Johnston (Highlands and Islands) (Con): To ask the Scottish Government what ongoing assessment it is undertaking regarding the impact of the visitor levy. (S6O-04495)

The Minister for Public Finance (Ivan McKee): The Scottish Government continues to engage regularly with the tourism sector and local government, particularly councils that have agreed to explore introducing a visitor levy. In addition, we are working closely with VisitScotland to establish a series of discussions with stakeholders to hear their views and to inform the implementation of the levy.

The legislation requires a national review of the visitor levy within three years of the first scheme being introduced. We would ensure that that assesses the impact on businesses and communities.

Jamie Halcro Johnston: I opposed the visitor levy legislation as it passed through the Parliament, and I oppose its implementation by local councils in my region. The levy is a tax on visitors, but it is also a tax on the wider tourism sector, local businesses, local communities and even people visiting family and friends in hospital.

At the Economy and Fair Work Committee last week, I was told that Ivan McKee is engaging with the tourism sector to see whether anything can be done on the visitor levy legislation. It is not even a year since it was passed and it appears that the Scottish Government is having to try to make that bad legislation slightly less bad. Does that not just prove that the Scottish National Party got it wrong in the first place?

Ivan McKee: It is not surprising that yet another Tory member is standing up and calling for a reduction in funding to local authorities while, probably in their next breath, other Tory members—or perhaps even Mr Halcro Johnston himself—will be standing up and asking the Government to provide more funding to local authorities. The lack of consistency and the level of economic illiteracy across the Tory benches is again on display this afternoon.

On the specifics of the visitor levy, as I have indicated, the Government is absolutely committed to working with the grown-ups in the room, as well as the sector, local authorities, Transport Scotland and others who recognise that a levy is the right step to take to raise more money to support the tourism industry, to work through challenges and to determine the best way to implement the scheme so that it works for everybody.

Beatrice Wishart (Shetland Islands) (LD): I have raised this matter previously, yet it is still

unclear whether patients travelling to different parts of Scotland for national health service treatment will be impacted by the visitor levy. What assessments has the Scottish Government made of the impact on patients who are travelling for necessary treatment? In the interests of fairness and equity of access to healthcare, will a national exemption be considered?

Ivan McKee: There are clearly some exemptions in the legislation, but the specifics on implementation are for local authorities to address through the consultation process that the legislation requires them to take forward in their local area to find a scheme that is suitable for their local circumstances.

The Deputy Presiding Officer: I apologise to those whom I was unable to call to ask supplementary questions, but we are tight for time this afternoon.

Secure Accommodation Capacity

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by Natalie Don-Innes on secure accommodation capacity in Scotland. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:52

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Since my statement in January, the Government has been taking a range of actions to address Scotland's secure care accommodation capacity.

As I have set out consistently in the chamber, secure accommodation services are the most intensive, restrictive and specialised form of care for children and young people. There are 78 beds across Scotland's secure accommodation estate, provided by four independent charitable organisations. Based on all known past placement patterns and the higher ends of all evidenced projections, that provision should be sufficient to meet Scotland's needs. However, in recent months, there has been a considerable strain on Scotland's available secure accommodation capacity.

Four factors are particularly relevant: the pause on admissions to St Mary's Kenmure, which limited its secure accommodation capacity from the contracted 24 beds to 12, reducing the capacity across the secure estate by almost 20 per cent, which has displaced demands to the other three providers over the period; the complexity of some children's needs, which can require the use of multiple beds, and the associated staff, to care safely for a single child; the increased duration of some placements as a result of the increased sentenced and remanded population; and cross-border placements.

As I set out in my statement in January, the Children (Care and Justice) (Scotland) Act 2024 saw Scotland take a major step forward to keep the Promise, by introducing a series of reforms. It is with thanks to secure providers and wider care and justice partners that we can proudly say that Scotland does not imprison our children. Those reforms—although they were the right thing to do and were well prepared for—have required a period of adjustment. That is why, in these early post-commencement stages, it is important that we continue to work with that same collaborative, learning spirit as matters settle.

Members will recall that, following its inspection in October, St Mary's Kenmure was served an improvement notice by the Care Inspectorate. That rightly triggered a pause on new admissions

while improvements were made. That total pause on admissions was lifted by the Care Inspectorate on 18 December, but the maximum capacity at St Mary's has been capped at 12. Following a further visit on 13 March, the Care Inspectorate was satisfied that significant improvements had been made in a number of areas, and it agreed to lift the improvement notice.

St Mary's has been focusing on meeting the requirements of the improvement notice, and its focus is now on moving towards sustainable restored capacity as soon as safely possible. The centre is redoubling its efforts to augment staff capacity over spring. Work to fill those specialist roles is already in hand, but will, of course, take some time. I will update the Parliament further on that progress before summer recess, and I visited St Mary's earlier this month to hear directly about the centre's improvement journey.

As members are aware, secure accommodation demand is complex and volatile—capacity can shift at least daily. This morning, there was one place available in secure accommodation in Scotland, but it is entirely possible that that position could change during the course of my statement. That unpredictability in demand is why our key actions relate not just to restoring capacity, but to improving confidence among practitioners and decision makers when it comes to suitable alternatives to secure care.

Meeting the needs of children who may require secure accommodation is not just about numbers of vacant beds. It is about creating and sustaining environments where children receive the highest quality of care. Those services require a specialist and skilled workforce, and I acknowledge and pay tribute to the dedication of that workforce.

In my previous statement, I outlined the Government's commitment to work collaboratively with the Convention of Scottish Local Authorities, Social Work Scotland and others to develop a secure care contingency action plan, and I thank all providers and partners for their contributions. I will write to the conveners of the Criminal Justice Committee and the Education, Children and Young People Committee with fuller details in April.

On immediate priorities, we have moved to restore Scotland's secure accommodation capacity. I am therefore pleased to announce the establishment of a new four-bed national contingency resource with support from the Scottish Government. Part of Rossie's specialised residential estate will be repurposed and specially staffed in order to offer a new four-bed secure care provision. That will directly alleviate some of the pressure on secure care accommodation. That fully funded resource is expected to be operational

in the next month, subject to Care Inspectorate registration.

I am grateful to Rossie for its agility and innovation in helping to identify a tangible solution. The centre has just had very positive Care Inspectorate gradings, and members can be confident that the new provision will be a significant and effective augmentation to Scotland's offer.

As well as boosting capacity directly, we are also supporting improved awareness and confidence among professionals working in Scotland's placing authorities. I am therefore pleased also to confirm that we are funding a dedicated professional lead at Social Work Scotland for the next 12 months. The policy and practice adviser will work alongside officials in Scottish Government to enhance our partnership with local government and improve the co-ordination of relevant services across the country. The post should also enable us to accelerate our collective efforts to evolve Scotland's secure care provision, in line with the Promise.

We also continue to focus on alternatives to secure accommodation, focusing on early intervention and preventative services. We are backing our contingency actions with up to £2 million this year alone. In addition, following the recent budget, funding of up to £8.4 million is being made available by the Scottish Government to cover the placements of sentenced and remanded children over the next two years. That is a significant further financial commitment to support the system and its sustainability.

Refreshed guidance on community alternatives to depriving children of their liberty has also been prepared and was published last week. I thank the Children's and Young People's Centre for Justice and the Youth Justice Improvement Board for bringing that work to fruition.

As members know, secure care should be used only when absolutely necessary. We are also working with third sector organisations to identify high-intensity wraparound services, which are intended to offer credible support to high-need children, and to encourage safe, early step down from secure care. The Parliament will be updated further on that before summer recess.

In the medium to long term, we are committed to developing a more resilient and responsive system of secure care provision, capacity preservation and placement management. Also ahead of the summer recess, we will publish our response to the "Reimagining Secure Care" reports, which will set out our longer-term vision for the future of secure care within a trauma-informed, Promise-keeping context.

I expect that response to confirm the continuing necessity of secure care and to underline the value that we place on those specialist services, but also to cover the need to extend secure care beyond its current configuration. We will focus on a holistic approach that includes preventative measures, improved alternatives to secure care and a stronger focus on transitions to support children to return to their communities, and to their families, wherever that is safe and appropriate.

As with all Promise-keeping efforts, there is a shared responsibility between national and local Government alongside delivery partners. I want us to improve the co-ordination and integration between different parts of the system to ensure that our system is both compassionate and responsive.

Children in secure care often require multiple services, including mental health support, education and vocational training, among others. We therefore need to foster greater collaboration with health services, local authorities, education providers and the third sector. We are also considering where quantitative data, real-time data and enhanced management information can help us to predict and forecast demand.

I hope that this statement reassures members as to our focus and resolve on these matters. It is clear that, since January, improvements have been and are being made. I want to reassure all those who are involved in the provision of secure care, from the children who need its support and the staff in secure care centres to local authorities and community and justice partners. My message is that the Government will work with them to take urgent supportive action where it is needed, and to develop sustainable and integrated solutions. Our priority will always be to ensure that children have access to the care and support that is necessary to keep them, and others, safe.

I am aware that members will have further questions, and I would be pleased to answer those now.

The Deputy Presiding Officer: The minister will now take questions on the issues raised in her statement. I intend to allow around 20 minutes, after which we will need to move on to the next item of business. I would be grateful if members who wish to ask a question could press their request-to-speak buttons now, if they have not already done so.

Roz McCall (Mid Scotland and Fife) (Con): I thank the minister for advance sight of her statement.

The strain on Scotland's secure accommodation provision and the complex factors involved might not have been foreseeable, but they were certainly possible, and I raised those concerns at the time.

The fact is that the minister and the Scottish Government were told, time and again during the passage of the Children (Care and Justice) (Scotland) Act 2024, that the situation in which we now find ourselves was entirely possible. It is a shameful dereliction of duty that nothing was done in anticipation.

I welcome the commitment to building contingencies in the system as we move forward. However, the Scottish Government had a long lead-in time to prepare, and a lack of urgency has resulted in vulnerable children being denied the support and protection that they require. That is not good enough.

The Children and Young People's Commissioner Scotland wrote to the minister on 20 February with three specific questions, and the minister was unable to answer those during questioning at the Education, Children and Young People Committee this morning.

So, how many children in each of the past six months have been unable to be placed in secure care? Is the minister still of the view that redundant overprovision would be contrary to the Promise, and if so, how confident is she that the measures that she announced in her statement today will not result in the very same overprovision?

I note the minister's commitment to working with the third sector to identify high-intensity wraparound services. Again, there has been a lack of urgency, and the issues should have been foreseen. What form will these services take, and how soon will they be implemented?

Natalie Don-Innes: I was actually able to answer those questions in committee this morning.

The first question from the children's commissioner was about the number of children who have been unable to be placed. As I said in committee this morning, the Scottish Government does not routinely hold case-specific information around that. However, I know that, in instances where the issues of capacity have caused concerns, there have been real efforts between all the different stakeholders involved—whether that is the Scottish Government, COSLA or secure care providers—to come to an arrangement that meets the needs of the child and of the other children in secure care.

The commissioner asked another question on the national co-ordination of secure placements. Our current focus is on the short term and on rebuilding the capacity. The member asked whether we feel that that extra provision will have an impact on the idea of redundant overprovision. I have made it clear—and it is clearly set out in the Promise—that we do not want to have a large estate of secure care that is not utilised; that would

not be good for anybody. Instead, we would want to invest that money in appropriate community alternatives or other interventions for the children and young people.

In essence, I do not agree with the member—I feel that extra capacity is required at this moment in time and will help to alleviate the challenges that members have brought to me.

Martin Whitfield (South Scotland) (Lab): I thank the minister for advance sight of her statement.

The minister indicated that 78 beds were available across Scotland—that is according to Scottish Government data that was published for 2022-23. However, the data that was published in February this year for 2023-24 confirms that the number of beds is actually 71. I wonder whether the minister could consider the position and clarify the record in writing.

According to the public website, there are 67 beds and, as the minister indicated in her statement, there is one available bed. As she said, that is due to the situation at St Mary's Kenmure. When the Edinburgh secure services provision closed in 2023, we had 84 beds. Is 84 beds too much provision? We have hit full capacity on whatever figure the minister would like to dictate is available.

Natalie Don-Innes: For clarity, under the Scotland Excel contract, there are 78 beds, but not all of those are being used at the moment due to the issues with St Mary's Kenmure. I have been very clear that St Mary's is working to recruit staff and to restore its capacity—I hope that that will happen as soon as possible.

The member provided a figure of 84 beds. The number of children who are going to secure care has decreased in the past number of years. I am nervous about overcapacity, but I appreciate that we have to have places for children who require to go to secure care. There is a fine balance between the provision that we need and overprovision.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The minister's update is welcome, including her announcement on the new four-bed national secure care provision at Rossie.

More broadly, it is vital that care and justice services for children continue to be informed by the views of care-experienced children. Can the minister say any more about the steps that the Government is taking to ensure that young people's voices are at the heart of its work?

Natalie Don-Innes: As the member knows, that is extremely important to me. The Government commissioned the Children's and Young People's Centre for Justice to consider the future needs of children and young people who are in or on the

edges of secure care. Last autumn, the CYCJ published its report, "Reimagining Secure Care", which included specific and detailed information setting out the views of a sample of children in secure accommodation. In the coming months, the centre will also undertake a census study of children in secure accommodation. The views that are captured as part of that study will inform our work, which is under way, on "Reimagining Secure Care".

Jeremy Balfour (Lothian) (Con): I appreciate that the minister had a tough appearance at the Education, Children and Young People Committee this morning, where she was repeatedly unable to provide a timescale for the introduction to Parliament of the Promise bill. I give her another opportunity to redeem herself by stating simply when a bill on the Promise will be laid before the Scottish Parliament, so that the Education, Children and Young People Committee can finally scrutinise the detail.

Natalie Don-Innes: It is my intention to introduce the bill to Parliament prior to the summer recess. I explained in committee that I am not able to give any further commitment or more detail because of the requirements of the legislative process and the on-going work on the content of the bill. I have made it clear that my priority and commitment is to get the Promise bill right for the people who want to see it.

Rona Mackay (Strathkelvin and Bearsden) (SNP): It is right that Scotland is committed to a rights-based approach to youth justice that is focused on prevention and early intervention. With that in mind, what is the Government doing to invest in preventative approaches and alternatives to remand?

Natalie Don-Innes: Wherever possible, children who are in conflict with the law should be supported via appropriate community-based support. In practice, those interventions are often provided via a partnership of statutory and voluntary sector services. That is reflected in our investment in services and initiatives that aim to address the underlying causes of offending and to support young people in the community through funding streams such as the cashback for communities programme or the whole family wellbeing fund. For example, the whole family wellbeing fund has supported the highly regarded third sector organisation Includem to offer its ADAPT project services to local authorities across Scotland.

Other examples of community support might include referral to the Government-funded interventions for vulnerable youth service, which is a national service that uses a multidisciplinary, tiered approach to provide risk assessment,

formulation and management for young people aged 12 to 18 who present with complex needs.

Pauline McNeill (Glasgow) (Lab): The increased duration of some placements as a result of the increased sentenced and remand populations is welcome. Will the minister outline whether appropriate mental health support will be given to children who might be awaiting proceedings or trial? In relation to young people who reach the age of 19 and who are in the criminal justice system, has any assessment been made of what support they might need to transition to a young offenders institution?

Natalie Don-Innes: All of that is contained in the conversations around and the plan for the child who is entering secure care. Mental health needs would be recognised. As we have spoken about, the case of every child is taken on a case-by-case basis. Where extra support is required, that would be recognised and implemented.

The transition would be an on-going consideration in relation to the child's plan. The member will be aware that there are provisions in the Children (Care and Justice) (Scotland) Act 2024 that would allow young people to stay beyond their 18th birthday. Those have still to come into force, and we will be considering that issue in line with the act.

Fulton MacGregor (Coatbridge and Chryston) (SNP): The steps that the Scottish Government is taking to develop a more responsive system of secure care provision are welcome. Can the minister provide an update on the stakeholder engagement that the Scottish Government has undertaken ahead of responding to the Children and Young People's Centre for Justice's "Reimagining Secure Care" report?

Natalie Don-Innes: As I noted in my statement, although the immediate focus is on stabilisation, our efforts must also look forward. In the medium and long term, we are committed to developing a much more resilient and sustainable system of secure care accommodation, in relation to commissioning, resourcing and placing management. The secure care contingency plan is the first step in a broader and more ambitious vision for the future of secure care in Scotland. We are deep into a period of engagement with stakeholders to explore their views on the reimagined vision and options. To date, that engagement has included care and justice partners such as secure providers, COSLA, Social Work Scotland and the Care Inspectorate.

Ross Greer (West Scotland) (Green): One issue that was unearthed by Parliament's scrutiny of the Children (Care and Justice) (Scotland) Bill was the almost completely unregulated nature of the transport provision that is associated with

secure accommodation. Parliament accepted my amendment to begin regulation of secure accommodation transport and to end the inappropriate use of restraints such as handcuffs. Will the minister provide us with an update on how that regulation is being developed?

Natalie Don-Innes: Absolutely. As the member will be aware, there are a number of regulations—I just referred to those relating to children staying in secure accommodation beyond their 18th birthday. I am more than happy to write to the member with an update on those specific provisions following this statement.

Willie Rennie (North East Fife) (LD): It is utterly shameful that the minister has presided over cobbled-together provision for people who are in desperate need of secure accommodation. We were promised that, through the Children (Care and Justice) (Scotland) Act 2024, there would not be a problem, but she has repeatedly come to the chamber to try to fix the very problem that she created. Can she guarantee that there is no two-tier system in which those who go through the courts versus those who go through the hearings system are dealt with differently?

Natalie Don-Innes: I can guarantee that. As I have said, every child is looked at on a case-by-case basis. I disagree with the member's idea of cobbled-together provision. He has raised issues with me in relation to children not being able to enter secure care from the children's hearings system, but there should always be a plan in place. There could be a multitude of reasons why a child cannot enter secure care, over and above the capacity challenges that we are faced with just now.

Conversations should always take place around where would be safe for a child if they cannot enter secure care. There are already plans in place. I feel that they are robust and that the conversations that take place between all the stakeholders that are involved in a child's placement are strong enough. The measures that I have come to the chamber with today, on the restoration of capacity, will only strengthen them.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): The minister has previously advised that work is being undertaken to consider effective alternatives to secure care so that children and young people receive the care that they need in the setting that most appropriately suits their needs. With consideration of all that has been said so far, can the minister say any more about such alternatives?

Natalie Don-Innes: Maximising alternative measures is absolutely critical to ensuring that no child is deprived of their liberty unnecessarily. The core responsibility for developing and delivering

those alternatives lies, rightly, with the implementation authorities, but the Government is supporting them with those responsibilities.

Only last week, new guidance on community alternatives to depriving children of their liberty was published. It will aid those who work with children who might require secure accommodation to consider alternative options for them. Funding of up to £8.4 million is also being made available by the Government to fully cover secure placement costs for sentenced and remanded children in 2025-26 and 2026-27. That is a further financial commitment to support the system and its sustainability.

Meghan Gallacher (Central Scotland) (Con): I find it difficult to believe that the minister has come to the chamber this afternoon to announce that four additional beds will solve secure care accommodation capacity issues. I am not convinced that the minister believes that four additional beds will solve the problem either, given that capacity has already been reduced by almost 20 per cent.

I find the timing quite odd, because we have had a statement this afternoon, but the secure care contingency plan has not yet been completed. Why not? How has the minister managed to arrive at the conclusion that four additional beds are sufficient? Will MSPs have to come back to the chamber in a few months' time, when the number increases yet again?

Natalie Don-Innes: Capacity was not reduced by 20 per cent—

Meghan Gallacher: Yes, it was.

Natalie Don-Innes: It was originally, but it has improved now, because there has been a further restoration of capacity at St Mary's Kenmure.

I believe that the four secure care beds will make a difference. If the member has been following the numbers over the past few months, she will be aware that adding such a number is an appropriate response, because we do not want there to be overprovision. We want to invest money in our children and young people, rather than waste it on empty beds.

The member made another point, which I do not recall. If she is happy to write to me on that, I am happy to respond.

Stuart McMillan (Greenock and Inverclyde) (SNP): The minister has previously spoken about the use of cross-border placements. Can she comment on how the secure accommodation situation in Scotland compares with the situation elsewhere in the United Kingdom? Can she say more about the Scottish Government's latest engagement with the UK Government regarding the use of cross-border placements?

Natalie Don-Innes: Absolutely. Scotland is not alone in facing such a situation. It is well known that placements across the rest of the UK are volatile, and children are often placed in secure accommodation in Scotland due to the limited availability of placements in England and Wales. I understand that the UK Government is currently working on those issues, as per its recently announced Children's Wellbeing and Schools Bill.

