



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 18 June 2025

Session 6



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
CONTINUED PETITIONS.....	2
Listed Building (Demolition) (PE2105).....	2
Gaelic Investment (PE2098).....	2
Vulnerable People (Capacity) (PE2061)	3
Listed Building (Demolition) (PE2105).....	6
Proceeds of Crime (Funding for Charities) (PE2107).....	8
Detainees in Custody (Access to Medication) (PE1900).....	10
Social Work Students (Work Placements) (PE1993)	12
Student Nurses (Payment on Placement) (PE2039).....	13
NEW PETITIONS	15
ADHD (Diagnosis and Treatment) (PE2156)	15
Colour Blindness (Accessibility) (PE2138)	18
Support for Ex-council Properties (PE2150)	19
Home Reports (PE2152)	22
Planning (Equestrian Access) (PE2154)	25
E-cigarettes (Cessation Support) (PE2155)	26

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
11th Meeting 2025, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Paul Sweeney (Glasgow) (Lab)

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

Beatrice Wishart (Shetland Islands) (LD)

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 18 June 2025

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 11th meeting in 2025 of the Citizen Participation and Public Petitions Committee. This was scheduled to be our final meeting before the summer recess but, unusually, we will meet next Wednesday, when we will take evidence from the Lord Advocate, the Scottish Children's Reporter Administration and the Cabinet Secretary for Justice and Home Affairs.

Agenda item 1 is a decision on whether to take agenda item 4, which relates to the consideration of our work programme, in private. Do we agree to do so?

Members *indicated agreement.*

Continued Petitions

Listed Building (Demolition) (PE2105)

09:30

The Convener: Agenda item 2 is consideration of continued petitions, the first of which is PE2105, which was lodged by Lydia Franklin on behalf of Save Britain's Heritage and calls on the Scottish Parliament to urge the Scottish Government to set a minimum evidence requirement to prevent the unnecessary use of public safety powers to demolish listed buildings.

We last considered this petition at our previous meeting, which was on 4 June 2025. At that meeting, we heard evidence from Hazel Johnson, director of the Built Environment Forum Scotland; Laura Shanks, chair of Local Authority Building Standards Scotland; and Professor Gordon Masterton, chair of the Institution of Civil Engineers panel for historical engineering works.

We are also joined online by our colleague Paul Sweeney MSP, a former member of the committee, who has taken an on-going interest in this petition. Good morning, Mr Sweeney. Before the committee considers how we might proceed on the basis of the evidence that we heard last week, I invite you to offer the committee your thoughts.

Oh, it seems that Mr Sweeney's connection has dropped—I saw his name on the screen in front of me and assumed that we had him. We are actively trying to get him back.

We will return to the petition later in the meeting, once we have Mr Sweeney with us again.

Gaelic Investment (PE2098)

The Convener: In the meantime, we turn to PE2098, which was lodged by Màrtainn Mac a' Bhàillidh—I am stuck, because it is all in Gaelic. The petition calls on the Scottish Parliament to urge the Scottish Government to bring investment in the Gaelic language to sustainable levels by increasing Bòrd na Gàidhlig's annual budget to at least £8.5 million and to increase funding in line with inflation each year.

We last considered this petition on 11 September 2024 when we agreed to write to the Scottish Government seeking an update on the Gaelic officer scheme.

The Scottish Government's response states that it provided funding to ensure that the Gaelic officer scheme was able to continue until the end of the financial year 2024-25, and that it then provided Bòrd na Gàidhlig with a further £510,000 to support the scheme in 2025-26.

Do members have any comments or suggestions for action?

David Torrance (Kirkcaldy) (SNP): Considering the evidence that we have heard, the committee could consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government provided Bòrd na Gàidhlig with a further £510,000 to support the Gaelic officer scheme in 2025-26 as part of the £5.7 million uplift for Gaelic.

The Convener: If members have no further comments or suggestions for action, does the committee agree to close the petition on the basis of the Scottish Government's position?

Members indicated agreement.

Vulnerable People (Capacity) (PE2061)

The Convener: Our next petition is PE2061, which was lodged by Laura Johnston-Brand and calls on the Scottish Parliament to urge the Scottish Government to help prevent coercion of vulnerable, frail, and debilitated individuals by requiring solicitors to have a medical professional co-sign legal documents confirming the capacity of the individual.