The Scottish Government is clear that cross-border placements should occur only in exceptional circumstances and when such a placement is in the child's best interests. We have made provision through the Children, Care and Justice (Scotland) Act 2024 to allow ministers to further regulate cross-border placements in residential care in Scotland. We are currently developing a bolstered regulatory framework, with the overarching aim of safeguarding and promoting the welfare of every child who is placed into care in Scotland from other parts of the UK.

Michael Marra (North East Scotland) (Lab): In relation to the national contingency resource, I am sure that the minister will agree that Rossie should be provided with stable financing to allow it to recruit and retain crucial staff. Can the minister assure me that those beds will not be paid for by usage alone?

Natalie Don-Innes: We have provided Rossie with funding for the contingency resource. I am confident that the funding has been well received and will go a long way towards alleviating the pressures that I have discussed today.

The Deputy Presiding Officer: That concludes the ministerial statement. There will be a brief pause before we move to the next item of business to allow front-bench teams to change.

Land Reform (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-16892, in the name of Mairi Gougeon, on the Land Reform (Scotland) Bill at stage 1.

15:20

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): I think that today is a good day. Spring is upon us, and it is a time of renewed hope and optimism. It is on that note that I am proud to open today's debate on the Land Reform (Scotland) Bill, which marks the next step on our land reform journey.

I thank the Net Zero, Energy and Transport Committee, the Finance and Public Administration Committee and the Delegated Powers and Law Reform Committee for their detailed scrutiny of the bill, and I thank everyone who gave evidence during stage 1. Hearing from a wide range of grass-roots voices from right across Scotland has been invaluable, and it is a mark of the strength of our Parliament. I look forward to working constructively across the chamber as we progress this important bill, and I hope that we can all agree to support its general principles, as the majority of members of the Net Zero, Energy and Transport Committee recommended in its stage 1 report.

Land reform has been a long-standing priority of the Parliament; indeed, it was one of the driving forces that led to the Parliament's reconvening in 1999. The bill marks the next staging post on the land reform journey, as it builds on the land reform acts that have been passed by successive Scottish Governments.

I am sure that members across the chamber will join me in paying tribute to past and present members of our Parliament, stakeholders and individual campaigners who have worked tirelessly to shape and implement positive and progressive land reforms that have helped create opportunities for communities and individuals across our nation. They include pioneers of community ownership in places such as Eigg and Assynt, who demonstrated a positive alternative to the status quo—that is, that communities, crofters and tenants did not have to accept being frozen out of decisions that affected their lives.

In Scotland, we have one of the most concentrated patterns of land ownership in the world, with 421 landowners owning 50 per cent of privately owned rural land. We are an outlier in comparison with Europe, where more diverse land ownership is the norm. That long-standing unfairness and the negative impacts on our rural

communities have previously been raised by the Scottish Land Commission and others. Scotland's land must be an asset that benefits the many, not the few, and it must play a leading role in sustaining thriving rural communities, tackling the climate change and environmental crises and continuing sustainable food production.

Douglas Lumsden (North East Scotland) (Con): The majority of people who gave evidence to the Net Zero, Energy and Transport Committee were of the opinion that the bill would not realise the aims that have been set out. How would you react to that?

The Deputy Presiding Officer: Always speak through the chair.

Mairi Gougeon: I thank Douglas Lumsden for raising that point. I listened very carefully to the evidence that the committee received and to those concerns. There was broad support for a range of the proposed measures, but I want to ensure that the bill is as strong as possible, which is why I welcome the recommendations that the committee made in its stage 1 report. I look forward to working with Douglas Lumsden and others across the chamber as we look to strengthen the bill's provisions.

Our land reform journey goes to the heart of the debate about the kind of Scotland that we want—a fairer society and a land of opportunity. Land and tenancy reforms are not new. From hard-won rights in the early crofting acts to more recent reforms, people and communities have always been at the heart of the need for land reform.

The Agriculture (Scotland) Act 1948 reformed agricultural tenancies to provide tenants with security of tenure, thereby enabling them to invest in and improve their farms for increased productivity and ensuring food security during a critical period. In the same way, the proposals in part 2 of the bill will enable our tenant farmers to access support, deliver climate and biodiversity goals and provide sustainable food production, thereby ensuring a prosperous future for tenant farming families. All those reforms were controversial at the time, but they were the right thing to do. Then, as now, the reforms were about people, fairness and dignity.

Previous land reforms have improved the lives of ordinary Scots, just as our proposals will. There were early changes, such as the abolition of the feudal system, and the Labour and Liberal Democrat Executive introduced the landmark right to roam and community rights to buy. There have also been more recent improvements, such as the introduction of assignation and relinquishment reforms for retiring tenant farmers and compulsory community rights to buy.

The establishment of the Scottish Land Commission in the Land Reform (Scotland) Act 2016 by one of my predecessors, Richard Lochhead, was another milestone, ensuring that we have a continuing focus on land reform. The Land Commission has made a significant contribution, developing policy and driving positive change on the ground, and the tenant farming commissioner has been instrumental in improving relationships between tenants and landlords.

It is easy to take for granted the rights that we have in Scotland. Assets amounting to more than 200,000 hectares—or 2.7 per cent of the total area of Scotland—are in community ownership, and we have seen tenant farmers using their pre-emptive right to buy their farms, creating opportunities for their families to invest and develop their businesses.

People across Scotland are able to benefit from responsible public access to Scotland's land. In England, the public have access to only about 8 per cent of the country and have no community right to buy. Things are better in Scotland, and we should be proud of our land reform successes.

Douglas Lumsden: Will the cabinet secretary take an intervention?

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Will the cabinet secretary give way?

Mairi Gougeon: I will give way to Rachael Hamilton, as I have already taken an intervention from Douglas Lumsden.

Rachael Hamilton: Does the cabinet secretary believe that there could be a conflict of interest, given that Scottish ministers have to be answerable to decisions made on land owned by the Scottish Government, which amounts to 728,000 hectares or 10 per cent of the land overall? That issue was not addressed in stage 1.

Mairi Gougeon: The member raises an important point. I recognise that the Scottish Government is a significant landowner in Scotland, but I do not believe that there is such a conflict of interest in the proposals that we have introduced.

I want to set out how the proposals in the bill will deliver for communities, small landholders and tenant farmers across Scotland. Land management plans will mean that owners of the largest landholdings will need to engage with local communities and publish a plan showing how they use their land and how that use supports community sustainability and priorities such as climate change. I know that some landowners already do that, but there are also communities that are in the dark about the plans, and even the identity, of the owners of the land on which they live and work. The bill will mean that transparency

and community engagement will not depend on a community being lucky enough to have a good landowner.

The bill will also require greater transparency of land sales, expanding options for community right to buy. Large landholdings often do not sell for long periods, meaning that communities can be unprepared or even unaware if the sale takes place off market. Our proposals will mean that local communities are informed and have greater opportunity to make a community right-to-buy application.

Moreover, the bill will, for the first time, give Scottish ministers the power to intervene in large land sales on the basis of the public interest. Where it would help to support local communities, ministers could require land to be sold in a way that allowed for a wider range of buyers. The bill will create the potential to spread opportunity, putting the wellbeing of our rural communities at the heart of decisions on how land of this scale is sold.

Despite the new powers, I know that some people believe that we are not going far enough. I understand the frustrations of those who would like us to go further and faster, and I am listening and stand ready to work across the chamber to build and improve on the provisions in the bill.

Mercedes Villalba (North East Scotland) (Lab): Does the cabinet secretary recognise that, provided that their bank balance is big enough, there is currently nothing to stop someone from buying up all of Scotland's land with no questions asked? Is it not time that that changed by introducing a presumed limit on how much land anyone can own?

Mairi Gougeon: I thank Mercedes Villalba for raising that point. There are all sorts of issues in relation to that, but I believe that our proposals, which the committee has scrutinised, go a long way towards making land ownership more transparent, involving communities in that process and, generally, increasing the diversity of ownership of land in Scotland.

Fergus Ewing (Inverness and Nairn) (SNP): Will the cabinet secretary take an intervention?

Mairi Gougeon: I am sorry, but I have to make progress.

We have to recognise that reform must be carried out in a way that is fair to all parties, is supported by evidence and is deliverable within the resources and current powers of this Parliament.

The measures in part 2 are essential reforms that are needed to deliver equality of opportunity to Scotland's small landholders and tenant farmers. We want to offer our tenant farmers a

future that we would want for ourselves—one with security and dignity at its heart. We want a vibrant tenanted sector, ensuring that we have opportunities for the next generation.

More diverse land ownership is not incompatible with those aims. All that we have to do is look to Europe and examples in France and the Republic of Ireland of how a vibrant tenanted sector can be achieved. The key difference is that they have the fiscal powers that are necessary to encourage those changes.

I will keep working with all partners and across this Parliament to ensure that momentum continues to build for a stronger, more resilient tenancy sector. The bill will ensure that tenants today and those in the future have a level playing field, enabling them to deliver improvements to the land that they farm in order to become more sustainable and productive, and enabling tenant farming families to better access the new agriculture support and rural framework so that they can play their part in delivering on key Government priorities. After all, tenant farmers make up a quarter of Scottish farmers, and our provisions in part 2 of the bill will mean that they are treated with fairness and dignity, including if they choose to leave their tenancies.

By modernising small landholder legislation, we are ensuring that no part of land tenure is left behind. The new model of lease for environmental purposes—the land management tenancy—will provide a new tool for land management, enabling people and communities to undertake a range of hybrid land management activities through one lease and helping achieve Scotland's net zero, biodiversity, and sustainable and regenerative agriculture ambitions. The bill cannot solve all the issues that land tenure is facing, as many are outwith our control, but we remain committed to delivering a fair and vibrant tenanted sector.

Land reform is a journey. The bill offers hope; it will deliver positive progress and, in so doing, build trust with the people of Scotland. I hope that we can come together today to stand behind the bill's principles, as they are same principles that have been supported by successive Governments since the Parliament was reconvened in 1999.

I move,

That the Parliament agrees to the general principles of the Land Reform (Scotland) Bill.

The Deputy Presiding Officer: I call Edward Mountain to speak on behalf of the Net Zero, Energy and Transport Committee.

15:31

Edward Mountain (Highlands and Islands) (Con): I am pleased to speak in this debate on

behalf of the Net Zero, Energy and Transport Committee.

In accordance with parliamentary rules, I will make a full declaration of my interests so that there is no dubiety. I declare that I have an interest in a family farming partnership in Moray, as set out in my register of interests. Specifically, I declare an interest in approximately 200 hectares of farmland, of which 20 hectares is woodland. I am a tenant of approximately 200 hectares in Moray on a non-agricultural tenancy, and I have a farming tenancy of approximately 5 hectares under the Agricultural Holdings (Scotland) Act 1991. I also declare that I sometimes take grass lets on an annual basis.

I thank my committee colleagues for their diligent work in considering the bill. I acknowledge the useful input from the Finance and Public Administration Committee and the Delegated Powers and Law Reform Committee. I also thank our clerking team for its support, especially in getting our report out so promptly after it had been agreed.

The committee began its work on the bill in April last year, when we issued a call for views. We started taking oral evidence in June, and we heard from 13 different panels of witnesses. We also got out and about in rural areas to meet people on the ground. We held a successful panel event at the Royal Highland Show and an online engagement event with tenant farmers. I thank all the people who contributed to our work.

The bill is split into two distinct parts. Part 1 sets out new methods of land reform and part 2 relates to the leasing of land. Each part has raised separate issues, and I will take them in turn.

On part 1, stakeholders were fundamentally split on a central intention of the bill, which is to diversify land ownership. Those who were supportive of that highlighted that Scotland has a more concentrated pattern of ownership than most international comparators. They said that that creates an imbalance of power and can prevent rural communities from feeling in charge of their own destinies. Their view was that reform has lost momentum and that further change is needed to address that imbalance.

Those who were opposed to part 1 often considered it hard to justify the interference with property rights, and they were also concerned that the bill would scare off investment. They considered large estates to be better able to deliver change at scale, making them assets in tackling the twin climate emergency and biodiversity crises.

Mercedes Villalba: Will the member take an intervention?

Edward Mountain: I will if I have time, Presiding Officer.

The Deputy Presiding Officer: There is time, but it is very limited.

Mercedes Villalba: Is it fair to say that those who opposed part 1 tended to be representatives of those who own large amounts of land in Scotland?

Edward Mountain: That is not entirely true. Some of the people who opposed part 1 were people who manage land holdings across Scotland, whether in the private or public sector.

Whether stakeholders were supportive of further land reform or not, there was consensus that the bill as drafted risks not delivering on its aims. There was a clear fear that the proposed changes would be burdensome and bureaucratic without delivering any real benefit.

On the detail of the bill, the committee is supportive of the provision to allow Scottish ministers to create community engagement obligations. However, only a majority of the committee think that the land size threshold for community engagement obligations—which is 3,000 hectares for mainland estates—is too high. The committee is not agreed on the appropriate thresholds for landholdings to allow the bill's obligations to kick in. However, we agree that, when they are adopted, those thresholds must be kept under review by the Government.

One community engagement obligation that is set out in the bill is for large estates to produce land management plans. The committee is supportive of such plans, as they could create an accessible one-stop shop for information about large parcels of land, which would improve transparency about estate ownership and use. That provision in part 1 gained clear support, but we heard pleas not to allow it to become a box-ticking exercise with a long list of things to say in those plans, which could remove the local and distinct tailored elements that are required to make the plans truly useful documents.

We also heard concerns about the potential cost to estates of producing plans. However, it is difficult to assess those concerns fully when the details of the obligations for what will be set out in the plans will not be set out until later, in regulations. The committee was not in a position to assess the unknown. That is why our report recommends that there should be additional parliamentary scrutiny of regulations that set out community obligations.

The committee supports the principle of extending communities' right to buy land. However, the changes in section 2 are unlikely to accomplish much on their own. A wider review of

the community right to buy is under way, and we are disappointed that it was not completed before the bill was introduced. It would have been much more useful to consider the matter in the round.

We support giving Scottish ministers the ability to determine that large landholdings should be sold in lots. However, the basis on which such decisions would be made is unclear. We recommend that the transfer test in the bill be reconsidered to make it clear that the public interest will at least be at the heart of lotting decisions. We also recommend that guidance be produced to provide more clarity about the circumstances in which Scottish ministers would or would not expect to make lotting decisions. We are broadly supportive of the new role of land and communities commissioner.

Turning to part 2 of the bill, I note that the most significant changes in that part relate to agricultural tenancies. The starting point for those changes is a consensus that the tenanted sector is in long-term decline and that things need to change. Taken together, the changes in the bill could be said to rebalance the landlord and tenant relationship by giving more rights to tenant farmers. However, some stakeholders thought that those changes would make owners even more loth to offer tenancies in the first place. We are deeply concerned about the risk of a further decrease in agricultural tenancies, so we have recommended broader consideration of how to actively encourage the leasing of land for agriculture.

Although we support most of the individual provisions in part 2, we recommend that the Scottish Government considers how best to proceed with the provisions on resumption. Resumption is when the landlord takes back part of the tenancy. The methodology for compensating that, as proposed in the bill, has faced significant criticism. The view is that it perhaps rebalances compensation too far in favour of the tenant.

We need to clarify the meaning of “sustainable and regenerative agriculture”. That is a central feature of many of the changes in part 2, but it is as yet undefined. This is a familiar discussion for those who have been involved with the Agriculture and Rural Communities (Scotland) Act 2024. That act requires a code of practice to be created, which would provide meaning to the term.

Fergus Ewing: Will Edward Mountain give way briefly?

Edward Mountain: I think that I am short of time, but I would like to give way.

The Deputy Presiding Officer: There is a limited bit of time in hand.

Fergus Ewing: The bill proposes legal measures that would, I gather, be applied retrospectively. Is the committee at all concerned that that might contravene the European convention on human rights, as was indeed the case with the agricultural holdings legislation two decades ago—the Agricultural Holdings (Scotland) Act 2003?

Edward Mountain: I think that the committee was more concerned that constantly changing agricultural tenancies retrospectively could cause problems for the letting of land in future, because it would give landlords no surety that what they agreed with a tenant would be carried forward.

We also talked about the need for sustainable regenerative agriculture to be included. We think that that should be in the bill.

Overall, the bill needs significant changes to make it fit for purpose. Although it is normal for a bill to undergo some adjustments at stages 2 and 3, the changes that are needed in this case appear to be more fundamental. That puts pressure on us, as a committee and as a Parliament, to make sure that we get things right at the amending stages, and that we take the views of experts and stakeholders as we do so.

A majority of the committee supports the general principles of the bill. However, we want the Scottish Government to engage constructively with our recommendations to ensure that the bill can be improved.

15:40

Tim Eagle (Highlands and Islands) (Con): I remind members of my entry in the register of members' interests, which states that I am a small farmer. I also have a couple of short limited duration tenancies. I apologise in advance for speaking a little quickly; I have a lot to get through.

I wish that I could share the enthusiasm that the cabinet secretary showed at the start of her speech. It is a nice day outside, but I do not think that it is in here.

I will start with a wee quote:

“My analysis suggests that the impact of these provisions on the pattern of land ownership in Scotland will be vanishingly small at best and zero at worst. Importantly, no amount of amendments at Stage 2 or 3 will change the underlying mechanisms being relied upon in the Bill.”

I could tell members that that pretty cynical quote is from a known Government critic or perhaps a large lobby organisation, but no—it is from Andy Wightman, a former Green MSP and a leading figure on land reform. I do not agree with his view on land reform, but what a quote that is, and he is not alone—the Scottish Land Commission, Scottish Land & Estates, NFU Scotland, the Law

Society of Scotland and others have all raised significant concerns about the bill.

The policy memorandum to the bill says:

“These proposals deliver the Bute House Agreement commitment to deliver legal mechanisms to tackle scale and concentration of land ownership.”

The moment that I read that, I realised what the bill actually is—nothing other than a measure for the Green Party’s consistent desire to take away rights from individuals—*[Interruption.]* You can groan all you like, but that is despite many of those landholdings delivering on climate change goals.

Mairi Gougeon: Will the member take an intervention?

Tim Eagle: Go for it.

The Deputy Presiding Officer: Although it was not lacking in courtesy, I note that that language was a bit relaxed.

Mairi Gougeon: Is the member against the proposals that we are taking forward to ultimately make things fairer for our tenant farmers and our small landholders across Scotland? Is he against diversifying land ownership and tackling the concentration of land ownership that we have in our country?

Tim Eagle: I am just about to come on to that—wait, and I will get to it.

I was tempted to go for the full Richard Leonard experience with this speech and shout from the back benches about the grotesque, unjustified big state intervention against the most basic of human rights for what appears to be nothing but envy politics—but I have decided instead to remain a little calmer. However, I cannot express enough my utter horror at the bill. In the year that I have been here, it is by far the worst bill that I have seen. That is for three key reasons: I do not agree with the principles of what the bill is trying to achieve, the bill is fundamentally unworkable in its current form, and the legal implications could be far reaching and lead to challenge.

Let me take those points in order. First, the bill—and, for that matter, large parts of land reform—seems to make the major assumption that owning a large landholding is inherently wrong, or perhaps that large landowners do not care about the land that they manage or the communities that they are part of.

Mercedes Villalba: Will the member give way?

Tim Eagle: I apologise, but I do not have time.

However, my experiences are somewhat different. I know landowners who have given plots of land for local people to build a house at next to nothing in cost, and large landholdings that are leading the charge on peatland restoration, large

landscape projects along rivers, tree planting and land for community projects. I note at this point that there is a challenge in every sector of life where the few can impact the many. It is vital that those who work in the industry, and the organisations that support it, work to make sure that all landowners meet their responsibilities. However, major legislation is not required to ensure that.

Secondly, the bill is fundamentally unworkable in its current form. There is a risk of consultation upon consultation. An area of land for, say, housing that is already going through the statutory planning process will face public consultation and discussion, and it is vital to avoid duplication. Why has size been chosen as the key measure for who is impacted by the bill? Why not value? There is a huge difference between 3,000 hectares of moorland and 3,000 hectares of agricultural land.

The Law Society of Scotland has pointed out that proposed new section 44B(3)(c)(iii) that the bill seeks to insert in the Land Reform (Scotland) Act 2016 requires that a land management plan must contain information about how

“the owner is complying or intends to comply with ... the code of practice on deer management”.

That creates a compliance duty in relation to a voluntary code of practice.

Proposed new section 44A(4) of the 2016 act mentions the land rights and responsibilities statement. It looks as though that provision puts on to a statutory footing the voluntary approach to developing a stronger relationship between landowner and communities that is set out in the 2016 act.