We last considered this petition on 30 October 2024, when we agreed to write to the Office of the Public Guardian, the Academy of Medical Royal Colleges and Faculties in Scotland, the Law Society of Scotland, and the Scottish Legal Complaints Commission. We have received responses from all of them.

The Office of the Public Guardian makes it clear that it will not comment on matters of policy but notes that the proposals in the petition could impact the provisions for powers of attorney, guardianships and intervention orders and access to funds authorisations under the Adults with Incapacity (Scotland) Act 2000. Those provisions include the submission of medical reports for consideration by the judiciary or the OPG.

The Scottish Legal Complaints Commission has indicated that it receives a small but steady number of complaints each year that involve concerns about the steps that have been taken by a solicitor to assess capacity, although it was not able to identify cases alleging coercive behaviour. None of the service complaints that have been investigated by the SLCC have been upheld. Conduct complaints about solicitors are not handled by the SLCC but are passed to the Law Society of Scotland.

The data from the Law Society of Scotland shows that the overall number of applications that were made to the client protection fund increased between 2020 and 2024, although the number of paid claims remained roughly the same. The LSS

did not attempt to identify capacity-related claims, but it might be able to provide further data on whether claimants were individuals, solicitor firms or others.

The Academy of Medical Royal Colleges and Faculties in Scotland noted concerns that had been raised by doctors in both primary and secondary care regarding inconsistencies in relation to how lawyers involve medical teams to support capacity assessment when working with clients who are also in-hospital patients. It also noted that, as long as assessment of capacity is undertaken by qualified individuals, they do not need to be medically qualified, highlighting concerns from primary care doctors that a requirement for a medical assessment in all situations might prove burdensome, time consuming and potentially more expensive. However, on balance, the academy indicated that it was broadly supportive of the petition at this time.

Finally, we have also received a submission from the petitioner, who points out that the Adults with Incapacity (Scotland) Act 2000, which provides the current framework, was subject to a review in 2024, with the consultation analysis being published earlier this year. She highlights that the majority of responses agree that there need to be relevant changes to how power of attorney documents are obtained and by whom, and also that further mandatory attorney training was needed.

In the analysis of the consultation, the Scottish Government stated that the responses would inform the development of a bill amending the adults with incapacity legislation. Although the proposed bill was part of the programme for government that was announced last September, it was not included in the updated legislative programme that was published last month.

Do members have any comments or suggestions for action?

David Torrance: In the light of the evidence, the committee could consider closing the petition under rule 15.7 of standing orders, on the basis that it is already best practice for solicitors to obtain a medical opinion if there are doubts about a person's capacity. In addition, the Scottish Government does not believe that the proposed legislative changes are necessary or appropriate, and evidence that has been received by the committee suggests that the action that is called for could become time consuming, costly and burdensome.

The Convener: Thank you for that suggestion. I am slightly concerned that the bill was in the Government's programme for government in

September but then disappeared in the updated legislative programme.

Fergus Ewing (Inverness and Nairn) (SNP): Having read the submissions from the SLCC, the OPG and others, it is clear that this is an area that is not without complexity. The fact that the bill has apparently been removed from the legislative programme begs the question why. I think that, before moving to close the petition, which otherwise I would do, it would be useful to find out why that was done. I think that it is a legitimate question that should be answered. If we ask it and get an answer now, that might save time in the next session of Parliament, were the petitioners to bring the issue back to us. I do not think that we would be unduly extending the work in this session of Parliament, which is limited, given the fact that we have less than a year to go. I am curious about the reasons for the Scottish Government not proceeding with the bill.

Having said that, and having been a practising solicitor for some 20 years—although I am no longer—I note that it is up to each solicitor to assess the capacity of a client, and if one has concerns then one has to raise them, as there is a clear professional ethical duty to do so. Looking at the evidence that we have seen, there seem to be vanishingly few cases where the solicitors have been accused of coercion in any way—I think that that is specifically stated. Of course, it could be said of me that, as a solicitor, I would say that, wouldn't I?