As someone who has worked in this area, I am not sure that whoever wrote the bill actually understands it. It is very common for land sales to take place for small pieces of ground, such as a little bit of garden ground or a new site for a local teacher or doctor. As the bill stands, it will require all sales to be notified to the Scottish ministers. What a huge blockage that will create, and that is before we get to the administrative nightmare and the huge cost that it will introduce.

Sarah-Jane Laing from Scottish Land & Estates said:

“Lotting provides uncertainty. Any intervention in the land market that places obligations on you or reduces your ability to liquidate your assets—which is what we are talking about here—will impact on your ability to borrow from the banks.”—*[Official Report, Net Zero, Energy and Transport Committee, 19 November 2024; c 48.]*

Given the lack of timescale for Government decisions, there is a great risk that lenders will see the inability to dispose of land as a large risk. In turn, that will create uncertainty in the market, and markets do not like uncertainty. As well as

affecting people who bring their land to the market voluntarily, the lotting provision will have an impact on the wider land market and the attitude to land value and risk in Scotland.

Mercedes Villalba: Will the member give way?

Fergus Ewing: Will the member take an intervention?

Tim Eagle: I will bring in Fergus Ewing.

Fergus Ewing: Does Mr Eagle agree that the emphasis should be far more on working with existing landowners and encouraging them to invest in things such as the provision of additional rural housing, rather than on imposing on them ever more regulations, which will discourage investment and new tenancies, dampen the rural economy and prevent us from achieving the opportunities that exist in rural Scotland?

Tim Eagle: I apologise to Ms Villalba for missing her out.

That is exactly the point that I am about to come on to. There are different ways of doing what the Government wants to achieve.

I had better skip forward. There is so much that I could go into. NFU Scotland has expressed concern that the changes will simply put landowners off any tenant farming, thereby further damaging the tenant farming market. I could do a whole speech on that alone. For example, resumption changes, such as the extended notice period, enhanced compensation and a public interest test, will undoubtedly worry any prospective owner who would consider letting land. That is what happened following the passing of the Land Reform (Scotland) Act 2003.

I could mention other things, one of which is that there is a huge risk of legal challenges in relation to compliance with the bill. Clarity is needed on compensation for value other than agricultural value. There is significant potential for legal crossed wires when land is part of a large landholding but is also a registered croft.

As the Scottish ministers own 10 per cent of rural Scotland—I think that my colleague Rachael Hamilton mentioned that—they will have to make decisions about themselves, which will highlight significant conflicts of interest.

There could be legal challenges to do with the expropriation of land and the adequacy of compensation; failures to adequately support the enforcement of new regulations; the requirements for community engagement; property rights; the criteria used for lotting decisions; and the criteria for determining public interest in lotting decisions. The issue of addressing off-market sales to ensure that communities have the opportunity to buy land could lead to legal disputes over the transparency

and fairness of the process, and landowners and investors could argue that the bill's provisions deter investment in rural land and negatively affect the economy.

I am speeding through my speech because there is so much to talk about. There is a lot that I have not touched on, including the need for the land and communities commissioner.

The Scottish Conservatives, sadly, cannot support the bill. I say “sadly”, but it is not really sad. We simply cannot support an unworkable bill, and because of the risks associated with the bill, we cannot support the financial memorandum, either.

I say to the cabinet secretary that I think that I could make the bill a great bill if I really had to. I would keep the land management plans, because I think that what the Government really wants to do is to put community engagement on estate plans on a statutory footing. That is what Fergus Ewing meant when he spoke about the need for us to work with the estates to deliver what we want to see in rural areas.

The Government should scrap everything else and allow the review of the community right to buy to be completed. It should then review its findings with stakeholders and work together with them to simplify and implement any conclusions from that review. At the same time, it should set up a proper agricultural holdings review to explore everything that has happened over the past 50 years and how we can take forward tenancies in the interests of owners, tenants and communities.

In the meantime, I am confident that there will be legal teams across the country that will be happy to help the Government to develop clauses to ensure that leases can be tailored where the main reason is to relate them to climate change goals. That approach would be much better than the one that is taken in the Land Reform (Scotland) Bill. Frankly, the bill is unworkable. The approach that I have suggested would create good law; the bill will not.

The Deputy Presiding Officer: I call Rhoda Grant to open on behalf of Scottish Labour.

15:49

Rhoda Grant (Highlands and Islands) (Lab): The Scottish Labour Party supports the general principles of the bill, but, like others, including many of the stakeholders who are in the gallery today, we want the bill to go further.

Donald Dewar gave Labour's enduring view on land reform in a 1998 lecture. He said that change was required “on grounds of fairness” to increase “local involvement and accountability” and deliver

“greater diversity” in land ownership because there was

“too much control in too few hands”.

After 17 years of Scottish National Party Administration, the concentration of land ownership is getting worse—0.025 per cent of Scotland’s population still owns 67 per cent of Scotland’s rural land. As it is currently drafted, the bill will not change land ownership patterns, nor will it deal with the power that is vested in those who own land to hold communities to ransom.

The purpose of land reform is to empower communities, build economies and retain populations. Those things impact service provision, national and community wealth and the sustainability of the Gaelic language.

Stakeholders are very disappointed with and critical of the bill. They do not believe that it will make any change to communities owning land, nor will it change land ownership patterns.

Central to the bill is the setting of two thresholds in defining “large landholdings”: 3,000 hectares for the requirement to have a land management plan and 1,000 hectares to require prior notification of a sale that might trigger a community right to buy or a potential lotting decision. It is confusing and unnecessary to have different thresholds for different purposes, and it is widely felt that those thresholds, even if unified at around 1,000 hectares, are still too high. A reduction in all thresholds to 500 hectares would keep all crofts and 97 per cent of all farms out of the scope of the bill.

The bill does not include urban land reform. A new criterion to allow communities to register an interest in land of significance to them could be a measured way to trigger urban communities getting prior notification of sales and the right of pre-emption.

The bill will create a new land and communities commissioner within the Scottish Land Commission to oversee the land management plans and make recommendations on the potential lotting of land. The new commissioner will be part of the Scottish Land Commission, but they will be completely autonomous from the commission in their work. That looks ill considered, as the commissioner will lack any corporate responsibility and adequate accountability.

Proposals for a public interest test on land transfers have also been completely ditched. Public interest tests are well understood in law, so to change that and to use a transfer test will risk having the legislation held up in the courts. Labour wishes to see amendments to reinstate a public interest test.

Land management plans will be introduced for landholdings of over 3,000 hectares to enshrine community engagement in large landholdings. That is not cumulative and it is set at a level at which very few landholdings in Scotland will be affected. A fine of £5,000 for not producing a plan will not incentivise compliance. There should therefore be a system of escalation of sanctions for non-compliance.

The bill will allow community bodies to have the opportunity to be informed about certain sales of over 1,000 hectares and will give them 30 days to register an initial interest in buying the land. Communities will get a subsequent 40-day period to get consent to make a right-to-buy application. Those timescales are unworkable, given that it can take the Scottish Government two months to approve the constitution of community bodies that are able to make the application. The 1,000 hectare cut-off threshold again means that very few transactions will be caught in that provision.

The bill will introduce lotting for the first time for landholdings of over 1,000 hectares. Those landholdings may be required by Scottish ministers to be sold in smaller lots rather than as a whole, and the owners can seek compensation if that impacts on the value of the sale. That process appears to be complex with no community involvement at all.

Prior notification of any sale over 1,000 hectares is designed to put a restriction on the secretive off-market sales that have been increasing of late. However, that is a relatively high limit, which means that fewer than seven cases a year are likely to be impacted.

Part 2 of the bill seems less controversial, but there are still issues that need to be dealt with. Partial resumption and compensation need to be dovetailed with a whole-farm resumption, so that there are not any incentives to resume the whole farm, rather than the part that is required by the landowner for development. Where possible, such resumptions should be done in negotiation between the landowner and tenant, with the land commissioner having a role should the negotiations fail.

Many people welcome the new environmental lease, which will allow a move towards using land for environmental purposes. We all know that we need to reach net zero, and we hope that the environmental lease will allow tenant farmers more scope to do that in their holdings. Land management plans and whole-farm plans also need to be dovetailed for the small number of farmers who will need both.

As it stands, the bill is unlikely to bring about any change in community ownership or the desired diversification of land ownership. Urban

Scotland is also excluded. The thresholds to define large landholdings are set so high that they exclude most land from the bill's provisions. This weekend, we heard that Clan Donald Lands Trust is selling its assets and land in Skye. I am unaware of any approach being made to the community ahead of the sale. It is also unclear what difference the bill would have made to the sale and community involvement.

Mairi Gougeon: The member has chosen a topical example that goes to prove why the measures that we are introducing in the bill are important. They could have prevented the situation from coming about or, at least, the community could have been notified that the land would become available for sale. I hope that she welcomes that.

Rhoda Grant: I sincerely hope that that would be the case, but the timeframes in the bill would make it nigh-on impossible for a community with no knowledge that the sale was coming up to act in time. Perhaps the cabinet secretary will reflect on that to ensure that communities have the time that they need.

We will work in good faith with the Government to strengthen the bill in the hope that the consequent act will make a step change in land ownership patterns in Scotland.

15:56

Ariane Burgess (Highlands and Islands) (Green): The bill is the latest step in Scotland's land reform journey. As we heard from the cabinet secretary, Scotland is an outlier when compared to many of our European neighbours. Ownership of land is highly concentrated. Although the Parliament has made great strides in rectifying that since devolution by granting the right to roam and the community right to buy, we are still only at the start of the land reform journey.

The bill is part of other work that is on-going to address fairness in land ownership and how public money is deployed. It also links with steps to tackle the climate and nature emergencies that are set out in the Agriculture and Rural Communities (Scotland) Act 2024 and the Natural Environment (Scotland) Bill.

The Scottish Greens support the principles of the bill at stage 1 but, as the Net Zero, Energy and Transport Committee and many stakeholders outside the chamber noted, the proposed legislation before us is disappointingly lacking in ambition. There are still many barriers that need to be addressed for the Parliament to achieve its goal of diversifying who owns land in Scotland.

Although there remains much unfinished business in land reform, several improvements

can be made to the bill at stages 2 and 3. I will run through several of those and my colleague Mark Ruskell will pick up on additional areas in his closing remarks.

The first improvement relates to thresholds. I note the broad consensus in the committee's stage 1 report that the thresholds in the bill need to be revised. There is a strong case for the thresholds for lotting and the creation of land management plans to be harmonised; indeed, the Scottish Land Commission recommended that change. Further, the thresholds for both should be significantly reduced.

Committee witnesses suggested that a 500 hectare threshold would exclude around 96 per cent of all agricultural holdings, so crofters and family farms would be exempt. I understand concerns about the cost of creating plans, but are those costs not already part of the cost of business for many large landowners? Are we suggesting that landowners do not carefully plan how they use their land and think carefully about the future of their businesses?

Douglas Lumsden: Will the member take an intervention?

Ariane Burgess: I do not have time to take an intervention. I apologise for that.

On lotting decisions, I firmly believe that a lower threshold is the only way that the bill would have a significant chance of diversifying land ownership in Scotland. However, as it stands, the lotting process is somewhat orphaned in the bill. What will ministers take into account when making lotting decisions? How will we know that the decisions are of benefit to the public as a whole?

That brings me to the matter of the public interest, which I know that the committee has discussed at length. I agree with those witnesses who have suggested that the transfer test in the bill must be replaced with a public interest test, and I urge the cabinet secretary to continue her consideration of that. That is what the Government consulted on, and it was supported by 72 per cent of respondents.

Lotting provisions must also include safeguards to prevent lots simply being brought back together at a later date. I also question the rationale for not including contiguous landholdings. It must be clear that lotting decisions are made on the basis of achieving the public interest test, and I am keen that we see a definition of the public interest test spelled out in the bill.

Land management plans, commonly known as LMPs, are an idea with much potential, particularly for progressing action to meet our climate ambitions and to restore Scotland's nature. However, some key changes are required to

strengthen those provisions. First, we need to see a requirement for LMPs to be implemented, otherwise the process will be reduced to a bureaucratic exercise. Cross-compliance can help in that regard, and Mark Ruskell will say more on that in closing.

It should also be made clear how plans have taken the views of the community into account. Community consultation should not simply be a tick-box exercise, but should be given serious consideration.

The five-year limit timescale for plans also needs to be reconsidered, particularly for plans involving changes in land use that would benefit the environment. From tree planting to habitat restoration, several years—in fact, decades—are often needed for those changes to take root. We need longer duration of LMPs and we need their objectives to be locked in for successive owners. We have seen that approach being taken in relation to forest dedication schemes, and we need the same here.

The bill should also be updated to make it clear that LMPs should not only take into consideration how biodiversity can be enhanced, but support efforts to restore natural processes at scale. The Scottish Rewilding Alliance submitted important evidence on that.

I, like others, am disappointed that the review of the legislation on the community right to buy has not been aligned with the bill. Community Land Scotland raised important concerns about the time that is given to communities to prepare applications.

The bill presents us with an opportunity to tackle the issue of increasing off-market sales of land, particularly for the purpose of engaging in the trading of carbon credits on the financial market.

Mercedes Villalba: Will the member take an intervention?

The Deputy Presiding Officer: The member is concluding.

Ariane Burgess: That is an increasing barrier to community land ownership. One route to addressing that is to have a new public body to oversee Scotland's carbon credit market. Ahead of stage 2, I would like to explore with the cabinet secretary how we can address some of the growing concerns about the bill, with a view to addressing the issue more substantially in the next parliamentary session.

Finally, I thank the many stakeholders who have shared their views over the past year and who have taken the time to meet me and my colleagues, and I thank the committee clerks and Scottish Parliament information centre colleagues who have kept members such as myself, who

were not on the Net Zero, Energy and Transport Committee, abreast of the discussions that have taken place.

16:03

Liam McArthur (Orkney Islands) (LD): I start by congratulating the Net Zero, Energy and Transport Committee on its report and its convener on an Olympic-standard declaration of interests. I thank those who gave evidence to the committee and who have provided briefings for the debate, including our former colleague Andy Wightman—it is right that his voice is being heard in the debate, although it will probably surprise him that it has come from the front bench of the Conservatives.

I also thank the cabinet secretary and her officials for their engagement with me on the bill. I put on record my disappointment at her decision not to stand at the next election. She is a good friend and a respected colleague, and she will be missed.

As others have observed, land reform is an issue with which successive Governments and Parliaments have grappled, dating back to the act that ended feudal tenure being passed in the year that the Parliament was first re-established. However, despite those interventions and the laudable intentions of MSPs across parties, the concentration of land ownership appears to have increased over the years. Research shows that 2,588 landowners own 70 per cent of privately owned rural land in Scotland today, which is down from 3,161 in 2012. The committee rightly acknowledges that patterns of land ownership in Scotland are unusually concentrated and that levels of regulation are low by international standards.

I accept that what matters is a question not solely of ownership but of how land is used. Even so, those figures suggest that land reform has to date fallen short and, as the committee suggests, lost momentum, and that has consequences. We know that a lack of available land can create problems for rural communities and can impact on, for example, the quality and availability of local services, affordable housing and economic development.

That said, it is important to acknowledge in the debate the fact that rural landowners and land managers are often at the forefront of efforts to tackle climate change and restore nature, while also producing food and providing jobs and economic growth. Indeed, big is not necessarily bad, with estates of scale often delivering wider public goods.

Mercedes Villalba: Will Liam McArthur take an intervention?

Liam McArthur: I will not take an intervention, I am afraid.

Any legislation must strike an appropriate balance between rights and responsibilities. In that respect, when I read the committee's report, I was struck by the fact that, although there were fundamentally opposing views on the objectives and intentions of part 1 of the bill, there appeared to be a broad consensus that its approach is potentially burdensome, bureaucratic and unlikely to deliver. I wholly agree with the committee's view that

"If Part 1 becomes law, it should set out processes that are as simple as they can be"

and that

"are not an administrative headache".

That is the best way, if not the only way, to deliver the positive change that people and communities expect and require.

The creation of land management plans by landowners on the basis of community engagement is certainly a sound principle and should result in greater and necessary transparency. On the disagreement among stakeholders and within the committee over thresholds, I will continue to listen to the debate. I certainly sympathise with the view that a threshold of 3,000 hectares is on the high side but would like to fully understand the implications of reducing it to 1,000 hectares, particularly in the context of the earlier point about avoiding unnecessary administrative headaches.

Edward Mountain: Liam McArthur makes an interesting point about reducing the size of the threshold for land management plans. The costs are interesting, too. Does he agree that, once you get to small-scale farms of 1,000 hectares or less, funding £10,000 for a management plan every five years is prohibitive?

Liam McArthur: That is certainly a concern that I would have. Whether a 1,000-hectare farm would be referred to as a small-scale farm would be open to debate, but, as I say, we need to fully understand how that will impact people and who it will impact. On balance, the committee is right to recommend that the Government keeps the issue under review, for those very reasons.

Like the committee, the Scottish Liberal Democrats support extending community right to buy as a means of further empowering and revitalising communities. However, including such provisions in the bill before the review into community right to buy has concluded is regrettable and, I would argue, risky. Indeed, it is part of a pattern of the Government introducing legislation either in haste or before it has done all the necessary preparatory work.

The proposal for lotting makes sense if we are to achieve greater diversification of ownership. Again, I support the committee's call for the transfer test to be revised and to ensure that it is very much driven by public interest.

I turn briefly to the provisions in part 2 relating to the leasing of land. They appear to be a bit of a mixed bag, with some welcome elements alongside other aspects that give rise to concern. For example, however well intentioned, legislating in ways that retrospectively impact on existing contracts seems legally dubious and politically inadvisable—a point that Fergus Ewing made.

Definitions require further clarity, not least in relation to sustainable and regenerative agriculture. At a time when there is already a worrying decline in the number of agricultural tenancies, care must be taken to avoid creating uncertainty that would simply undermine what we should be seeking to achieve through the reforms.

Finally, I note with concern the Scottish Land Commission's view that the bill will require fairly fundamental revision at stages 2 and 3. All bills are subject to amendment, but it places the Parliament in an invidious position if it is expected to radically overhaul legislation during the scrutiny process. With good reason, the Parliament expects Government to undertake robust pre-legislative consultation and preparation. For whatever reason, that does not appear to have been the case in this instance.

Notwithstanding that, the Scottish Liberal Democrats will support the general principles of the bill this evening, in the interests of kick-starting a process of reform that has stalled, and with the aim of re-energising our rural communities.

16:10

Michael Matheson (Falkirk West) (SNP): Like the convener, I am grateful to those who took the time and opportunity to give evidence to the committee. Some of that evidence was very considered, covering both parts 1 and 2 of the bill. Organisations such as the Scottish Tenant Farmers Association, NFU Scotland and Community Land Scotland, and a range of individuals, provided us with a wide body of evidence in written form and presented evidence to the committee.

I also put on record my thanks to Patrick Colquhoun of the Luss estate, who kindly invited me to visit the estate to discuss the proposed changes in the bill. That engagement was valuable to me in considering some of the issues relating to that particular estate.

As a number of members have highlighted, the issue of land reform has been a thread of policy

running through the Parliament over the past 26 years. As the cabinet secretary rightly said, we have been on something of a journey in this Parliament over more than a quarter of a century, and at times some of the debate around land reform in Scotland has been very politically divisive, with stark divides in the positions that individuals and parties have taken.

I recall the first debate that we had on the Land Reform (Scotland) Bill, which became the 2003 act. During consideration of the bill in Parliament, the debate became very politically polarised. I recall—correctly, I think—that the late Phil Gallie, in a contribution in Parliament, described the bill as a Robert Mugabe land-grab policy.

I do not think that any of the members who are currently sitting on the Conservative benches served with Phil Gallie. As those of us who have been in Parliament for a few years will know, he was often adept at using colourful language in describing various issues of concern. However, I say, with all due respect to Phil, that I think that history will show that he was wrong in the light of what the 2003 act has contributed—

Fergus Ewing: Will Michael Matheson give way?

Michael Matheson: I give way to Mr Ewing, who I suspect was involved in that debate back in 2002.

Fergus Ewing: Michael Matheson's suspicion is correct, and I feel that I should stand by the memory of my friend, the late and much-missed Phil Gallie. To be fair to Mr Gallie, is it not the case that a provision in the 2003 act—namely, that there be retrospective changes to limited partnerships—was deemed by the courts to be confiscation of property, and therefore in breach of article 1 of the first protocol to the ECHR?

All the officials who are sitting at the back of the chamber today should be looking at their law books to see whether history will not repeat itself here.