I sympathise with Mr Torrance's approach and would agree with it were it not for the fact that the Scottish Government appears to have supported the proposals but no longer does so. If we find out why the position has changed, we may well feel that we can close the petition, having received a satisfactory answer. Mr Torrance may be happy with that.

David Torrance: I am happy with that.

The Convener: I think that Mr Torrance was quite right in his recommendation, but that the issue that Mr Ewing raises stands out slightly, and that we would be advised to find out more. We more or less accept that the petition has run its course insofar as we can act, but it is important to understand why the bill has just disappeared from the Government's programme, so we would like to ask about that.

Fergus Ewing: Yes. It should also be said on the record that, were there to be a new system involving a requirement for a medical opinion, in practical terms, that would involve probably tens of thousands of certificates in situations where, quite frankly, they would not be necessary. Solicitors would be under an obligation to take a precautionary approach, and it would clog up the

process of, for example, drawing up a will or arranging a power of attorney, meaning that someone could cease to have capacity in the period in which the process of obtaining medical opinion is going through, or they could die without leaving a will, meaning that an unnecessary intestacy would arise. The system is not without its flaws, but I suspect that the costs of the new process of obtaining the certificates would be very substantial indeed for the client, because I cannot see the state paying for it any time soon.

The Convener: Thank you, Mr Ewing. We will hold the petition open until we gain the information that we seek.

Listed Building (Demolition) (PE2105)

09:45

The Convener: We will return to PE2105. Good morning, Mr Sweeney. I think that your connection may have dropped. We had done the preamble and given you the big build-up. I then said to the world that we were about to receive the wisdom of Mr Sweeney, only to be met by a great big blank nothing. However, you are now with us so, without further preamble, would you like to give some thoughts to the committee before we consider how we might proceed on the back of the evidence that we heard last week?

Paul Sweeney (Glasgow) (Lab): I apologise to colleagues for the technical difficulties.

The evidence session that the committee had was extremely useful. It elicited a number of important points on the current deficiency in policy, most notably the lack of a requirement for local authorities' building standards and building control departments to engage the services of a conservation-accredited structural engineer when assessing the need to demolish a listed building or the extent to which it should be demolished.

It was clear from the evidence from the local authority representative that there is not the time pressure that might be assumed. Normally, with initial cordoning and so on, a significant period is available to do that assessment properly and thoroughly before coming to a considered view about what can and cannot be salvaged. Similarly, too often, inappropriately qualified individuals are making those critical decisions, which have a permanent effect on the nation's heritage.

The purpose of the petition has been proven, and the need for the recommendations of the petitioner has been proven. I understand that Save Britain's Heritage has corresponded further with the committee, and it shared that correspondence with me. I associate myself with its comments. Save Britain's Heritage has offered to meet the committee, which might be a useful exercise to

enable the committee to further understand its specific concerns.

Moreover, the general representation of the Convention of Scottish Local Authorities is that local authorities in Scotland are simply unable to effectively use many of the statutory provisions in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 due to a lack of resource and expertise. Clearly, further guidance and support are needed from central Government to give effect to the duties on local authorities with regard to preservation of heritage and giving best effect to enforcement action. There is also a need to update statutory guidance relating to the Building (Scotland) Act 2003 in relation to emergency powers and the use of dangerous buildings notices under sections 29 and 30: in the case of listed buildings or even buildings in conservation areas, an engineer who is accredited with the conservation accreditation register for engineers should be engaged prior to final decisions being made regarding what fabric can and cannot be retained. That would be useful.

Further engagement with COSLA to establish the real extent of the view of local authorities would perhaps be a useful measure. We had correspondence from Renfrewshire Council, and I certainly conveyed correspondence from Glasgow City Council. That is a widely held view across local authorities, so a COSLA planning representative might be a useful stakeholder to engage with. There is a clear need for legislative review and for the planning directorate to update guidance to further strengthen provisions in regard to protections for listed buildings.

That is my view on the matter, and I hope that the committee agrees.

The Convener: Do members have any comments or thoughts for reflection? We could certainly frame representation to COSLA in relation to the issue, but are there any other suggestions?

David Torrance: I wonder whether the committee would consider writing to the minister, highlighting the evidence that has been heard and seeking an update on the possible expansion of the listed buildings advice provided in the building standards enforcement handbook and procedural handbook.