Michael Matheson: I am not disputing the position that the courts have taken on a particular provision in the 2003 act, but I think that history will show that, in general, Mr Gallie was incorrect. Despite the political sabre rattling that often goes on when it comes to land reform legislation, I think—no, I know—that there is a broad consensus on the need for continued reform.

It is worth reflecting on the progress that has been made to date. A primary land reform objective is to seek to reduce the concentration of land ownership, and to see greater diversification of ownership of land, in Scotland. Despite the repeated pieces of legislation that have been

passed over the past 25-plus years, however, very limited progress has been made.

There have been some successful community buyout projects, but—as Liam McArthur pointed out in his contribution—land ownership continues to be very much concentrated in a few hands, as the work by Andy Wightman clearly demonstrates.

The committee's recommendations are focused on strengthening the bill. If the Government is minded to take forward some of those recommendations, it will significantly improve the bill and what it seeks to achieve.

I will touch on three particular areas that I hope the minister would be open to considering for stage 2 amendments. The first relates to the public interest test provision. I understand that the Government's position is that a combination of the lotting provisions and the transfer test provisions ultimately delivers a public interest test in the bill. However, the original consultation was clear on the need for a public interest test, and I hope that we can consider putting a public interest test policy objective on a statutory footing in the bill.

The second area relates to sites of community significance. The bill could go further on that and make provision for clear procedure and criteria for how applications for sites of community significance could be provided.

The third area would be to improve the prior notification process. Although that is moving in the right direction, the bill could go further on that. Rhoda Grant was correct to highlight the announcement this week of the Clan Donald Lands Trust sale of the Sleat peninsula. My understanding is that the community has very little engagement with the landowner and has had no notification that half of the peninsula was about to be sold. The landowners have not engaged with the local community in any meaningful way in developing their local plan. That is a very good example of exactly what should not be happening and why the bill is needed. I hope that the strengthening provisions that have been suggested by the committee, if the Parliament agrees to them, will help to address that type of issue in the future.

16:16

Finlay Carson (Galloway and West Dumfries) (Con): I will start my contribution in the same vein as Michael Matheson. I remember our late Presiding Officer, Sir Alex Ferguson, warning me when I first took up my post as an MSP to avoid land reform and deer management. Sadly, I am standing here talking about land reform, and in the coming weeks, I will be dealing with deer management in our discussions on the Natural Environment (Scotland) Bill.

It has become evident that the Land Reform (Scotland) Bill poses a significant threat and will add to the damage that has already been inflicted on rural Scotland by the SNP Government. First, let us consider its economic implications. Scottish Land & Estates has voiced its apprehensions, highlighting that the bill would impose

“disproportionate and unfair legislative proposals”

on rural businesses. SLE’s chief executive, Sarah-Jane Laing, has warned of an era of “wanton damage” to our rural economy if the bill is passed without substantial amendments. We cannot afford to ignore those warnings.

NFU Scotland has raised concerns about the bill’s potential impact on Scottish agriculture. Although we understand the Government’s desire to share the benefits of land ownership, the proposals for land market regulation could severely compromise farming. Economies of scale have necessitated larger farms so that they can survive, and the bill threatens to undermine that foundation.

The bill’s focus on large-scale holdings, particularly the requirement for land management plans, is another area of contention. The Agricultural Law Association has pointed out the burdensome nature of those plans on large landowners. The cost and administrative burden of preparing and publishing those plans must be justified by clear benefits, but that justification is currently lacking.

Additionally, although SLE supports improving transparency of land ownership and use, it believes that changes must be made to reduce costs and increase the associated timescales. NFU Scotland also emphasises maintaining the 3,000 hectare threshold to avoid burdening smaller landholdings with unnecessary costs and bureaucracy.

Furthermore, the British Association for Shooting and Conservation has raised significant concerns about changes to agricultural holdings. The bill’s efforts to widen the scope of compensation and liabilities for landowners when game damage a tenant’s crops raise issues of fairness, legal complexity and practical enforcement. Such changes could have far-reaching consequences that we must carefully consider, and NFU Scotland supports ensuring that tenants are left no better and no worse off as well as the avoidance of retrospective changes to agricultural tenancies in order to maintain confidence in land letting.

The background to the bill stems from the Scottish Government’s definition of land reform as the on-going process of modifying, reforming and modernising land ownership and distribution. Although to some the intentions might be noble,

the execution leaves much to be desired. The Scottish Land Commission’s investigation into large-scale and concentrated land ownership in Scotland concluded that concentrated land ownership is causing damage to communities. However, the commission’s own evidence suggested that the issue lies in concentrated ownership in specific areas rather than in the scale of ownership itself.

Tenant farming, which is a key component of Scottish agriculture, is also at risk. The bill introduces changes to the right-to-buy process for agricultural holdings and to the provisions on resumption and compensation for game damage. Although those changes are aimed at improving the system, they could lead to disputes and further complications in the Scottish Land Court.

SLE has highlighted that the bill would place an unwarranted bureaucratic burden on landowners, who are at the forefront of tackling climate change, restoring nature, producing food, providing jobs and growing the local economy. That burden would inhibit their ability to continue delivering those essential services. Research is clear that scale is a key enabling factor in the delivery of multiple benefits that are considered to be of national importance. The bill’s use of scale as the metric for fragmenting partnerships of land ownership is not the same as tackling concentration and risks making it harder to deliver those benefits.

It might well be possible to meet the Scottish Government’s original objectives of greater transparency and community engagement without inflicting the damage to rural businesses at taxpayers’ expense that the bill threatens. Extensive provision for community ownership already exists, and the need for prior notification of all sales over the threshold will lead only to further costs and delay, both for businesses and the public purse. As drafted, the bill would hold up sales to sitting tenants or local businesses.

The lotting provisions are both alarming and unworkable. They could lead to taxpayers being lumbered with substantial compensation payments and, at the same time, could wreak havoc in the land market and kill Scotland’s natural capital investment market. There is no demand for those provisions, and they must be scrapped.

There are serious concerns that part 2 of the bill risks discouraging landowners from letting land, which is contrary to its aims. Decades of excessive legislation have created that challenge, and adding to the imbalance in regulation will not solve it. Tenant farming policy must focus on encouraging landowners to make land available to new and existing tenants instead of deterring landowners from doing so, and legislating to retrospectively amend tenancy agreements to

change resumption clauses will not move the sector in the right direction.

Although a majority of committee members supported the general principles of the bill, it is clear that part 1 risks not delivering its intended outcomes. The approach is seen as potentially burdensome and bureaucratic, and the land size threshold that operates across the bill should be reconsidered. The committee's concerns about the lotting and resumption provisions highlight the need for a thorough review and significant amendments. We must strike the balance between reforming land management and supporting rural Scotland, and the bill in its current form fails to do so.

I urge members to oppose the Land Reform (Scotland) Bill at stage 1 and to work towards a more equitable and sustainable solution for our rural communities.

16:22

Bob Doris (Glasgow Maryhill and Springburn) (SNP): As a member of the Net Zero, Energy and Transport Committee, I thank all our witnesses who, for a prolonged period, gave their time to provide valuable evidence on the Land Reform (Scotland) Bill. That evidence has supported the committee in completing our stage 1 report on the bill, the principles of which were agreed by the majority of MSPs on the committee, myself included.

Before I go into detail on some of the bill's provisions, I wish to make a general point. It is clear from our report that there is a desire for Parliament to shape the legislation and take it further than where it currently stands, and it is likely that there will be a considerable number of amendments. That shows that our committee system in this place is working well. The Scottish Government's response to our report shows that the Government has found that scrutiny to be beneficial, and it is up for many of those amendments. I look forward to working in partnership on such matters.

I want to look at the threshold for the duty on large landowners to produce a land management plan, which I think is important. Our committee asked the Scottish Government to reflect on the threshold of 3,000 hectares, given that there have been many calls for it to be lowered. I will simply reiterate what I said at committee: Glasgow's botanic gardens and grounds, which sit in my constituency—in part, anyway—would fit 150 times into 3,000 hectares. It would seem remarkable that, if the gardens fitted only 149 times into an area of land, that land would not be required to have a land management plan. The gardens would fit 50 times into a threshold of

1,000 hectares, and I think that most fair-minded people would say that an area of land that is 50 times the scale of Glasgow's botanic gardens should have a plan. It seems like a no-brainer to me. For me, that part of the bill certainly needs to be looked at again.

The Scottish Government has said that such a reduction would double the number of large holdings required to develop such a plan to 700, which, to me, is not burdensome but positive. The Scottish Government noted that lowering the threshold could add cost, as it would increase the number of landowners who had community engagement responsibilities. I say this to the Government: the committee heard on several occasions that good landlords will already have most of the elements of a land management plan in place, because that is what good landowners do.

We were told a similar thing with regard to community consultations. Good landowners, as a matter of course, consult with communities living on or beside their land on an on-going basis. We were told that time and again. If they are good landowners, as most will be, I cannot for the life of me see why large landowners would be concerned.

Douglas Lumsden: Will the member take an intervention?

Bob Doris: I will take a very brief one.

Douglas Lumsden: I have a very brief question on costs. Does Bob Doris share my concern that it is not just costs on the landowner that would increase—he has addressed that—but costs on the Land Commission, which has already been told that it has to find the money from existing budgets?

Bob Doris: If I have time, I will address the issue of the new commissioner in detail.

Landowners already consult with communities and have land management strategies, so I hope that large landowners will embrace the changes rather than resist them. Our committee was clear that community engagement has to be meaningful and landowners should be able to demonstrate how they have taken community views and considerations into account when drafting their land management plans. We were clear that that must not be a tick-box exercise, and I am pleased that the Scottish Government has agreed to consider the issue further.

Briefly, on the cost of pulling land management plans together, some witnesses' estimates varied greatly. I was left unconvinced by many of their arguments, because I find it contradictory on the one hand to say that much of this work is taking place anyway and, on the other, to raise cost

concerns. However, many excellent landowners out there are already regularly consulting communities in a meaningful way, and when we bring regulations forward, we must do so in a way that recognises that good practice.

I repeat the committee's view that a one-off fine for landowners of up to £5,000 for non-compliance is insufficient, so I am pleased that the Government will look at that again. That said, I should note the difference between the sort of wilful non-compliance that should be subject to fines, and landowners requiring support to meet their duties in this area, with good practice and advice being shared among them. I want more substantial fines in some cases of non-compliance, but I do not want a rush to apply fines or sanctions. Our landowners remain key partners in all of this.

That brings me to the role of the proposed land and communities commissioner. I want the commissioner to develop a positive, supportive and constructive relationship with all stakeholders, and large landowners will be at the heart of that process. Hence, I have distinguished between dealing with wilful non-compliance and supporting large landowners to be compliant, as well as acknowledging the good practice that already exists out there.

My important point, however, is that I am keen for the land and communities commissioner to be able to undertake proactive investigations in the absence of a report from a designated body. I am pleased that the Scottish Government will consider that, but I want to go further. Each year, a small number of land management plans should be proactively investigated for compliance in the absence of a reported breach. Land management plans must not just exist on paper; they must be implemented in practice—and not just the community consultation element, either. Depending on the nature of any non-compliance that is identified, support rather than sanction might be the most appropriate outcome.

In my final moments, I want to make a connection that I do not think has been clearly made with regard to good-quality land management plans, exercising the right to buy and lotting arrangements. A land management plan worth its salt will make reference to areas of land that will be of benefit to the community in the next five, 10 or 15 years, and lotting arrangements could feed into that process, if a sale were ever to take place.

I support the bill's general principles.

16:29

Monica Lennon (Central Scotland) (Lab):
Some people hold the view that it does not matter

who owns Scotland's land. They do not mind that Scotland's pattern of private land ownership is probably the most concentrated in the world. Some people are relaxed that anyone in the world can buy large amounts of land in Scotland with relatively little scrutiny. Scottish Labour members believe that those things do matter. It matters that less than 1 per cent of Scotland's people own two thirds of Scotland's rural land.

The story of who owns Scotland is a long history of inequality, and we need to write a new chapter. The bill is the latest attempt to spread the ownership of Scotland's land into the hands of the many, not the wealthy few. Scottish Labour absolutely supports the bill's principles, because we know that the land reform journey is far from over.

We have not waited for the Government to do all the work. My colleague Mercedes Villalba consulted on a member's bill a couple of summers ago, and I hope that the Government is very much looking at that work as we try to improve the Land Reform (Scotland) Bill.

Rural communities deserve the opportunities that can be unlocked if land is owned, managed and used in the public interest. Our ambition is for urban communities to also benefit. As a Central Scotland MSP, I know that there is an overreliance on speculative private developers, which contributes to the acquisition of strategic land banks. We have heard about the community right to buy, but we need that to be more meaningful and to be a reality.

We know that wealthy landowners are powerful and have huge influence over decisions that impact the people of Scotland. A Scotland that aspires to be modern and democratic needs to change that. Tim Eagle spoke about large estate owners gifting small plots of land to local people to build homes on, but our communities deserve to have greater control over their own destiny. They deserve choice, not charity.

As a member of the Net Zero, Energy and Transport Committee, I am in the privileged position of being one of the seven committee MSPs who have been scrutinising the bill. We have read and listened to a colossal amount of evidence. Like the convener, I am hugely grateful to everyone who has contributed, and a special word of thanks must be recorded for the committee clerks and SPICe colleagues.

I recognise that the cabinet secretary and her officials have worked really hard to reach this stage. Mairi Gougeon has signalled her intention to leave the Parliament at the end of this session, and there will be opportunities to say nice things about her closer to that time.

Despite all the doom and gloom that we have heard from members of the Tory front bench today, there is a majority in the Parliament for advancing Scotland's land reform journey.

The committee's stage 1 report recommends support for the bill's general principles. However, we make really important recommendations on how the bill should be improved and strengthened, and we set out where more clarity is required. I welcome the cabinet secretary's letter to the committee last night and the fact that she has restated today that she will continue to listen, reflect and work with MSPs, stakeholders and, importantly, grass-roots voices, because we must ensure that the bill is amended at stage 2 in a coherent way.

I agree with the cabinet secretary that Scotland should be a land of opportunity, and we need to be bold to ensure that Scotland is not just a playground for the extremely wealthy. I think that some members in the chamber would gladly keep things that way, so we need to work hard and be bold and ambitious at stages 2 and 3.

My colleague Rhoda Grant, who attended stage 1 evidence sessions and has championed land reform throughout her political service, has set out areas in which Scottish Labour will seek to improve the bill. That includes public interest tests—I was glad to hear Michael Matheson speak about them, because the Government needs to show a bit of courage and be bolder in that area.

Rhoda Grant talked about issues on which Scottish Labour will lodge amendments or support others, particularly in relation to thresholds, lotting and the role of the land and communities commissioner. We believe that the commissioner should be able to proactively investigate potential breaches of community engagement obligations.

Fergus Ewing: A small number of landowners act against the interests of communities, but does Monica Lennon accept that a very large number of them often do far more to invest in, support and develop businesses, people and individuals in their communities than the public sector does? Surely, we should encourage that rather than take measures that risk that coming to an end.

Monica Lennon: Any good practice is always welcome, but what I am hearing from Fergus Ewing today is that he is in alliance with the Tories, who do not want land reform. It is a shame that the member feels that way, too.

I will draw my comments to a conclusion. I have missed out a few things, but I want to touch on something that Finlay Carson said. He warned about the economic implications of the bill. Maintaining the status quo or allowing landowners to become even more powerful in Scotland would also have serious economic implications.

I commend to the chamber a blog by the economist Laurie Macfarlane, who wrote that

"Land is Scotland's most important economic asset."

He also said:

"How land is owned, managed and used plays a fundamental role shaping Scotland's economic, social, environmental and cultural landscapes."

I completely agree. That is why Scottish Labour will work with the Government to support the bill at stage 1 and improve it.

This is not Scotland's first land reform bill and it should not be the last. We can improve the bill, but the next Parliament will have to go further and be bolder, because Scotland's land reform journey has many miles to travel yet.

16:36

Kevin Stewart (Aberdeen Central) (SNP): I join colleagues in thanking all the folk who have given evidence to the committee and those who have continued to engage, even today.

I was late in joining the committee, and I had to do a wee bit of a catch-up. As I am the member for Aberdeen Central, which is the only constituency in the north-east of Scotland that does not have a farm, there has been a lot of learning along the way.

Today marks another step on Scotland's journey towards a fairer and more equitable society. The Land Reform (Scotland) Bill represents a way forward in our on-going commitment to transform land ownership and management in our country.

It is not right that the ownership and control of much of Scotland's land remain concentrated in the hands of the few. Many members have quoted Andy Wightman and have used statistics that he has provided to show that land ownership is now even more concentrated in the hands of the few. Four hundred and twenty-one landowners own 50 per cent of privately owned rural land. That figure was 440 in 2012. Nine hundred and twenty landowners own 60 per cent of privately owned rural land. That figure was 989 in 2012. Two thousand, five hundred and eighty-eight landowners own 70 per cent of that land. That figure was 3,161 in 2012. We have gone backwards in some regards, which is why we need to continue our journey on land reform.

We should ensure that those who have landholdings that are not contiguous are captured in the bill. At the end of the day, we know that many landowners have large parcels of land that might fall outwith the thresholds that have been put in place, even though they have a huge number of landholdings.

Edward Mountain: Will the member give way?

Kevin Stewart: I will give way very briefly to Mr Mountain.

Edward Mountain: Has the member thought of a way of resolving that? If the landholding is not contiguous, should its inclusion be based on a commonality of machinery, management and staff that makes it contiguous as far as land management plans are concerned? If one landholding is in Orkney and one is in Lewis, they should not be seen as being contiguous.

Kevin Stewart: That was not brief, and no, I do not necessarily agree with that, but it may be one of the things that can be looked at. Some landowners and land managers have parcels of land that are spread right across the country, and they will not be sharing machinery or anything like that. It is one thing that we can look at, but there are a number of other things that we have to look at, in my humble opinion.

We have heard a lot today about many of the stakeholders, but there are a few folks who have been missed out, and it is very important to capture what some of those folks have said. I will turn to the Scottish Tenant Farmers Association, because I joined the call in talking to—and more importantly, listening to—tenant farmers. The STFA supports the general principles of the bill, and, in its submission to us, which came yesterday, it talks a fair amount about part 2. It says that the bill contains “vital” provisions to ensure that farm tenants have fair access to future public funding and future commodity markets; that it implements some “long overdue” changes to the rent test; that it ensures a “just transition” to alternative land uses for tenants who are facing the loss of land; and that it modernises compensation for deer and reared game damage. The association believes that the bill strives to balance the rights of tenants and landlords, and, in the meeting that we had, we heard very definitely that, in many cases, the rights favour the landlords to a huge degree. I have to be honest: I was taken aback by some of the commentary that came from tenants about the way that they had been treated.

We absolutely need to continue on the journey towards a fairer and more equitable society. I believe that the Land Reform (Scotland) Bill—which aims to improve our system of land ownership, land use, and rights and responsibilities, ensuring that our land contributes to a just society while balancing public and private interests—is the way forward. I hope that we can continue to engage with the cabinet secretary on the issue and get it right for all the people of Scotland.

16:42

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank the committee and the clerks for their work in preparing the stage 1 report. As it stands, the Land Reform (Scotland) Bill proposes several radical changes to land management. In its current form, the bill poses a threat to rural Scotland and will have unforeseen consequences for the wider rural economy.

The bill goes against evidence-led policy making and fails to recognise the key drivers of rural Scotland. With Rachel Reeves’s spring statement today likely to affect the Scottish budget in the future, we have to consider that the rural economy is more important than ever.

Throughout the bill process, stakeholders in the rural sector have raised endless concerns about the bill’s pitfalls. My colleagues have highlighted some of those concerns; they have told us that the bill is unworkable and that it does not achieve the Government’s aims.

When Doug Lumsden intervened on the cabinet secretary, he highlighted that just 8 per cent of respondents to the Net Zero, Energy and Transport Committee’s call for views thought that the bill fulfils the Scottish Government’s objectives, which means that the majority of people believe that it does not. I genuinely hope that the cabinet secretary will engage across parties in good faith to shape a more pragmatic aim for the bill but, from what we have heard today, is it not the case that the SNP, Labour and the Greens are absolutely obsessed with who owns the land rather than how it is used? It is a sort of socialist attitude.

Mercedes Villalba: Will the member take an intervention?

Rachael Hamilton: No.

There are some bad actors, as Fergus Ewing highlighted, but, in the main, it is not the landowners who are flawed but the bill itself.

Turning to the detail of the bill, my colleagues have highlighted several problematic areas, which I will aim to cover in the time that I have. We are concerned about the complexity and bureaucracy of the land reform process, as is noted in the committee’s stage 1 report. Critics have said that land management plans increase the burden on landowners by introducing red tape and making it harder for people to manage their land more effectively. That will have severe consequences for food security, nature targets, investment and the wider rural economy.

Additionally, there are serious concerns from rural stakeholders and legal experts that part 1 would interfere with property rights, which may yet prove another costly legal battle for the SNP.

Fergus Ewing highlighted that a public interest test may be incompatible with the ECHR, as it could interfere with legitimate property rights, and there could be legal challenges.

I do not agree with what Bob Doris said. He seemed to belittle the role of land managers. Land management plans are burdensome and costly, particularly for those who have smaller amounts of land. In reality, it is unlikely that an LMP could result in clear benefits. There could also be confidentiality and sensitivity problems around them.

The size of an estate is not an indicator of concentrated land ownership. Evidence from the Scottish Land Commission points to the issue of concentrated land ownership, rather than scale.

I disagree with Ariane Burgess on lotting. The evidence that was given on lotting from across the land reform spectrum clearly provides a resounding and worrying signal to Parliament.

Mercedes Villalba: On the point about scale, does the member really believe that there should be nothing—no questions asked and no intervention—and that anyone could own as much land as their bank balance would allow?

Rachael Hamilton: I am not sure that I get the question, so I will carry on.

Part 2 of the bill is already having a very worrying impact. A recent conversation with a tenant farmer in my constituency revealed the reality. He told me that landlords are becoming reluctant to agree to new tenancies in fear of the provisions that the bill sets out. That could undoubtedly lead to fewer opportunities for tenant farmers, who play a vital role in Scotland's farming industry.

We have heard a lot of concerns about resumption. I hope that the cabinet secretary will consider a consultation on resumption and that she might comment on that.

I also highlight concerns in the Delegated Powers and Law Reform Committee's report regarding the lack of parliamentary scrutiny and the limited engagement with stakeholders on policy development.

Overall, fundamental changes are necessary to make the bill work. We will lodge sensible amendments to mitigate the bill's damaging effects—as we always do—and we will ensure that the bill reflects the needs of rural Scotland.

16:48

Emma Roddick (Highlands and Islands) (SNP): I welcome the opportunity to debate the bill. I am glad to hear members of most parties

pushing for the bill to be as strong as it possibly can be for communities across Scotland.

As I am a highlander, land reform is a policy area that I feel a great deal of emotion about. Our land is emotive, and it has too often been misunderstood, misused and misappropriated. The impact of the clearances is still very much visible and tangible in so many of the communities that I represent, not just because there are no homes where there could be, or thriving communities where there should be, but because awful, Cumberlondesque attitudes towards our communities and the land that we live and work on are still frequently displayed.

Back in 2021, I spoke in a members' business debate secured by Rhoda Grant on the emergence of green lairds. I am sure that, ever since, she, like me, has continued to get Google alerts and to read in the local newspaper about further instances of that. The reaction to the BrewDogs of this world coming in and buying up bits of the Highlands to kill trees on while parading that fact around as if it is something to be proud of has frequently—I am pleased to say—been one of derision, dismay and disgust. However, there remains a pervasive attitude that the Highlands are a wilderness that is available for the richest urbanites to purchase and do with as they please, because whatever cause they want the land to serve will obviously be better than whatever the highlanders want to do with it.

Land ownership in Scotland has been far too concentrated for far too long, and the situation is getting worse, not better. As many have pointed out, 421 landowners own 50 per cent of private rural land, and that is in the context of 57 per cent of Scotland's rural land being privately owned. That is wrong; it is not serving communities, culture or the climate. We need more diverse land ownership.

Andy Wightman points out that many of the landowners who are responsible for that figure will not be caught by provisions in the bill, because their portfolio is not contiguous. Currently, that can be the case if somebody owns multiple holdings that are slightly under the limit across Scotland, or if what is, in essence, one holding is split up by a railway line. It is not any better for somebody to own lots of little bits of land across the country than one big holding. I agree with Community Land Scotland and others that the contiguous requirement for hitting significance thresholds should be removed.

We are not short of examples of community land ownership proving a success. The cabinet secretary mentioned Eigg, which was purchased by islanders in 1997, just before I was born, after years of suffering at the hands of absentee landlords. It continues to go from strength to

strength. It is worth noting that it was another community buyout in the Highlands—by the North Assynt crofters—that drove the people of Eigg forward in their plans. It was not easy, and the story is worth looking into for many reasons. The push from communities and the support that they required from the public sector contain lessons for us today.

We can also learn from places such as Eigg about the potential of the relationship between community ownership and depopulation. Often, when people speak about their decisions to leave the Highlands and Islands, they refer—even if not in explicit language—to a feeling of disempowerment, to an inability to impact how the land around them is used and to an awareness that decisions about that are out of their hands and instead available to the highest bidder to make. Eigg went from being home to about 60 people in the 1990s to being home to more than 100, 27 years later. The community knows what it needs better than anyone else, and that shows.

The Highlands and Islands hold many similar examples of community buyouts and their success; 97 per cent of community-owned land is situated there. That is not because that is easy to do in my region or because the central belt cannot or should not make use of community empowerment—it can and should. However, it is necessary for the future of Highlands and Islands communities; if we want people to stay and be productive in those areas, the righting of wrongs and the rebalancing of power are needed.

I welcome any steps forward in relation to land reform, but we should be doing as much as we can with the opportunities that we have. People keep voting for the SNP, as a party that says that it is going to do great things on community land ownership, so we should do those things wherever possible.

Although I completely back the general principles of the bill, as I would have any of the previous land reform bills, I hope that it is stronger by the time that we are debating it at stage 3. Some of that should be easy wins, such as lowering the land size threshold to 500 hectares for land management plans and registrations of interest, as the Net Zero, Energy and Transport Committee has recommended. As the committee also recommended, there must be a clear public interest test in the bill, and the role of the public interest in decision making around lotting must be explicit. As many have mentioned, fines of £5,000 are not enough to disincentivise breaching the requirements of a land management plan, especially when some are arguing that creating the plan will cost more than that.

A land reform bill next parliamentary session seems as inevitable as ever, but let us do what we

can with the last year that we have of this session to put power into the hands of communities in the Highlands and Islands and across Scotland. Those communities have shown incredible resilience in the face of decades of inequality, and sometimes they are successful in purchasing and making better use of their land—but not often enough. Land reform should be about recognising, rewarding and empowering that resilience.

16:54

Mercedes Villalba (North East Scotland)

(Lab): Land is a public good, and land reform is a question of who owns that public good—whether it belongs to the people who live on and work it, or whether it remains concentrated in the hands of those who have come to own it through chance and happenstance.

The question of who owns Scotland is at the heart of today's debate, and it should and could have been at the heart of the Scottish Government's Land Reform (Scotland) Bill, but, in its current form, the bill will simply not address the concentration of land ownership or challenge the interests that perpetuate it. It does not include a presumption against a single individual owning all of Scotland's land. It does not set a realistic threshold for a public interest test to be applied on the sale or transfer of land. It does not even include a public interest test. Therefore, I and my colleagues will lodge amendments to strengthen the bill so that we can finally begin to address the centuries-old concentration of Scotland's land in the hands of so few.

Today in Scotland, our land remains in the hands of a few ultra-wealthy individuals, estates and organisations. Recent research shows that 421 landowners now own half the privately owned rural land in Scotland, which means that just 0.025 per cent of Scotland's population own 67 per cent of Scotland's total rural land. I repeat that: just 0.025 per cent of our entire population own 67 per cent of our rural land.

In its evidence to the committee, the Crofting Commission highlighted how Scotland's highly concentrated pattern of private land ownership is “economically dangerous”, as it creates localised monopolies. Having ownership in the hands of so few severely limits access to affordable homes, stifles job creation and harms the environment. The owning and controlling of large landholdings by wealthy private individuals does not meet the public interest. We are talking about a monopoly of a resource that no one created and no one produced—it was freely created, yet it is owned and controlled by a handful of individuals for the extraction of private profit.

So, ownership matters, scale matters and concentration of that ownership matters. We cannot rebuild and empower rural communities unless we break that monopoly, but the bill as introduced does not include a presumption against a single individual owning as much land as they can afford. It does not set a realistic threshold for a public interest test to be applied on the sale and transfer of land. In addition, as I have said, it does not even include a public interest test.

Just this week, as we have heard, the Clan Donald Lands Trust on Skye suddenly announced its intention to sell all its land and properties. That is a glaring example of why the bill needs to be substantially strengthened to work in the public interest. The trust manages 20,000 acres of land, which is used for agriculture, crofting, deer and woodland management, wild fisheries and renewables. No advance notice was given to the community, and no public interest test will be applied. The Scottish Land Commission is currently powerless to do anything about it, and it will continue to be powerless unless the bill is drastically amended.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I thank Mercedes Villalba for making a powerful point about the need for a public interest test. Does she agree that the inclusion of a public interest test would help the bill to make improvements in urban Scotland as well as in rural Scotland?

Mercedes Villalba: I do. It is important that urban land is looked at, and it is unfortunate that it has not been up until now.

It does not have to be this way. If legislated for correctly, land reform can be a vehicle for empowering communities across Scotland. That will mean amending the land transfer test so that it is properly redefined as a public interest test, to ensure that land transfers benefit the public—us, the people of Scotland. It will also mean introducing a presumed limit of no more than 500 hectares on the aggregate amount of land that any person can own unless that public interest test can be met.

Those are not new or fringe ideas—they are popular and well-supported ideas, and I have the receipts to prove it. They are the very proposals that I consulted on for my proposed land ownership and public interest (Scotland) bill, which received majority support from respondents. The consultation on those proposals received greater participation than the Scottish Government's consultation.

Land is a public good, and land reform is a question of who owns that public good. With the Land Reform (Scotland) Bill, we have an opportunity to right a centuries-old wrong and

finally bring land back to the people—for the many, not the few.

The Presiding Officer (Alison Johnstone): We move to winding-up speeches.

17:00

Mark Ruskell (Mid Scotland and Fife) (Green): I join members in thanking the committee clerks and the witnesses for their evidence over many months of stage 1 consideration of the bill.

It is important that the committee got out of the Parliament and spoke with communities around Scotland. We had a powerful meeting in Aberfeldy, which was of a lot of relevance to the bill. Local people talked about their concerns regarding the Taymouth castle estate in Glen Lyon and the lack of transparency from the landowner about their plans. Over a number of years, community and economic assets have been drawn into the ownership of that landowner for an exclusive development. Nobody locally knows what the land will look like in 10 to 15 years' time, so the issue of transparency is key.

We were told that the landowner has not only ignored calls from me, as a regional MSP, to provide a land management plan and a master plan for their assets, but has even ignored the First Minister, who is the constituency MSP. This is a real-world situation for which the bill will either work or will not work. As we heard with the situation in Sleat, the bill needs to provide meaningful change and transparency for communities.

It is clear from the case that was raised in Aberfeldy that the thresholds for the land management plans that are currently in the bill are far too high. They do not apply to holdings that are separate but managed as a single unit, a point that was made well by Kevin Stewart. Amendments will be needed in that space.

It is also clear from the example of Taymouth that we need some consideration of a definition in the bill of sites of community significance—particularly land that is on the outskirts of a village and that could be used for housing, for example, but which falls below the threshold set in the bill. Such land should be part of the picture and part of the scrutiny through land management plans. Michael Matheson made an important point on that. Sites of community significance should be subject to prior notification, enabling communities to have a say if such sites are put up for sale.

I am sorry to disappoint Tim Eagle by saying that this is not a radical bill, despite the cabinet secretary's powerful speech in opening the debate. It is not a radical bill, it will not fundamentally change the pattern of land

ownership—I wish that it would—and it will not fundamentally address the power imbalance. What it might do is bring a degree of transparency. However, if it cannot pass the Taymouth castle test, it will not deliver transparency to a vast number of estates and holdings across Scotland. Communities will be left wondering what the bill has left them with, if anything at all.

I will move on to some details in the bill that have not yet been picked up on. The Greens are very supportive of the creation of a land and communities commissioner, who will have oversight over the implementation of land management plans. However, there is an issue with compliance and penalties. There is a feeling that the penalty of a one-off fine is really low and that it could just be taken as a cost of maintaining business as usual.

I understand that the level of fines provided for in the bill is the highest that can be issued under current guidelines. However, as a means of driving enforcement, we are keen for the landowners and managers who fail to comply with the new requirements of the bill to be prevented from receiving other public subsidies. Another option that the cabinet secretary could consider would be for the £5,000 fine to recur annually until the breach is resolved.

There is also an opportunity to strengthen the fines for those in breach of the regulations relating to the register of persons holding a controlled interest in land. I have become aware in recent months that Police Scotland is already struggling to investigate alleged breaches of that legislation. There is an opportunity to move such breaches from being criminal offences to being civil offences, which could be investigated by the land and communities commissioner, and to introduce a £5,000 fine for such breaches.

It is clear from speeches from around the chamber that many members intend to widen the scope of the bill. That will alarm the convener of the NZET Committee and perhaps others who are in the chamber, but it is inevitable, because the intention of the bill is really broad yet the powers within it are very narrow and quite weak. That provides an invitation for members to meet the intentions of the bill by making it stronger. Monica Lennon is dead right. Communities are fed up of relying on charity. They want the power imbalance in Scotland to be addressed.

I turn briefly to part 2 of the bill. There are important measures in it on agricultural tenancy law. Kevin Stewart is absolutely right. We have had some very powerful evidence—in private, I have to say—from farming tenants, which shows the power imbalance that exists in Scotland.

We need some clarity on aspects such as resumption compensation. We need the definition of sustainable and regenerative agriculture to be absolutely locked into the bill, as it is in the Agriculture and Rural Communities (Scotland) Act 2024 and will be, I hope, in the Natural Environment (Scotland) Bill. That will drive change.

We need a commitment in the bill to on-going review and monitoring of the legislation. Fundamentally, we need to know in a few years' time whether the bill has changed the pattern of land ownership in Scotland and brought about diversity of ownership and opportunity. It appears right now, at stage 1, that it will not make those changes. If it does not make them, the land reform question will keep coming back again and again until we have some meaningful change.

17:06

Sarah Boyack (Lothian) (Lab): It has been a really good debate. For Scottish Labour, land reform is in our DNA. It has been part of our identity since the Crofters Party was involved in the creation of our party.

Scottish Labour will vote for the general principles of the bill at stage 1 but, on the basis of the evidence that was given to the committee, we believe that it must be improved.

In her opening speech, the cabinet secretary spoke positively about the importance of land reform but, as members across the chamber mentioned, after 17 years of SNP Government, land ownership concentration is getting worse. The statistic that less than 1 per cent of Scotland's population still own 67 per cent of Scotland's rural land should make us reflect. The comments by Mercedes Villalba, Kevin Stewart and Monica Lennon need to be reflected on.

The bill needs to go further if we are to change land ownership patterns. As Rhoda Grant rightly said in her opening speech, the purpose of land reform is to empower communities, build economies and retain populations. Stakeholders are disappointed that what is currently in the bill will not deliver the change that our communities need.

There is a really important bit in the Net Zero, Energy and Transport Committee's report that is worth restating:

"It is clear that in much of rural Scotland, a lack of available land is a serious impediment to economic development, local services, affordable housing and other quality-of-life issues. Put simply, the scarcity of useful land stops some communities flourishing. There can be a power imbalance that leaves landowners, and not the community, the key local decision-takers."

We all need to work together so that, when we get to stage 3, we have pushed the bill forward and strengthened it. That will take a lot of work, but we are willing to work with the Scottish Government to do that. There is an appetite around the chamber for it, so let us get on with it.

One change for which we want to push is a lower threshold to define a large landholding. We also want to ensure that all thresholds across the bill are aligned. A majority of the Net Zero, Energy and Transport Committee agrees with the principle that the threshold for community engagement obligations for mainland estates is set too high at 3,000 hectares. That point was made by several stakeholders who gave us useful briefings in advance of the debate.

If the bill is to deliver on the needs of our communities, it should set a lower threshold that people can all understand. If thresholds were to be reduced to 500 hectares, that would keep all crofts and 97 per cent of farms outwith the scope of the bill but could be transformative.

A key point that Rhoda Grant made in her opening remarks, which was then made by Mercedes Villalba, Ben Macpherson and Michael Matheson, was about the need for a public interest test. That is crucial, because people know what a public interest test is, it has legal precedence and provides greater protection to family farms. We do not think that a public interest test on land should have been dumped from the bill, so we need to do some cross-party work on that to look at the detail and make sure that we get it right for stage 2 and then stage 3.

One thing that several members have commented on, which I strongly agree with, is that there are problems with communities being given only 30 days to register an interest in sales of land that is more than 1,000 hectares. That is simply not realistic. If communities are to come together, they will have to think about how to raise the money and pull together the plans. They need a bit more space to pull together the resources. The good examples that were cited by Emma Roddick, for example, about the transformation that can be delivered by community ownership, are worth bearing in mind.

A lot of people have talked about the lotting process and the importance of giving rural communities the chance to put in bids. That is important, but the committee again questioned how the decisions will be made. The suggestion of independent advice is critically important. The recommendation that the proposed new land and communities commissioner be empowered to proactively investigate potential breaches of the community engagement obligations is important. We cannot wait for the wrong decisions to be made before we act.

At the moment, there is not really a requirement in relation to how the complex process that is being suggested involves local communities. I have mentioned the timescales, and a lot of detail needs to be sorted out. One example that could be looked at is the unnecessary administrative burden. Admittedly, it is placed on a small percentage of farmers, but could the land management plan not be done in the same way as the legally required whole-farm plan, rather than our having a double approach? That would pull resources together and, if the process is crafted correctly, we would get the same outcomes.

One other issue that I would like to mention in relation to land management plans is the point that was made by Ramblers Scotland about the fact that we are seeing too many examples of restrictions on access creeping in. I have seen that for myself when I have been out walking in the countryside, and I think that the proposed new section 44B of the 2016 act is absolutely crucial in that regard.

One of the things that I want to focus on in my final remarks is the fact that urban land reform is not included. That is a huge missed opportunity, not just for constituents in my Lothian region but right across Scotland in our towns, cities and villages. People are going to miss out.

We will push hard for change in the bill. We have worked really hard on the previous two land reform bills, and we cannot afford this third land reform bill to be a missed opportunity. As I said at the start of my speech, we will be constructive but we will propose amendments to the bill, because we think that, at the moment, it does not deliver on the ambition that we need in Scotland to deliver for our communities.

The Presiding Officer: You must conclude, Ms Boyack.

Sarah Boyack: I want to make one call to the Scottish Government. Will the cabinet secretary come back to members before we hit stage 2, so that we can have a more intelligent and joined-up discussion on amendments and are not just flying through amendments at stage 2, with some getting passed and some not, and some more arriving at stage 3? I ask the cabinet secretary to reflect on whether we could come together, have some rational conversations and make sure that the bill delivers in the way that it could.

17:13

Douglas Lumsden (North East Scotland) (Con): Presiding Officer, last night, I raised a point of order on the timings of this debate and the timings of the Government's response to the committee's report, and you confirmed that everything is compliant with standing orders.

However, that does not make it right. If, as a Parliament, we want to make good and robust legislation, we have to respect the timetables that are set out by Parliament, and the fact that the devolved Government can railroad something through does not mean that it should do so. As parliamentarians, we have a duty to do things right. Even if we do not agree with a bill, we should make sure that the legislative process is the best that it can be.

Mark Ruskell: Will the member take an intervention?

Douglas Lumsden: I have not even started but, yes, briefly.

Mark Ruskell: I ask the member to reflect on the fact that we have been taking evidence in committee since June last year. We have had a long time to deal with this.

Douglas Lumsden: I absolutely get that point, but we did not receive the Government's response to our report until, I think, quarter to six last night—I think that it was even after a press release, with many mistakes in it, was sent out.

I extend my thanks, as others have, to the committee clerks and our convener for the excellent stage 1 report. I also thank everyone who gave evidence and everyone who provided briefings for today's debate. I also congratulate the Scottish Government on uniting almost everyone who gave evidence—land reform campaigners, the Scottish Land Commission, surveyors and Scottish Land & Estates all agreed that the bill would not deliver on its aims.

I share the committee's concerns about the bill. There is not enough detail, evidence or focus on the needs of our rural communities, landowners and those who live on and work the land. As a result, I must say, regrettably, that we are unable to support the bill at stage 1.