The Convener: Together with the suggestion from Mr Sweeney that we engage with COSLA on the key issue that we felt was raised on the local authority aspect, are members content to keep the petition open and to proceed on that basis?

Members indicated agreement.

The Convener: Thank you, Mr Sweeney.

Proceeds of Crime (Funding for Charities) (PE2107)

The Convener: Because I see that our MSP colleague Beatrice Wishart has joined us, I will switch to the petition with which she is concerned, which is PE2107, on using more money that is recovered from the proceeds of crime to support community-based charities that train animals to assist in the detection of drugs. The petition, which was lodged by Kevin Craighs on behalf of *The Shetland Times*, calls on the Scottish Parliament to urge the Scottish Government to direct more public funding that is recovered through the Proceeds of Crime Act 2002 to support charities such as Dogs Against Drugs, which are vital to their communities and play an integral part in the seizure of drugs and criminal assets.

We are joined by Beatrice Wishart—good morning, Ms Wishart. Of course, we also have our man in Crufts on the committee, Mr Golden.

We last considered the petition on 9 October 2024, when we agreed to write to the Cabinet Secretary for Justice and Home Affairs. The committee sought further detail on the work undertaken to consider longer-term options for funding charities that play a vital role in the seizure of drugs and criminal assets.

In her response on 11 November, the cabinet secretary reiterated the Scottish Government's commitment to progress a fairer funding approach for the third sector and stated that her officials continue to work across Government to identify potential long-term funding solutions for charities similar to Dogs Against Drugs. However, the response highlighted challenges in delivering long-term funding in the current economic context, as any commitments would reduce flexibility in future budgets. The cabinet secretary made reference to some work in progress that is aimed at improving the clarity and consistency of grant-making practices across Government, including developing a consistent baseline for third-sector funding.

Before the committee considers any options that it might have, I ask Beatrice Wishart whether she would like to offer us some thoughts.

Beatrice Wishart (Shetland Islands) (LD): Thank you for inviting me to the committee.

I think that members all know the background of the community-led charity Dogs Against Drugs, which was started over 20 years ago. It aims to act as a deterrent and it also has an educational purpose.

I am very grateful for the engagement with the justice secretary, and the charity was grateful to receive £30,000 last year, which helped it over a financial difficulty for that year. However, year on

year, the charity is struggling with funds to try to offer the service, which Police Scotland has said is very valuable. *The Shetland Times* petition was quite narrow in suggesting that cashback for communities should be extended more to the communities that have such charities, but I think that Dogs Against Drugs is a unique charity. It provides a public service that is obviously valued by Police Scotland but also by the community.

I suggest that it is long past time, given the charity's history and that we would not want to see the loss of drugs dogs in the community, that the Government found a more suitable funding model to ensure that its very valuable work continues. For example, the value of drugs seized in 2024 over 12 months was £554,000—that was all in our community, which has 23,000 people.

The Convener: That is a significant sum of money.

Maurice Golden (North East Scotland) (Con): I welcome *The Shetland Times* campaign. The member has highlighted the value of those seizures. One way to combat the drug issue is through the efforts of Dogs Against Drugs and the specialist training it offers. I do not know what breeds are there and whether they are beagles, short-haired pointers or German shepherds, but they are all fantastic dogs that can help to tackle the scourge of drug problems.

The committee should follow up with the Scottish Government to ask for clarity on the specific work that it has done to improve grant-making practices, including progressing the development of a consistent baseline for third sector funding, and what practical actions the Government is taking. It might be an overstretch to ring fence those funds entirely, but priority should perhaps be given to third sector organisations such as Dogs Against Drugs.

The Convener: Thank you. I see that you have paws all over the petition.

I quite liked the phrase “long past time”, which Ms Wishart used. I think that after 20 years without a sensible funding model, “long past time” is a perfectly reasonable description for the fact that we have not resolved the issue. I agree that we cannot hypothecate the funding, but I cannot imagine that a funding model would cost us more than £554,000. Clearly, proceeds are being raised and it ought to be possible.

Ms Wishart, is there anything further that you would like to say to the committee?