My colleagues made excellent points in the debate. I will focus my comments on part 1 of the bill, because that is where I feel that it is most deeply flawed. The contribution that our rural estates make to the economy and wellbeing of Scotland cannot be underestimated or overlooked. Our rural estates contribute 57 per cent of our renewable energy generation, more than half of all new woodland, 13,000 rural enterprises, one in 10 rural jobs and 12,000 homes for workers and their families. It is that contribution that the central belt-focused SNP Government overlooks in its efforts to impose regulation on a sector that needs our support, not our oversight.

I am particularly concerned by any suggestion to change the definition of a large holding from 3,000 hectares to 1,000 hectares. In my meeting with the cabinet secretary, which I welcomed,

there was a suggestion that that could be phased. However, that would lead to additional uncertainty for landowners and to a confusing picture. Liam McArthur said that we ought to listen to the argument around the issue. I would say that we should start at 3,000 hectares and then reduce the figure by regulation.

There is a misconception in the Government that big is bad; we also heard that from Liam McArthur. I understand the way that rural estates work. Scale and productivity should be the key factors in determining when and how community engagement and management plans should come into effect, not an arbitrary size model.

Mairi Gougeon: That is not the case at all. As Douglas Lumsden will have heard from across the chamber in the debate, there is a recognition that some landowners across Scotland are doing great work, but it is about how we are able to tackle the areas where we know that there are problems and where landowners are not undertaking that good practice. Does he agree that we need to challenge that?

Douglas Lumsden: I certainly agree that most landowners do very good work, and we have heard that during the debate. Where there are issues, I absolutely agree that we should do something to tackle those, but from what I have seen, the bill will not do that.

As I was saying, having a simple cut-off such as the 3,000 hectares demonstrates the simple thinking of this Government. It makes arbitrary decisions for our rural communities with little or no understanding of the realities on the ground. It imposes what it thinks is the right thing to do from its desks in Edinburgh without meeting community groups. We have seen that time and again, whether on wood-burning stoves or the building of pylons.

Bob Doris: Will the member take an intervention?

Douglas Lumsden: I will come back later if I have time, Mr Doris.

Bob Doris: That will be a no, then.

Douglas Lumsden: It might not be a no.

We broadly support the need for local management plans, but they have to be focused on who they impact and the communities with which they will interact. Well-funded special interest groups must be held in context when it comes to those consultations. Local people, businesses and voices must have priority.

Colleagues across the chamber have raised crucial points in the debate. I want to mention my colleague Tim Eagle's comments. He was not long ago working in the area, so we should listen to

him. He said that the community right to buy is under review and asked why we should make the changes at this time. That point was also made by Liam McArthur.

Tim Eagle also raised the issue of how the bill could affect small land sales. The Scottish Land Commission has raised the possibility of de minimis exemptions, which sounds sensible, but we need to look very carefully at the legislation that would be brought forward on that.

We also heard about huge legal risks. Tim Eagle mentioned compensation and criteria for lotting. Fergus Ewing intervened and brought up the issue of retrospective changes and possible ECHR implications. My biggest worry is that the lawyers may be the biggest winners from this bill.

Ariane Burgess mentioned lower thresholds, but showed no concern for the increased workload on the Scottish Land Commission. The financial memorandum says that the SLC has to do most of the work, using “existing budgets” and reducing its current activities, which would be a concern for many.

I agree with Michael Matheson that continued reform is needed. He said that repeated legislation has not worked; I am afraid to suggest that this piece of legislation will not work either.

Bob Doris mentioned the inspection of land management plans for compliance. I agree that that would be a good idea but, once again I worry—especially if the threshold is reduced to 1,000 hectares—about the impact on the Scottish Land Commission.

In conclusion, the Scottish Conservatives will be voting against the bill at stage 1. I know that many of my committee colleagues hope that the major flaws in the bill can be amended and addressed, but that will require hundreds of amendments, and the bill may look completely different by the time it becomes law.

The committee agreed that part 1 of the bill “risks not delivering” and that its approach is “potentially burdensome and bureaucratic.”

Part 2 of the bill requires major revisions to get it right. At present, from the conversations that I have had, I believe that there is a serious risk of unintended consequences and of less land being available to let. The Government needs to balance the rights of the landowner—

The Presiding Officer: You must conclude, Mr Lumsden.

Douglas Lumsden: —and the rights of the tenant to ensure that the market is not damaged. The committee had concerns that that balance had not been struck.

It is for those reasons that I am unable to support the bill at stage 1.

The Presiding Officer: I call the cabinet secretary to wind up. You have up to eight minutes, please.

17:21

Mairi Gougeon: I will start by referencing the comments from Sarah Boyack with regard to the overall tone of today’s debate. We can see how much the issue of land reform matters to people—to MSPs on all sides of the chamber, as well as to our communities more widely.

I reiterate my thanks to the committee for all its work on the bill; to all the stakeholders who have engaged with me and contributed more widely to the development of the bill; and, more broadly, to members from across the chamber who have contributed to the debate. We have heard some powerful contributions.

As I said earlier, I am committed to delivering ambitious proposals that will bring about greater fairness and equality of opportunity for our rural communities. That includes the tenanted sector, which often forms the bedrock of those communities. I am committed to doing that in a way that is supported by evidence and that is fair to all parties.

It is clear to me that, although there will always be areas that we need to consider for amendment, there is some support today across the chamber for many of the measures that we propose to introduce and for the overall aims that we are trying to achieve with the bill. Nonetheless, I recognise the calls from members, and from the Scottish Land Commission in committee, for the proposals in part 1 to be simplified and improved. I take this opportunity to signal that we stand ready to work with members across the chamber, and with our valued stakeholders, including Community Land Scotland, NFU Scotland, Scottish Land & Estates, the Scottish Tenant Farmers Association and others, to deliver effective, proportionate reforms.

As I set out in my response to the committee, I will carefully consider how to simplify proposals. That will include looking at excluding small transfers from pre-notification and setting out clear timescales for lotting decisions. However, we are also going to look to strengthen some of the provisions in the bill—

Edward Mountain: Will the cabinet secretary take an intervention?

Mairi Gougeon: I will.

Edward Mountain: It seems as though there is going to be a long list of amendments to the bill.

How is the cabinet secretary going to ensure that the committee has enough time in which to consider those before we go into what is bound to be a fairly lengthy amendment period?

Mairi Gougeon: The engagement that we undertake from this point will be important, and I am keen to start that process early, once stage 1 is concluded today. I really look forward to that, and I appreciate the openness today, from members on all sides of the chamber, to working with me in drafting amendments.

As I was saying, we are seeking to strengthen the bill by looking at strengthening the definitions for the landholdings in scope; providing more time for community bodies under pre-notification; and making sure that penalties for landowners who breach obligations are a strong deterrent. I am also considering possible revisions to part 2 in relation to rent and compensation for agricultural improvements, to name just a couple of areas.

As ever, a number of points were raised during the debate that I want to address. I will first touch on Tim Eagle's contribution. I hope that, during the debate, he has managed to get his breath back, given the speed at which he delivered his speech, although I disagree with much of what he set out. As I outlined in my intervention on Douglas Lumsden, I have visited businesses, farms and estates of all sizes across Scotland, and there are good landowners—no one is saying otherwise—who are engaging well with communities and are doing great work, as Liam McArthur also recognised; however, there are also landowners who are not doing those things.

I welcome Monica Lennon's passionate contribution to the debate. She made a clear point that we cannot simply rely on the benevolence of landowners—responsibilities have to come with owning large tracts of land in Scotland, or how else will we manage or try to tackle areas in which we know there are issues?

I do not accept some members' view that it is only by owning land at scale that good things can be done. As the committee's report highlighted, and as many of those who gave evidence to the committee said, there are many examples of other countries taking forward positive work to deal with the climate and environment challenges that we face through collaboration and by working together. The Just Transition Commission has consistently noted that current patterns of land ownership in Scotland are a major barrier to a just transition, so we have to try to tackle those inequalities.

Tim Eagle raised some concerns about part 2 of the bill. It is simply wrong to reject part 2 in its entirety as if no engagement or work has been done in the intervening periods between legislation

on agricultural holdings. To throw away the opportunity to make things fairer for our tenant farmers is wrong, as he suggested when he rejected all the other measures in the bill out of hand. In 2016, a review of agricultural holdings legislation led to legal changes, and there has been continued engagement and consultation with tenant farmers ever since. We have to take forward these proposals, taking into consideration the views that have been expressed across the chamber and the committee's recommendations, in order that our tenant farmers will have equal access to the future support framework that we are delivering through the Agriculture and Rural Communities (Scotland) Act 2024.

Thresholds have been raised as an issue a number of times across the chamber. Like the committee, I can see some merit in aligning the thresholds, for simplicity and for policy cohesion. I know that the Scottish Land Commission has made recommendations on that. Part 1 of the bill as introduced aligns the thresholds at 1,000 hectares, which would mean that land management plans would deliver greater transparency for more than 50 per cent of Scotland's land compared to just over 40 per cent at present. I want to carefully consider the additional costs that that would add for landowners, who would be required to produce a land management plan, as well as for the public purse, so that we can be confident that the requirements are targeted in a proportionate way.

Douglas Lumsden: If the thresholds are changed and there are significant changes to the bill as it goes through the Parliament, will the cabinet secretary commit to lodging a refreshed financial memorandum in the Parliament so that it can be scrutinised properly?

Mairi Gougeon: I think that I answered that question in the point that I just made. We need to look carefully at the financial implications of any changes to the thresholds, for landowners and for ourselves, and I will be looking at that information as we proceed to stage 2.

The community right to buy has been raised throughout the afternoon. It was raised by Edward Mountain and Ariane Burgess, in particular, and I hear their disappointment about the phasing of the community right to buy review. Of course, I recognise that there are links between the measures in the bill and the community right to buy, but it is important that the review that we are undertaking is allowed to be completed according to its own timescales. The conclusions of the review need to be considered in a meaningful way before we legislate, because, if we rush changes in order to meet the timescales for the bill, there could be unintended consequences. If, following appropriate consideration of the review, we decide

that legislative changes are needed, that work will be taken forward in separate, future legislation.

A number of points were raised about pre-notification timescales. I note the recommendation in the committee's report that timescales should be adjusted for pre-notification, and I agree that it is important that timescales are adequate for that process. I will consider that carefully before lodging any stage 2 amendments to extend the timescales. Proposals were also made on the minimum size of land transfer below which pre-notification would not apply. I agree with that principle and am content to look at further proposals.

Many issues have been raised today and, unfortunately, I will not be able to cover them all, as I must draw to a close. Land reform goes to the heart of the debate about what kind of Scotland we want for ourselves and for future generations. The bill marks another significant step on our land reform journey—one that will deliver real change for communities across our nation. We want to make sure that our communities are informed and engaged and have better opportunities to purchase land, and the bill will ensure that our communities are no longer in the dark about the decisions that impact them.

The bill and its provisions will build on the hard-won reforms since the inception of the Parliament, ensuring basic fairness and equality of opportunity for a range of communities and individuals. With that, I call on members across the chamber to vote in favour of the general principles of the bill, to ensure that we move forward together on the next step of our land reform journey.

The Presiding Officer: That concludes the debate on the Land Reform (Scotland) Bill at stage 1.

Land Reform (Scotland) Bill: Financial Resolution

17:30

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-16960, in the name of Shona Robison, on a financial resolution for the Land Reform (Scotland) Bill. I call Mairi Gougeon to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Land Reform (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*Mairi Gougeon*]

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

Business Motion

17:31

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of motion S6M-16941, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a business programme. I call Jamie Hepburn to move the motion.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 1 April 2025

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Ministerial Statement: Tackling Fuel Poverty in Scotland: Periodic Report 2021-2024

followed by Stage 1 Debate: Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

followed by Financial Resolution: Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

followed by Legislative Consent Motion: Data (Use and Access) Bill - UK Legislation

followed by Appointment of the Scottish Public Services Ombudsman

followed by Committee Announcements

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 2 April 2025

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Rural Affairs, Land Reform and Islands; Health and Social Care

followed by Ministerial Statement: Heat in Buildings Bill

followed by Ministerial Statement: The Impact of the UK Government's Spring Statement on Scotland

followed by Scottish Government Debate: The Impact of the UK Government's Spring Statement on Scotland

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.30 pm Decision Time

followed by Members' Business

Thursday 3 April 2025

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 Portfolio Questions: Social Justice

followed by Ministerial Statement: Project Willow - Unlocking Grangemouth's Potential

followed by Net Zero, Energy and Transport Committee, and Equalities, Human Rights and Civil Justice Committee Debate: The Aarhus Convention and Access to Environmental Justice

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 22 April 2025

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 23 April 2025

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 Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

followed by Approval of SSIs (if required)

5.00 pm Decision Time

followed by Members' Business

Thursday 24 April 2025

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 Portfolio Questions: Education and Skills

followed by Delegated Powers and Law Reform
Committee Debate: Inquiry into
Framework Legislation and Henry VIII
Powers

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 31 March 2025, 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*]

Motion agreed to.

Parliamentary Bureau Motions

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of Parliamentary Bureau motion S6M-16942, on approval of a Scottish statutory instrument. I ask the minister, on behalf of the Parliamentary Bureau, to move the motion.

Motion moved,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Qualifications Scotland as Specified Authority) Order 2025 [draft] be approved.—[*Jamie Hepburn*]

The Presiding Officer: I call Miles Briggs. You have up to three minutes, Mr Briggs.

17:31

Miles Briggs (Lothian) (Con): During consideration of the SSI at the Education, Children and Young People Committee, it became clear that Conservative and Labour members of the committee have concerns in relation to the establishment of qualifications Scotland and the power that the instrument gives ministers to make early appointments to the new organisation's board before Parliament has had the opportunity to deliberate on the Education (Scotland) Bill and decide what the make-up of the board should ultimately be.

As Pam Duncan-Glancy said at the committee, it is odd that we are being asked to vote on an order when we do not yet know the shape of the board that the Government will then be asked to recruit to.

Pam Duncan-Glancy (Glasgow) (Lab): Does the member agree that the Government is perhaps counting its chickens here? We have been asked to give it powers to appoint to a board that has not yet been agreed and when we do not yet know what the representation of, for example, trade unions will be on it. That has not gone through due parliamentary process, and that process is crucial to gather the sort of respect and trust that the new qualifications body will require.

Miles Briggs: I absolutely agree. With so many pieces of proposed legislation, the Scottish Government has either been incompetent, as with the National Care Service (Scotland) Bill; has dropped promised legislation, as with the proposed human rights bill and learning disabilities, autism and neurodivergence bill; or has rushed bills through Parliament, and it feels like that is the case with the Education (Scotland) Bill.

John Mason (Glasgow Shettleston) (Ind): Does the member agree that it is quite normal for legislation to go through at the same time as a

provisional board is approved? From memory, I think that that happened with the Scottish Fiscal Commission. Does he accept that the Opposition has been pushing for changes in education but now seems to be slowing things down?

Miles Briggs: We want to get this right, which is why it is important that ministers take all members of Parliament with them on this journey. The SQA is transitioning to qualifications Scotland. I do not think that the member could stand up and tell me how many members will be on the board of that new body, because Parliament has not yet decided on that in the legislation. It should be Parliament and not the Government that decides how we progress the issue.

The Cabinet Secretary for Education and Skills stated—I agree with her on this point—that she does not want the Education (Scotland) Bill to be a Government bill but wants it to be a cross-party, cross-Parliament bill. However, at the first hurdle, the Government has now failed on that test. That is why, at decision time this evening, we will abstain on the SSL.

17:34

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The Cabinet Secretary for Education and Skills is representing Scotland at the international summit on the teaching profession, along with the Educational Institute of Scotland and ministers and unions from across the United Kingdom. That is why I will respond on her behalf today.

The order's purpose is routine, as was previously discussed at the Education, Children and Young People Committee, which supported it by a clear majority. It will ensure that qualifications Scotland is treated as a regulated body under the Public Bodies and Public Appointments etc (Scotland) Act 2003 before it is established in legislation.

The order enables ministers to begin the process of making regulated appointments to the board of qualifications Scotland, in line with the "Code of Practice for Ministerial Appointments to Public Bodies in Scotland". The order ensures that the recruitment of members is overseen by the Ethical Standards Commissioner and guarantees that the appointments are made on merit, using methods that are fair and open.

Pam Duncan-Glancy: The cabinet secretary gave a significant commitment to members across parties that she would be very open to changing the legislation, although we are yet to see whether that is the case. That would include in relation to the board's composition, and we do not yet know what the composition is going to be. Can the minister therefore set out to the Parliament who he

is going to appoint to the board, what requirements he will have for them, what background he is looking for and what the organisation's functions will be?

Graeme Dey: I re-read the *Official Report* of the committee session before coming to the chamber—all 40 minutes' worth of it—and it was quite clear that each of the members' legitimate concerns were addressed. The fact that three non-Scottish National Party committee members felt that they were able to back the order demonstrates that to be the case.

The order will enable discussions to begin with the Ethical Standards Commissioner's office, which will ensure that the appointments process can conclude in time for qualifications Scotland's establishment. Given that the process cannot begin until the order has been approved and has come into force—

Miles Briggs: Will the minister give way?

Graeme Dey: Yes, I will give way.

Miles Briggs: Does the minister accept that the timetabling would work much better if we had the opportunity to get the Parliament's view at stage 2? We could then see what the board would look like and ministers could progress the work instead of rushing it without taking the Parliament's view on it at all, as they have done?

Graeme Dey: With respect to Mr Briggs, that reflects the fact that minds were made up and were never going to be changed, regardless of the assurances that the cabinet secretary gave. If members have nothing better to do with their time, I invite them to re-read the OR, which makes it clear that those points were answered.

I reinforce the point that the order is routine in nature. More than 15 such orders have been made since 2005 for a range of different public bodies in Scotland.

Douglas Ross (Highlands and Islands) (Con): The session that the Education, Children and Young People Committee had was useful. The minister knows that committees are entitled to up to 90 minutes to discuss such things—we did not use even half of our time, so perhaps I will consider extending the debates when we have the cabinet secretary in front of us in the future.

Does the minister accept that, given that hundreds of stage 2 amendments to the bill have already been lodged, it is possible that the board that, just now, he is seeking to be able to appoint might be appointed to an organisation that does not exist at stage 3? Is that a possibility?

Graeme Dey: It is an interesting argument, given that I think that Mr Ross and the rest of the committee voted for the bill's principles.

Douglas Ross: If significant amendments were made.

Graeme Dey: I acknowledge the potential for significant amendment, but nevertheless committee members supported the bill's principles.

To answer the specific point about the order of the process, any amendments that are agreed to in regard to qualifications Scotland's governance arrangements can and will be fully incorporated into the process. Furthermore, the person specification and subsequent advertisements will not be finalised until after the bill has completed stage 2, which will allow any changes to be made. There is no counting of chickens here.

I emphasise that, if the order is not approved, it will not be possible to start making regulated appointments to qualifications Scotland's board in time for its establishment in autumn 2025, which will have consequences. It is surely in the interests of Scotland's pupils and teachers that members of the Parliament work together to ensure that the new body is operational and in place to oversee the 2026 examination diet. I ask Parliament to support the order.

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

The next item of business is consideration of four Parliamentary Bureau motions. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move motions S6M-16943 and S6M-16944, on approval of SSIs, and motions S6M-16945 and S6M-16946, on designation of lead committees.

Motions moved,

That the Parliament agrees that the Public Services Reform (Scotland) Act 2010 (Part 2 Further Extension) Order 2025 [draft] be approved.

That the Parliament agrees that the Budget (Scotland) Act 2024 Amendment Regulations 2025 [draft] be approved.

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum relating to the Border Security, Asylum and Immigration Bill (UK Legislation).

That the Parliament agrees that the Education, Children and Young People Committee be designated as the lead committee in consideration of the Restraint and Seclusion in Schools (Scotland) Bill at stage 1.—[*Jamie Hepburn*].

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

Decision Time

17:39

The Presiding Officer (Alison Johnstone): There are four questions to be put as a result of today's business. The first question is, that motion S6M-16892, in the name of Mairi Gougeon, on the Land Reform (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

17:40

Meeting suspended.

17:42

On resuming—

The Presiding Officer: We move to the vote on motion S6M-16892, in the name of Mairi Gougeon. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 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)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)

Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)

Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-16892, in the name of Mairi Gougeon, on the Land Reform (Scotland) Bill at stage 1, is: For 91, Against 29, Abstentions 0.

Motion agreed to,

That the Parliament agrees to the general principles of the Land Reform (Scotland) Bill.

The Presiding Officer: The next question is, that motion S6M-16960, in the name of Shona Robison, on a financial resolution for the Land Reform (Scotland) Bill, 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (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)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)

Dowey, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-16960, in the name of Shona Robison, on a financial resolution for the Land Reform (Scotland) Bill, is: For 90, Against 30, Abstentions 0.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Land Reform (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S6M-16942, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Alex Cole-Hamilton (Edinburgh Western) (LD): On a point of order, Presiding Officer. My app would not connect; I would have voted yes.

The Presiding Officer: Thank you, Mr Cole-Hamilton. We will ensure that that is recorded.

Beatrice Wishart (Shetland Islands) (LD): On a point of order, Presiding Officer. My app would not connect; I would have voted yes.

The Presiding Officer: Thank you, Ms Wishart. We will ensure that that is noted.

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)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don-Innes, 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)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (Ind)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]
 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)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

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)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (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)
 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-16942, in the name of Jamie Hepburn, on approval of an SSI, is: For 70, Against 0, Abstentions 50.

Motion agreed to,

That the Parliament agrees that the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Qualifications Scotland as Specified Authority) Order 2025 [draft] be approved.

The Presiding Officer: Unless any member objects, I propose to ask a single question on four Parliamentary Bureau motions.

As no member has objected, the final question is, that motions S6M-16943 and S6M-16944, on approval of SSIs, and motions S6M-16945 and

S6M-16946, on designation of a lead committee, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Public Services Reform (Scotland) Act 2010 (Part 2 Further Extension) Order 2025 [draft] be approved.

That the Parliament agrees that the Budget (Scotland) Act 2024 Amendment Regulations 2025 [draft] be approved.

That the Parliament agrees that the Equalities, Human Rights and Civil Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum relating to the Border Security, Asylum and Immigration Bill (UK Legislation).

That the Parliament agrees that the Education, Children and Young People Committee be designated as the lead committee in consideration of the Restraint and Seclusion in Schools (Scotland) Bill at stage 1.

The Presiding Officer: That concludes decision time.

Ending Destitution

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-16539, in the name of Maggie Chapman, on "Ending Destitution in Scotland—A Road Map for Policymakers". The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the recent publication by Professor Jen Ang of the legal briefing, *Ending Destitution in Scotland – a Road Map for Policymakers*; further notes that this report was commissioned by I-SPHERE and the Joseph Rowntree Foundation, as part of the Fair Way Scotland partnership, following the publication in September 2024 of the paper *Destitution by Design: righting the wrongs of UK immigration policy in Scotland*; understands that the legal briefing sets out clear, actionable steps that lie within the powers of the Scottish Parliament and the Scottish Government to reduce destitution for people coming to Scotland to study, work, join family or seek sanctuary; further understands that there are clear recommendations about access to social security and financial support, housing, transport, health and social care, justice and legal aid, education, and work; notes the view that the Scottish Government can and should be doing more to prevent destitution in Scotland, including in the North East Scotland region; further notes the view that the complexity of UK immigration law, and the challenges of striking the right balance in the exercise of powers within the devolution settlement, must no longer be an excuse for failure to act on the part of the Scottish Government and local authorities, in the face of what it sees as overwhelming evidence of the harms caused to people with no recourse to public funds/other restricted eligibility, and to the communities in which they live; notes the view that Scotland can create a fairer system based on need and the realisation of rights, ensuring that everyone has access to essential services and what they need to live a life of dignity, regardless of their immigration status; further notes the calls on the Scottish Government to act on each of the recommendations, including to review devolved policy to eliminate unintended exclusions from support, to establish and scale up the financial support available, to ensure appropriate training and resources for all frontline workers, and to negotiate a clearer understanding of "public funds", as defined by the Home Office, and congratulates the Fair Way Scotland Partnership on its ongoing work to prevent destitution in Scotland.

17:49

Maggie Chapman (North East Scotland) (Green): Deputy Presiding Officer,

"Being on the streets almost destroyed me. Walking, walking, with no sleep."

"I'd just sit on the bench by the river. It was minus 6, then minus 2 in the morning when the sun shone ... I'm not safe here."

"I can't sleep, because ... tomorrow, what is coming?"

Those are the words of Sofija, Kunal and Tsehay: three people who came to Scotland looking for a better life and who suffered violent abuse, hunger, ill health and destitution. It is for Sofija, Kunal and

Tsehay, and for far too many other people like them, that I speak today.

I am honoured and grateful to have the opportunity to bring this issue, which is literally a matter of life and death and which involves one of the most foundational human rights, to the chamber. I thank all those who have worked so generously, meticulously and courageously, including I-SPHERE—the institute for social policy, housing, equalities research—the Joseph Rowntree Foundation, other members of the fair way Scotland partnership and, of course, Professor Jen Ang. It is thanks to her that we are debating the subject today, and I hope that we can do justice to her integrity, expertise and vision. I also thank colleagues from across the chamber for supporting the motion and the debate, and for our discussion at yesterday's meeting of the cross-party group on migration.

When we say that someone is destitute, we mean that they are shut out from the simplest things that make human lives possible, usually from food and clothing, and often from shelter and home. When we think of destitution, we think of distance—places that are torn by conflict or disaster, and histories of dispossession and famine. However, there are people living in Scotland today who are destitute. There are people dying in destitution here, in Scotland, right now.

What do we call that reality? If there was nothing that we could do, we would call it a tragedy. However, if we could make change but we do not, and if we could open those doors to basic food, clothes and shelter but we keep them shut, what do we call it? We call it injustice. We call it, as it is, a breach of fundamental human rights. We call it, I believe, collective shame.

The Scottish Government has acted, and I commend the work that it has begun, following the work of the Equality, Human Rights and Civil Justice Committee—on which I am proud to serve—and through its work with the Convention of Scottish Local Authorities in producing the “Ending Destitution Together” strategy. That strategy has enabled the life-saving work of the fair way Scotland partnership in Aberdeen, Glasgow and Edinburgh.

It is not enough—too many doors are still closed and still locked. However, we now have the keys. Jen Ang's legal briefing, “Ending Destitution in Scotland—A Road Map for Policymakers”, is clear and challenging. It sets out the ways in which people in Scotland are denied access to basic provisions through intentional and direct exclusion, indirect mechanisms and a lack of information, education, courage and care. It shows how the Scottish Government, supported by all of us as critical friends, can act to open those locked doors

and to make real the rights of our destitute neighbours.

I ask the Scottish Government to commit to five tangible actions, all of which are within devolved competence. The first is to widen access to universal services and benefits, with a systematic review to ascertain exactly where and how that can be done. The word “universal” should mean just that—initiatives that are meant to reduce inequality and poverty must include people who are stranded by the widest inequality and struck by the deepest destitution. That includes people with no recourse to public funds or with restricted or uncertain eligibility, or NRPF/RE.

The second action is to resource the fair way Scotland partnership sufficiently so that it can respond to the real level of need across Scotland. We know that that model is working and is opening doors to support, accommodation, advice and cash payments for essential needs. At present, however, the partnership simply does not have the capacity to help everyone who needs it.

The third action is to create a new Scottish crisis, or hardship, grant, using powers that the Scottish Government has under the Scotland Act 2016. That could fill the widest gaps and give emergency help to those who are in desperate need when no other financial or practical support is out there. When people slip between the provisions of existing law, the fall can be fast and fatal.

The fourth action is to increase funding urgently for housing, immigration and asylum legal aid. The United Kingdom Government has said that it will do that in England and Wales, so we have no excuse not to do the same here. Much of Scotland is a legal aid desert, especially for people whose lives and futures depend on being able to access justice.

The fifth action is to engage positively and robustly with the UK Government on the NRPF system. We want that system to be abolished altogether. It does not do what its makers intended—it does not reduce immigration, it does not reflect what most people would consider to be fair, and it does not save money. It is a brutal weapon of the hostile environment, raining blows of hunger, cold, fear and isolation on those with least to protect them. Until that system is gone, however, Scotland must minimise its harm. That means advocating clarity, transparency and the removal of Scottish benefits and assistance from its scope.

We are not in the chamber for this debate simply as representatives of our parties. We are here as human beings—as representatives of a Scotland that cares, that welcomes and that remembers shared histories of destitution. It is a

Scotland that knows of the utter poverty that takes away agency, choice and hope before it takes people's lives, years before their time. Hearts starve as well as bodies, as all feminists and socialists know.

This is a joint endeavour—a shared opportunity to do something that will make a direct difference to those in the bitterest of need. We can all play our part. We can all speak more loudly in urging the UK Government to make the transformational change that we know is needed, in working with our allies in the UK and devolved Parliaments to make that case and in working with our councillors to maximise support and services at local authority level.

Most of all, here and now, we call on the Scottish Government to act on the recommendations in Jen Ang's briefing. We have a road map to show the way ahead, but do we have the integrity to follow it? For Tsehay, Sofija and Kunal, and for all the other people who are facing destitution in Scotland, we must.

The Deputy Presiding Officer: Before we move to the open debate, I alert members to the fact that there is a lot of interest in participating in the debate. Given the time already, I would be very grateful if members could stick to their speaking time allocation. We will get everybody in, but we might need to extend the debate.

With that plea, I call Marie McNair.

17:57

Marie McNair (Clydebank and Milngavie) (SNP): I congratulate Maggie Chapman on securing this important debate. I also take the opportunity to thank Homeless Network Scotland and Heriot-Watt University for their briefings, and the Scottish Refugee Council for everything that it does.

In the 21st century, no one should be living in destitution, but the Home Office hostile environment continues to result in destitution thriving. The no recourse to public funds system needlessly prevents people from accessing welfare support, which results in there being no safety net should they face difficulty. It leaves people homeless, hungry and at risk of exploitation, and those people might have already fled horrific situations.

The Labour Government promised change, but, instead, people continue to be denied basic rights. New research from I-SPHERE has found that the average income of those who are impacted is exceptionally low, at just £40 per week. I-SPHERE also found that, of those who were surveyed,

"A third reported no income at all in the last month".

It found that

"Hunger and skipping meals were the norm"

and that the use of charities for essentials such as food, toiletries and clothing was exceptionally high.

To put that in perspective, I want to tell members about Kunal's story. Kunal arrived in the UK at the age of 26 as a student, fleeing homophobic persecution. He claimed asylum without success and was evicted from his accommodation. Kunal was forced to sleep rough, he was attacked and threatened with a knife, and he went hungry and took exploitative cash-in-hand work just to eat.

A turning point came when Kunal contacted the Scottish Refugee Council, which helped him to secure support to submit a fresh application. He was granted Home Office accommodation, but he was afraid of being declined again. Kunal knows that returning to his country of origin is too dangerous, but, then again, he says, "I'm not safe here."

That is one of many heartbreaking stories, and it is a matter of justice, compassion and humanity that no one should be put in that situation. I am therefore grateful for, and welcome, the positive steps that the Scottish Government and COSLA have taken to reduce destitution. The "Ending Destitution Together" strategy, which was developed by the Scottish Government and COSLA in 2021, aims to ensure that people living in communities across Scotland do not experience destitution associated with their immigration status. A crucial part of that is the fair way Scotland partnership, which has been a lifeline for so many. I thank everybody who is involved in it for everything that they do.

I also welcome the Scottish Government's and COSLA's current review of the "Ending Destitution Together" strategy, the aim of which is to identify a refreshed delivery plan. As Homeless Network Scotland stated in its briefing,

"there is no credible evidence that hostile environment policies, including NRPF, have achieved the aims set out by the UK Government."

A change to that UK Government policy could remedy the situation overnight. Furthermore, as an independent country, we could finally have control over our own immigration policy and be able to introduce a system that values and respects people.

I was interested to read in the report about possible actions that could be taken now to tackle destitution. One example is widening access to universal services and welfare benefits for people with no recourse to public funds. I am keen to hear the minister outline the Scottish Government's position on those recommendations.

Destitution is the result of injustice and of policies that entrench hardship. Therefore, it is up to us to call out such policies and push for action. We must stand with those who face destitution and ensure that no one is left behind.

18:01

Tim Eagle (Highlands and Islands) (Con): I begin by noting some areas of common ground on this issue. First and foremost, in the wider debate on immigration, it is far too easy to dehumanise people, particularly those who are in vulnerable situations or leaving destabilised nations in search of a better life. It is right that we have a proper and robust asylum process for people who find themselves in such situations, but that does not mean that that process is always perfect. Whoever is in power at UK level should continuously monitor that system to ensure not only that it works effectively and efficiently but that the people at the heart of the process are treated with dignity.

I support a controlled form of legal immigration, particularly when there is a need to fill skill shortages, for example. Indeed, it was the previous Conservative UK Government that listened to concerns expressed by the soft fruit sector and expanded the seasonal worker scheme to address that issue.

I agree, too, that the Scottish Government could do more to tackle such issues if it chose to do so. That view is supported by the extensive recommendations in Professor Jen Ang's report and in the Joseph Rowntree Foundation's paper that the motion references.

Far too often in such debates, we hear it said that such issues involve a reserved element and a devolved element. Although I might not agree with many of the elements of the report that Maggie Chapman's motion mentions, it shows that the Scottish Government has the power to do things differently in a variety of policy areas. Ultimately, that is a question for the cabinet secretary to address.

With all that said, it is vital that both of Scotland's Governments are abundantly clear that people who wish to come to the UK to live and work do so through legal routes, whether they be economic migrants who seek study or work opportunities or refugees who come here for a better life.

Maggie Chapman: Will the member describe a legal route that somebody who is fleeing oppression in, for example, war-torn Yemen has open to them?

Tim Eagle: I have to be honest that I am not completely up to speed with all the different elements, but—as I am about to come on to—we

must ensure that people have a safe and legal route to come here.

Scottish Conservatives believe that migration is important but that it must be controlled and legal. Both the motion and Professor Jen Ang's report fail to address, or even mention, illegal migration. However, we cannot shy away from that element of the wider debate. The previous Conservative UK Government took steps to address that issue. In particular, it reduced the number of illegal migrants entering the UK from small boats. I say that not only because vulnerable people are still being exploited by people-smuggling gangs but because lives are still being put at risk. More action is needed to reduce the number of people who try to enter the UK illegally.

More needs to be done by both the UK and the Scottish Governments to dismantle the business models of those who seek to profit from illegal migration. That is just one element of a much wider debate that is needed on immigration. That subject cannot be taboo, and such debate must be open, frank and respectful if we are to properly address this very important issue.

18:04

Richard Leonard (Central Scotland) (Lab): I thank Maggie Chapman for leading the debate, and I congratulate her on her recent election as the next rector of the University of Dundee.

Linton Kwesi Johnson, in his poem "All Wi Doin is Defendin", warns:

"All oppression can do is bring
passion to the heights of eruption".

What we are witnessing in the asylum system in this country are state-sponsored oppression, state-sponsored homelessness and state-sponsored destitution—destitution by design. These are deliberate political choices—not public finance or economic choices, but political choices—and those responsible should hang their heads in shame.

It even has its own recognised abbreviation: NRPF—no recourse to public funds. It is even statutory, having been first established in legislation in the Immigration Act 1971. It has been a standard visa condition since 1980, reinforced by statute in the Immigration and Asylum Act 1999, and doubled down on in the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000.

When I met representatives of the Scottish Refugee Council on Monday, they told me that it means no access to housing benefit, universal credit or child tax credit, but so much more. Reporting from the front line, they said that there was anger, desperation and helplessness.

It is no wonder that so many migrant families suffer from poor physical and mental health. Two thirds of those seeking safety and refuge are not permitted to work. At the point of the survey carried out for the 2024 report “Destitution by design”, 93 per cent of participants were experiencing homelessness; 97 per cent were destitute; and 82 per cent reported incomes of less than £60 per week. A third of all those surveyed reported that they had no income at all. They were eight times more likely than people in any other destitute cohort to be in temporary accommodation, and six times more likely to be sleeping rough. As the Scottish Refugee Council told me, they face violence and crime and, especially in the case of women, exploitation and prostitution.

This is a stain on our society, and it is going on today—tonight—in this city and across this country, under our gaze. We cannot be bystanders. That is why the new report by Jen Ang is so important: it concentrates not on what we cannot do under devolution, but on what we can do under devolution. We can provide free access to public transport. We can act under the Social Work (Scotland) Act 1968 to create a Scottish hardship fund. We can ensure that those in need get access to legal aid. We can provide targeted housing and homelessness support. We can ensure that there is access to primary and secondary healthcare that is free at the point of need not only in theory but in practice. We can improve access to further and higher education.

We can send a clear message to the UK Labour Government, which says that it is

“committed to the continuous review”

of NRPF, that it should not only support these measures but lift the pernicious ban on the right to work, and that it should scrap the no recourse to public funds rules completely. If it does not act, and if we do not act, the violence of this targeted austerity will continue to drive up the toll of human misery, destitution, sickness and even death.

We can oppose this hostile environment. We can resist the politics of Nigel Farage and his imitators. We can move from defending alone to erupting with passion to break those walls down. We need to win this argument. We need to act. If we do not—if we give up—history will not forgive us.

18:08

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I start by putting on record my deep thanks to Maggie Chapman for securing this debate and bringing to the chamber the urgent issue of the destitution that is experienced by people who find themselves classed as having no

recourse to public funds or restricted eligibility for such funds. We are talking about people having their ability to access sufficient food, shelter, care and opportunity either denied or savagely curtailed. They are destitute by design.

I also express my deep gratitude to Professor Jen Ang for everything that she has done over the years, but in particular for her recent legal briefing publication, “Ending Destitution in Scotland—A Road Map for Policymakers”, which was commissioned by I-SPHERE and the Joseph Rowntree Foundation as part of the fair way Scotland partnership.

I point members to my entry in the register of members’ interests, as I am a member of Simon Community Scotland’s connect hub for women development board. Simon Community Scotland is an integral part of the fair way Scotland partnership, and the connect hub provides person-centred, trauma-informed support to women who are experiencing homelessness or insecure housing, some of whom find themselves with no, or limited, access to public funds.

I became acutely aware of the flaws in our safety-net scaffolding many years ago while I was working in a women’s refuge. Our Women’s Aid group was supporting two young Polish mothers who had fled domestic abuse, but the Department for Work and Pensions and the local council were telling us that they had no recourse to public funds because they were unable to satisfy the habitual residency test, as they had come from what were then still considered accession states that were not fully in the European Union—again, that is destitution by design.

We had two women in their 20s, for whom English was their second language, with several young children, including a baby, who had not one penny to either of their names and only the clothes that they stood up in. All the agencies to which we would normally go in order to get support for women to access help were closing their doors in our faces, and we ended up using money from our own pockets to buy essentials to bridge the immediate gap. Our Women’s Aid collective took the decision that, as an organisation dedicated to supporting women to live free from abuse, we would shoulder the financial burden and forgo housing benefit and supporting people payments for the duration of their stay with us. It was either that or they returned to their abusers, and that was not an option for us.

I want to underline today, in this place, just how difficult the next year was for us as a charity, but it was more so for those women and their kids. We lost tens of thousands of pounds in revenue; anyone who knows anything about the third sector will know that that is not a sustainable position, but the alternative was unthinkable. I and my two

refuge colleagues became experts in all things NRPF, and challenged decision after decision made by institutions that never seemed to apply the law in the same way twice.

We got decisions overturned with regard to provision for the children, as we knew that the local authority had discretion and also obligations. We dug deep ourselves to help to feed and clothe the two families and searched out every type of support that we could find for them, all the while trying to ensure that their whereabouts never got back to their abusers on the grapevine.

Eventually, we managed to help those women to secure all the necessary information and proof that enabled them to successfully challenge the original decision that had determined that they had no recourse to public funds—it was not backdated, though. Nonetheless, I will never forget the absolute joy and relief that was so very palpable in our refuge that day. That joy was replicated when both women moved into their own tenancies, away from abuse, with the necessary social security scaffolding and access to rights that we all take for granted. Both women went on to college and into employment and, more than a decade on, I have never, ever forgotten them.

However, the system should not be so opaque, punishing and brutal, and direct and indirect discrimination should not be the norm. The route map to ending destitution is now in black and white, and Maggie Chapman powerfully outlined its key steps today. As the former COSLA community wellbeing spokesperson, I worked on the “Ending Destitution Together” strategy, and I am glad to hear that it is being refreshed. Nonetheless, I urge the Scottish Government and the UK Government to work together to flex powers under devolution and dispense with the hostile environment, and finally deliver for this marginalised, maligned and terrified group of people.

18:13

Carol Mochan (South Scotland) (Lab): I thank Maggie Chapman for bringing this important debate to the chamber, and for her powerful speech. It is paramount that we treat people arriving in Scotland as we would wish to be treated ourselves, and I hope that the debate will go some way towards achieving that.