Beatrice Wishart: The latest figures that I have show that it costs around £130,000 to operate Dogs Against Drugs each year. The charity is not asking for £130,000 but for some kind of sustainable model going forward. It raises funds

through its corporate work. It has bingo evenings and raffles and so on, which I am not sure is a sensible way to continue. Although it is well supported by the community, that is not a sensible way to support the police with deterrence and the prevention of drugs coming into the island.

The Convener: I would not like to think that the nation's security relied on a bingo drive. We could make some of those representations and incorporate them into what we send to the Scottish Government. The charity is obviously a very successful one that is doing great and good work. It is looking for a model—as we have said, it is long past time for that, as it has sought and been assured that something might be done. I think that we would like to see something actually being done.

Do members agree to keep the petition open on that basis?

Members indicated agreement.

Detainees in Custody (Access to Medication) (PE1900)

The Convener: We will move to PE1900, which is where we were originally scheduled to begin our proceedings this morning. The petition, which was lodged by Kevin John Lawson, calls on the Scottish Parliament to urge the Scottish Government to ensure that all detainees in police custody can access their prescribed medication, including methadone, in line with existing relevant operational procedures and guidance. We previously considered the petition on 11 December 2024, when we agreed to write to the then Minister for Drugs and Alcohol Policy, our late colleague Christina McKelvie.

Members will recall that, as a result of the committee's work, the Scottish Government conducted a rapid review of each health board to check the current arrangements for ensuring access to medication for detainees. The Minister for Public Health and Women's Health responded to the committee to confirm that the majority of health boards have taken the appropriate action to meet the required standards. The submission states that, by spring 2025, the aim is for all health boards to have the appropriate care and practices in place for detainees in police custody. At that point, the Scottish Government will begin developing an approach to on-going monitoring in the form of annual updates.

The minister's response states that NHS Grampian has recognised that more is required to ensure compliance with the appropriate policies and procedures when dealing with detainees in police custody. The minister notes that, in Elgin and across the NHS Grampian area, there are still some concerns relating to detainees not receiving

their prescribed methadone while in police custody.

The written submission from the minister includes a copy of correspondence from NHS Grampian. The letter states that NHS Grampian is at the stage of planning the introduction of opiate replacement therapy, prescribing and administration across all three of the area's custody suites. The correspondence also states that NHS Grampian now has a robust standard operating procedure in place and has planned a comprehensive training programme for its nursing staff.

The petitioner's written submission shares that he read the minister's response with a mixture of sadness, anger and regret. He points out that this denial of adequate healthcare had not been noticed despite the existence of controlled drug accountable officers across Scotland for 10 years.

In the light of the petitioner's angst and the representations received, do members have any suggestions as to how we might proceed?

David Torrance: The committee might consider writing to the new Minister for Drugs and Alcohol Policy and Sport seeking confirmation that all health boards have appropriate care and practice in place for detainees in police custody; an update on the work on monitoring compliance with the rapid review; and a detailed update on NHS Grampian's policy and practice for providing prescribed medication, including the status of its controlled drug licence application.

The Convener: Mr Torrance has made appropriate suggestions. Are there any other suggestions?

Fergus Ewing: I very much support that. We could include in the letter the reference that Dr Coldwells makes to the apparent lack of action in this regard, his negative comments, and the petitioner's observation that each health board has a controlled drug accountable officer, or CDAO, but that

"Strangely CDAO don't seem to be accountable for their failure to follow the policy."

That was an interesting remark, and I wonder whether the minister could be asked to comment on it. The issue has dragged on for a long time. As I pointed out when the petition was previously considered, it had taken three years for nothing very much to happen.

The Convener: Are members content to keep the petition open and proceed on that basis?

Members indicated agreement.

Social Work Students (Work Placements) (PE1993)

The Convener: PE1993, lodged by David Grimm and Lucy Challoner, calls on the Scottish Parliament to urge the Scottish Government to ensure that social work students have access to adequate funding and financial support during their studies, by providing bursaries to all third and fourth-year undergraduate social work students on placements, reforming the assessment criteria for bursaries for postgraduate social work students on work placements and adequately funding those bursaries.