People are unable to claim adequate benefits for basic survival because of immigration status, in many cases through a system that we have set up—by “we”, I mean human beings; it is human beings who set up these systems—in such a way that it means, as we have heard this evening, that they are unable to work. We put people in that position, which shows that there is a responsibility

on us all to act on the recommendations that are made in the legal briefing by Professor Jen Ang. That applies at all levels of Government.

As other members have said, the briefing paper rightly challenges presumptions that reserved immigration law prevents specific groups from accessing support that would mitigate the harm that they suffer at present. The paper presents workable solutions that national and local government can pursue to achieve immediate positive change. In my view, it is our responsibility as human beings to seek solutions, not to build barriers, when others are suffering. That is why I welcome the briefing paper and the opportunity that Maggie Chapman has given us to speak tonight.

The paper is a stark reminder of why we should review legislation and challenge assumptions about how laws are implemented. Many of the actions that the paper sets out are within the abilities and devolved capacities of the Scottish Government, so let us use the powers that we have to actually help our fellow human beings.

If I think of the most basic of needs, I think of a home: everyone should have a home that meets their needs. That is the Scottish Government’s vision, it is my vision and it is our vision, but it is simply not the reality for so many people. I therefore urge the Scottish Government to use the debate as a catalyst to work on some of the solutions that Professor Jen Ang has laid out.

In order for us to see an end to homelessness, we need more action. The paper details the desperate situation of many people who are sleeping on Scotland’s streets, and I urge those at all levels of Government to act now. We have heard that one in eight people with no recourse to public funds are currently sleeping rough, with more than half having reported sleeping rough last year. It is clear that immediate action is required.

Financial support for people who are living in those extreme levels of destitution can be made possible—it is the systems that we create that cause such suffering, and that is absolutely unacceptable. Evidence shows that a third of the fair way Scotland partnership’s service users can go for months with no income.

In the short time that I have left, I will mention access to healthcare. It is no surprise that, as a result of the barriers that we have discussed, a major area of inequality is people’s health and nutritional health. People who have limited, or no, access to shelter or housing, and who are not able to work or apply for benefits, cannot gain access to basic food in order to maintain any level of health. Around 33 per cent of those who are under the restrictions that we are talking about this evening are more likely to be deprived of basic

food—that is in Scotland, today. That has to be a concern not only in the here and now, but with regard to the longer-term health of any of those individuals.

Access to healthcare for people with no recourse to public funds is, at best, muddled. There needs to be an end to the barriers in that regard; people need to know that they can access healthcare at the point of need, without fear, including fear of charges that they desperately cannot afford. The paper references a number of areas that the Scottish Government can look at, and I ask the Minister for Equalities to make plans to discuss those with the Cabinet Secretary for Health and Social Care as soon as possible.

I know that I am running out of time, so I thank members for their commitments tonight.

18:17

Emma Roddick (Highlands and Islands) (SNP): I thank Maggie Chapman for highlighting the report and bringing the debate to the chamber. Destitution deserves our attention and our efforts to address it in any way that we can.

One of the most frustrating parts of devolution is that we know destitution exists in Scotland but that we are actively prevented from stopping it. I do not believe that the people who voted me into the Parliament want destitution to exist—I am certain that they believe that it is our duty to prevent it. I am less convinced, however, that they know about the way that we are hamstrung by Westminster.

I agree with Richard Leonard that we should do all that we can. However, I point out that what we can do for people in this situation could be changed with one order from the UK Government. If the UK Government does not like us in Scotland providing free bus travel to people seeking asylum, the UK Government can stop it from happening.

The cruelty of the no recourse to public funds system is highlighted in the way that it prevents the Scottish Government from using its own budget to help people who live in Scotland. If we think about that, it is incredible, but that is the state of play. Such a scheme has no place in a civilised society, and I agree with Maggie Chapman that it should be abolished.

During the Tories' time in power, I was constantly devastated and disgusted by the efforts of that Government's ministers to make life as miserable as they possibly could for people seeking asylum, including children. That included painting over murals in detention centres, using dehumanising language and storing people on barges as if they were, indeed, less than human. It is gutting, therefore, that the Labour Government

now seems intent on giving an appearance of being at least as tough on immigration.

Labour candidates now share graphics on social media promising to shut down asylum hotels. A Government that should be abolishing the hostile environment is, instead, promoting it. A policy to reduce immigration to no end is incoherent. It will not serve Labour's other purported aims, not least the aim of driving economic growth. In Scotland, we require more migration to support that growth.

I find a lot of the recommendations in the report very interesting, and they are worth further debate, in particular with regard to clarifying the definition of "public funds" in NRPF. However, part of me wonders whether that is a rock that we want to lift, in case some of the current support that is available turns out to be unwanted by the Home Office.

The report points out that the approach of the Home Office in the past has been to add Scottish funds to the list of public funds without first carrying out any engagement with the Scottish Government, as happened with the Scottish welfare fund.

The "Ending Destitution Together" strategy is the correct approach, with the Scottish Government working with COSLA and our incredible third sector to support people in any way possible.

It is tough not to feel demoralised in the face of continued harshness towards those who are fleeing war and persecution and seeking sanctuary in the UK and Scotland. However, my sincere hope is that we soon get the opportunity to do better in Scotland, and I look forward to hearing the minister's response to the debate.

18:20

Patrick Harvie (Glasgow) (Green): I join other members in thanking Maggie Chapman not just for bringing the debate to the chamber but for opening it with the words of some of the people who are most directly affected—voices that are so often unheard in the debate. I also express my appreciation to Professor Jen Ang and to everyone who has contributed in any way, either to the report or in other attempts to address the issue of ending destitution in Scotland.

I pause for just a moment, at my first use of the word "destitution". We have all been talking about destitution in Scotland. It is 2025, in one of the wealthiest countries in the world, and we are debating whether to end destitution. That in itself should shock and shame us all. It is worse still because that destitution is not merely the result of reckless or complacent economic policies. There is a false but prevalent idea in much of our politics

that poverty is a shame but that we cannot really do anything to end it. This is worse—this is destitution that has been deliberately created as a tool of policy makers who want this country to be a hostile environment for asylum seekers.

That has been the case for as long as I have been in this place. When I was first elected, the dawn raids that were being inflicted on asylum seekers in Glasgow were a national controversy. Even then, there were those who argued that we needed a robust asylum system. What we need is an asylum system that is designed to give asylum—to give refuge—to everyone who needs it. Instead, we have an asylum system that is designed to turn away the maximum number possible, and to make the experience so humiliating, degrading and frightening that it acts as a deterrent. That is the asylum system that we have, and it has continued to work in that way under successive Governments.

I contrast that, however, with the response that we so often see from members of the public. Even after decades of anti-migrant propaganda coming from so much of the political and media landscape in this country, we find groups of people, in every community, banding together and reaching out to one another to find ways of helping and supporting asylum seekers in their communities. In the days of those dawn raids that I mentioned, local communities would gather outside an asylum seeker's flat to protect them and keep them in when the Home Office officials came to take them out. More recently, we have seen the astonishing display of solidarity at Kenmure Street in Glasgow.

The human instinct to help and to recognise another human being's desperation is still strong—it is innate within us. It is so strong that it has not been demolished by those decades of anti-migrant propaganda. Most people understand that, although the right likes to portray hosting asylum seekers as a burden for the nation, that is not what bearing a burden is. To be asked for asylum, and to be in a position to be able to help—that is what it is to have privilege in this world. The person who has to flee, and who has to act out of desperation and ask strangers for help—that is what it is to bear a burden.

The UK Government must be put under pressure to change direction, but the Scottish Government can and must do more as well. I hope that the minister, in responding to the debate, will lay out an expansive and ambitious approach to implementing, to the maximum degree possible, everything that we possibly can do to end destitution in Scotland. Migration will always be part of the human story, and it should be seen as something that enriches us and makes us proud, instead of the shame that the issue brings us.

The Deputy Presiding Officer: I am conscious of the number of colleagues who still wish to participate. I am therefore minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Maggie Chapman to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Maggie Chapman*]

Motion agreed to.

18:25

Foysoil Choudhury (Lothian) (Lab): I congratulate Maggie Chapman on bringing this important issue to the chamber. The system that we have to prevent destitution and homelessness is by no means perfect, but it is far better than that for those who have no recourse to public funds, who are being forced into destitution by a system that completely overlooks them.

People with NRPF include students, asylum seekers and EU citizens without leave to remain. Many have contributed to our economy through taxes or tuition fees, yet they cannot access many benefits or services, including homelessness support. They also pay a surcharge—something like 150 per cent of the cost of care—to use our national health service. I have met students who pay large tuition fees that support our universities but were forced to take out loans to pay for healthcare.

The “Destitution by design” briefing outlines the ways in which NRPF has contributed to destitution and its on-going effects. Those with NRPF and experiencing destitution are

“6 times more likely to be sleeping rough”

than other destitute groups. A third who accessed support from the fair way Scotland partnership had no weekly income at all. People with NRPF are 8.5 times more likely to use accident and emergency, costing the taxpayer money. The briefing even outlines the horrific situation of survivors of domestic abuse being unable to get homelessness support.

I met Shakti Women's Aid Edinburgh, which provides support, including safe accommodation and befriending services, for those with NRPF who are fleeing abusive situations. Those services are so important but will not be available across Scotland, and they are subject to Shakti Women's Aid continuing to receive grant funding. Members must recognise that any system that delivers outcomes such as that is not working for anyone.

Although the power to make great changes to NRPF is reserved, Scotland can and should be taking action. “Ending Destitution in Scotland—A

Road Map for Policymakers” outlines ways in which that can happen. The first is the bus scheme—my colleague Paul Sweeney has done great work in pushing for that scheme for asylum seekers. However, we know that half of those seeking support for destitution are not asylum seekers, and that being unable to travel means missing job interviews, immigration interviews or medical appointments.

Secondly, the report recommends the expansion of the fair way Scotland partnership or the establishment of a crisis fund. Given that the Scottish Government already grants funding to organisations that provide crisis funds for those with NRPF, we should simply look at the system and create a single point of access across the country.

Ultimately, making major changes to the rules is a matter for the UK Government, but we must elevate the harm that is caused by fully funding local authorities and organisations that support some of the most vulnerable people in our society.

18:29

Evelyn Tweed (Stirling) (SNP): I thank my friend Maggie Chapman for lodging this motion for debate. I completely agree with her that there is no evidence that hostile environment policies, including no recourse to public funds, have achieved the aims that they were designed to. However, we can be certain that they have made the lives of many people very hard, indeed.

People from across the world bring so much to our country. We are all the richer for their presence, on so many levels. In Scotland, we recognise that. Incredible organisations across Scotland do amazing work to support those with no recourse to public funds or restricted eligibility. In my constituency, Forth Valley Welcome helps families to integrate and build networks, and advocates to make sure that those who are seeking sanctuary can access the services that they need. The Central Scotland Regional Equality Council provides support and advice for people who need assistance accessing public services, and works to prevent social isolation and help build capacity in community groups.

In 2023-24, the fair way Scotland partnership, which aims to prevent and mitigate destitution among those with no recourse to public funds, supported more than 1,000 people. Researchers from Heriot-Watt University carried out studies alongside that and found that virtually all of those surveyed were experiencing homelessness and that virtually all of them were destitute. Average incomes were exceptionally low—usually less than £40 a week.

The research also showed that, in some cases, caseworkers were able to unlock access to essential support almost immediately. That is support to which people had been entitled but were unable to access for long periods. Sometimes, services will require proof of receipt of universal credit as a short cut to ensuring that recipients are low income. As people with no recourse to public funds cannot access benefits, they are excluded from other services that they are eligible for, such as free school meals. Making consideration of the impact of no recourse to public funds central to service design will allow those unintended exclusions to be avoided. There is an opportunity for stakeholders across all levels to collaborate and make some real positive change.

As the report highlights, services for people with no recourse to public funds cross several overlapping devolved and reserved policy areas. Legal interventions by the UK Government are unpredictable and highly politicised and thus cannot be relied on as a bellwether. The Home Office sets the list of public funds, which can be changed, as and when, with no requirement for consultation. That includes benefits that are administered here in Scotland. The Scottish Government has already engaged with the UK Government on removing the Scottish welfare fund from the list, which would allow decisions about crisis grant eligibility to be made here in Scotland. I ask the minister, as is suggested in the report, to ask Westminster to commit to clear and transparent public funds guidance. The most effective way of alleviating poverty and the risk of destitution is to put money in the hands of those who need it.

The Deputy Presiding Officer: You need to conclude.

Evelyn Tweed: Access to the mainstream benefits system would be transformational. Restricting access to benefits is a political choice.

18:34

Paul Sweeney (Glasgow) (Lab): It is a pleasure to contribute to the debate. I commend Ms Chapman, a member for North East Scotland, for lodging the motion for this members’ business debate. It is great to see Beth Watts-Cobbe and Jen Ang in the gallery. I thank them and their colleagues for their excellent research, which informs the public debate in Scotland. We heard about that ably last night at the cross-party group on migration, where the issues were discussed at some length.

This is a multifaceted challenge, and it is one of the biggest public health policy challenges in Scotland today. As has been mentioned by

members across the chamber, that is the case largely by design, which is a moral stain on our country that we really need to deal with.

I am familiar with no recourse to public funds, given that, as an MP and MSP, I have represented 95 per cent of the people who are seeking asylum in Scotland in Glasgow, with the balance being distributed to other local authorities in Scotland since 2022, when the dispersal area was expanded. I am sure that, as a member in the city, the minister is aware that it is a major issue in Glasgow, and one that we have to contend with in a number of ways.

One big challenge is the arbitrary nature of adding to no recourse to public funds, which creates a chilling effect. It is not simply about the list of prescribed funds; it is the fact that a culture of prohibition around NRPF has crept in across public authorities. There are many unlawful gatekeepers out there. Many people are acting ultra vires to prevent people from accessing services. We hear it from general practitioners, for example, when they refer patients to social services that are not given to them. That is unlawful. We need to take action across all public services in Scotland to make it clear what the line is on NRPF, where it is and where it is not, and what can be accessed, because there is a lot of confusion out there that is either caused deliberately or purely through ignorance. We need to make guidance much clearer across every level of government in Scotland.

I certainly associate myself with all five of the recommendations, but with the change in the Government, there is an opportunity to look at how we can ameliorate the effects of NRPF. There would be common cause on this side of the chamber, as well as with colleagues in the House of Commons, in trying to remove some of those funds from the NRPF list. Indeed, if new discrete funds were created that would not be countered proactively by the Home Office, it is worth testing that position. There would be a willingness to ally ourselves in that regard.

For example, I know that ministers were concerned that one of the effects of introducing free bus travel for people seeking asylum was the risk of the Home Office interdicting that with NRPF. I do not think that that is a live risk now. I am maybe creating a hostage to fortune in saying so, but there is an opportunity for the Government to introduce that through a statutory instrument, which would allow a more systemic approach to delivering that benefit to people in the asylum system.

I turn to the interface between the asylum system and our housing crisis in Glasgow. As members in the city will be aware, councillors declared a housing emergency in November 2023.

We have seen a vast increase in the number of people who have been granted leave to remain presenting as homeless in Glasgow. I believe that there has been a 96 per cent increase in the past couple of years, which has put severe pressure on housing in the city. As of December, the number of homeless applications by refugees in the city stood at 2,753, and the number of refugee households in temporary accommodation was 2,179.

I urge the minister to consider how we can expand housing capacity in Glasgow. We have 2,600 long-term empty homes in Glasgow. We can make a greater effort in that regard and join up the policies. Let us look again at the asylum housing contracts and at how we take money from multinational rent-seekers and push it into housing investment. We can restructure that in a way that is positive and beneficial.

18:38

The Minister for Equalities (Kaukab Stewart):

I thank Maggie Chapman for bringing the motion to the chamber. She started with very powerful testimonial words from those with direct experience, and I thank her for bringing their voices to the heart of the chamber tonight.

She noted the recent publication of the legal briefing, "Ending Destitution in Scotland—A Road Map for Policymakers", as do I. I welcome the breadth of the report and many of its recommendations. It is absolutely right that we continue to challenge ourselves to ensure that we are doing everything that we can to reduce destitution in Scotland. The fair way Scotland partnership has sent me a copy of the briefing, and I will respond to it in full very shortly.

Far from failing to act, in 2021, the Scottish Government published our pioneering ending destitution together strategy in partnership with the Convention of Scottish Local Authorities. Many colleagues have referred to that tonight. It is the first of its kind in the UK and it sets out our inclusive approach to improving and strengthening support provision and service access for people who are subject to NRPF in Scotland.

Our powers are limited, however, and nationality and immigration, including the policy of no recourse to public funds, are wholly reserved to the UK Parliament. As much as we would like to, we are unable to end destitution for all overnight. We can, however, continue to deliver services, work in partnership with organisations across Scotland and continue to legislate if we have the power to do so or to raise issues with the UK Government if we do not have that power. We do that to ensure the implementation of our vision that no one in Scotland is forced into destitution and

that everyone has their human rights protected, regardless of their immigration status.

I will say a wee bit about financial support. Since 2021, we have invested more than £500,000 each year to support the most destitute in Scotland. Between 2021 and 2024, funding was provided to the British Red Cross to deliver the Scottish crisis fund. That pilot project provided people with emergency crisis cash support and was inclusive of people who had no recourse to public funds. Learning from the project showed that some people who accessed the fund could access other public funds but needed casework support to exercise their rights and access appropriate services.

Building on that learning, since June 2024, we have been working with fair way Scotland on the delivery of a project that provides cash support and casework for those who are most in need. That holistic support package is assisting people to exercise their right to public funds, including in housing, emergency cash to tackle food insecurity and the ability to access culturally appropriate foods and essential needs. Since July 2024, more than 400 people have been supported out of destitution.

For some time, we have been lobbying the UK Government to remove the Scottish welfare fund from the restricted public funds list. If people who are subject to NRPF in Scotland were able to access that emergency crisis cash support, that would provide an additional safety net to mitigate destitution. We will continue to call for that, and for all schemes that are created using devolved powers to have the ability to determine their own eligibility requirements.

Maggie Chapman: Given that the welfare fund is currently on that list, will the minister consider exploring the setting up of a new crisis fund that has the specific aim of reaching those in destitution?

Kaukab Stewart: I understand why Maggie Chapman asks for that, but I refer her to paragraph 6.2 of the UK immigration rules, which includes the words

“a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015”.

That is why people who are subject to NRPF cannot access the Scottish welfare fund and why we cannot create a new support fund under that act while it remains on the public funds list that is defined by the UK Government. However, I reassure the member that, as I have said, we continue—I continue—to robustly lobby the UK Government to act in those areas.

I will go on to our next steps. As the report highlights, more can be done. We have been

working closely with COSLA, stakeholders, third sector organisations and local authorities to review the delivery of the ending destitution together strategy and develop a work plan for phase 2 of delivery. The vision and principles of the strategy are as relevant today as the day that they were published. However, the feedback has been that an understanding of the NRPF condition and eligibility is not always clear for front-line workers. Carol Mochan and other members made that point about opacity.

As a priority, prior to the publication of the strategy, we developed migrants’ rights and entitlements guidance, in partnership with COSLA. We have updated that guidance and provided training. That guidance aims to support local authorities when making support decisions, and we want to ensure that it remains up to date and accessible for people. We will also work with Public Health Scotland, general practitioner networks and other front-line workers to improve understanding and awareness of NRPF and people’s eligibilities and to better support them.

Paul Sweeney: I thank the minister for giving way—she has been very generous with her time. I note her point about extending advice to public authorities, which is very welcome. She mentioned removing existing benefits from the list. If a new piece of legislation, even emergency legislation, were to be introduced to counter the extreme destitution—some people have less than £40 a week—a proactive measure by the Home Office or the UK Government would be needed to interdict that, which is unlikely. Will the minister look to test that in the near future?

Kaukab Stewart: I thank Mr Sweeney for raising that point, which I will consider.

I will try my best to respond to a few of the points that were raised during the debate—there were far too many to mention, which shows the interest in the debate. I was glad to hear Tim Eagle talk about treating people with dignity, but I wonder how he feels about the hostile environment that was created under the previous Government. That somewhat undermines his statement. Evelyn Tweed, Marie McNair and other colleagues pointed out that hostile environments do not achieve the aim that they are intended to achieve.

Richard Leonard made a compelling case for support, and he also challenged the Labour Government in Westminster, which could act in areas of reserved competence. I assure him that I am doing everything that I can, and it is good to see that there is cross-party support on that.

Emma Roddick highlighted the limitations that are placed on the Scottish Parliament, and I refer again to the 2015 legislation.

To conclude, I welcome the debate and I have listened very carefully. I thank Jen Ang for publishing the report and Maggie Chapman for securing the debate.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 18:47.

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