The petition was last considered on 30 October 2024, after which we wrote to the Minister for Higher and Further Education about the Social Work Education Partnership's report on practice learning funding. The minister's response states that the report recommended improvements to the system of disbursing financial support and to the oversight and quality assurance of practice learning. The research for the report also expanded to consider the wider support packages for undergraduate and postgraduate social work students.

The minister's response also outlines recent changes to the support made available for social work students. From the academic year 2024-25, the Scottish Government is providing all eligible undergraduate and postgraduate social work students in an assessed placement with a £750 grant. The grant is intended to provide support for costs incurred while undertaking mandatory placements.

10:00

The submission also highlights that up to £2,000 can be claimed by those with exceptional travel costs related to placements in, or students being resident in, remote and rural locations.

For postgraduate students, the earnings threshold for bursary eligibility has been increased and the various discretionary allowances have been streamlined.

The petitioners' recent written submission welcomes the steps taken by the Scottish Government. However, the petitioners remain concerned that the changes do not resolve the fundamental inequality between social work and other studies, such as nursing, midwifery and paramedicine.

Do we have any suggestions?

Fergus Ewing: In light of what you have just said, convener, might we close this petition under rule 15.7 of standing orders on the basis that a grant of £750 is now available to all eligible undergraduate and postgraduate social work

students to support them with costs incurred while on placements.

Secondly, additional funding, as you have pointed out, of up to £2,000 can be claimed by students for exceptional travel costs related to placements in, or students being resident in, remote and rural locations.

Also, the earnings threshold for postgraduate bursary eligibility has been increased and, finally, the postgraduate discretionary allowances have been streamlined.

In closing the petition, convener, perhaps, if members were agreed, we could point out to the petitioners that if, in the light of the experience of these new changes, the petitioners consider that the financial position is still inadequate, it would be open to them to challenge this new regime as being inadequate. For example, if there were cases in which someone in a remote location was not given access to the additional travel costs, that would be a legitimate area of challenge. That is just one example.

I am sympathetic to the other points that the petitioners make, but the Government's response has been fairly substantial, given the overall scarce resources.

The Convener: I am inclined to agree.

Maurice Golden: I fully agree with Mr Ewing.

It is outwith the scope of the petition, but the nub of the issue is around recruitment and were a petition to be submitted in the next session with that slightly wider scope, it might allow the new committee to look at other aspects of what councils are doing to aid recruitment, particularly in councils outwith the central belt. I am certainly aware of some initiatives in Angus Council. This specific petition is just one part of a wider recruitment issue.

The Convener: We could reasonably point that out in the closing letter to the petitioners. As colleagues have suggested, there has been substantial movement and we have proposals to close the petition on that basis. The proof of the pudding will be in the eating, however. By the time the next session convenes, it may be that there is scope for something further if the petitioner seeks to come back.

Are we content to proceed on that basis?

Members indicated agreement.

Student Nurses (Payment on Placement) (PE2039)

The Convener: We come to the last of today's continued petitions. PE2039, lodged by Amy Lee, calls on the Scottish Parliament to urge the

Scottish Government to pay student nurses for their placement hours. We last considered the petition on 30 October 2024. At that time, we agreed to write to the Scottish Government to ask what consideration has been given to the Royal College of Nursing's report on nursing student finance. The Scottish Government's response states that the former chief nursing officer met students at a round-table event to discuss the themes in the report's recommendations. A short-life working group was then set up to review the clinical placement expenses guidance in order to respond to student concerns and the Royal College of Nursing's recommendations.

The submission highlights that the Cabinet Secretary for Health and Social Care is committed to carrying out a review of the financial support package for nursing, midwifery and paramedicine students. The views of stakeholders, including students, are being considered as part of that programme and review.

Do colleagues have any suggestions or ideas as to how we might proceed?

Maurice Golden: Unfortunately, we will need to close the petition under rule 15.7 of standing orders, first, on the basis that the Royal College of Nursing is not in favour of student nurses being paid while on clinical placement. Secondly, the Cabinet Secretary for Health and Social Care is carrying out a review of the financial support package for nursing, midwifery and paramedicine students.

However, in closing the petition, we should highlight to the petitioner that, were that review not to take place or were it not to meet with the petitioner's particular asks, the petition could be brought back in the next session of Parliament.

The Convener: Are colleagues content to proceed on that basis?

Members indicated agreement.

The Convener: We thank the petitioner, to whom we will write, explaining our reasonings.

New Petitions

10:05

The Convener: That brings us to agenda item 3, which is consideration of new petitions. Before I introduce our new petitions, should anyone be looking in to follow our proceedings and see how the committee considers their petition, I highlight, as I always do, that before we consider a petition, we always do two things.

First, we ask the Scottish Parliament information centre, the Parliament's independent research body, to give us an impartial view of the issues raised by the petition. Secondly, we write to the Scottish Government for its initial view. We do both those things, because, historically, they were the first two things that we would otherwise have decided to do and it expedites the process and consideration of the petition.

ADHD (Diagnosis and Treatment) (PE2156)

The Convener: I see that we are joined by our colleague Elena Whitham this morning, so I will take the petitions out of order to make as efficient use of Ms Whitham's day as is possible. Rather than the first new petition, we will begin with the last one, PE2156, which has been lodged by Terence Lloyd and calls on the Scottish Parliament to urge the Scottish Government to urgently address undiagnosed and untreated attention deficit hyperactivity disorder by developing a funded national ADHD strategy, standardising ADHD diagnostic pathways, reducing waiting times and ensuring equitable access to ADHD diagnosis, treatment and support across Scotland. As I said, we are joined by Elena Whitham, whom I will invite to say a few words in a moment.

The petition states that Scotland faces a growing ADHD crisis, with long waiting times for diagnosis and treatment, or no access at all, due to regional funding disparities. The SPICe briefing notes that some health boards have recently withdrawn their neurodevelopmental assessment services. The briefing also notes that, in many regions, the only way of obtaining an ADHD diagnosis and medication is now through a private assessment.

The Scottish Government's response to the petition states that work is under way to implement adult neurodevelopmental pathways, to standardise diagnostic pathways and increase access to support. The response highlights the public consultation on the proposed learning disabilities, autism and neurodivergence bill, which included discussion on statutory strategies, including national ones. However, the Scottish

Government states that it does not currently have any plans to develop and implement a specific national ADHD strategy. The Scottish Government highlights the funding that is made available to health boards for improvement to mental health services and its engagement with the Royal College of General Practitioners on voluntary and shared care agreements.

Before the committee considers how it might proceed, I wonder whether Elena Whitham would like to offer her thoughts.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Thank you, convener. I am very grateful to be able to speak today in support of PE2156, lodged by my constituent Terence Lloyd, and which seeks improved and equitable access to ADHD diagnosis and treatment in Scotland.

Failure to diagnose and support ADHD early in life is not a neutral act. It causes lasting harm. When children and young people with ADHD are not recognised and supported, they are often labelled as disruptive, difficult, defiant or clumsy daydreamers. Without understanding the internalised shame and difference as they grow into adulthood, the consequences of that early neglect are compounded. We see individuals who are undiagnosed and unsupported fall through the cracks into systems that were never built to care for them: into substance use as a way of self-regulating; into the criminal justice system due to impulsivity or misunderstood behaviour; into cycles of poverty, debt, unstable housing and often homelessness. I have worked directly with people who have lived this reality. I know what it means to come to a diagnosis in your 30s, 40s or even 50s, after years of feeling broken, when in fact the system has failed you.

I personally know what it is like to be 50 and come to the realisation that I have lived my whole life with a neurodevelopmental difference, most likely ADHD, and I can look back on so much and understand it so much better.

This is a public health issue, this is a mental health issue, but above all, it is a social justice issue. ADHD is recognised as a neurodevelopmental condition that affects people from all walks of life, yet access to assessment and support remains deeply unequal. I have heard from far too many individuals who are left struggling for years without recognition, without treatment and without understanding.

In my area, there is no adult pathway to an ADHD diagnosis without a co-occurring severe and enduring mental health issue, and it is wholly unacceptable that people must become acutely unwell to have their ADHD recognised and treated. We must ask ourselves what kind of system allows someone to wait years for a

diagnosis whilst their education, career, mental health and relationships suffer.

That is not a system built on fairness; it is not a system that reflects our shared commitment to health equity. Mr Lloyd's petition brings into sharp focus the urgent need for reform. The postcode lottery in diagnostic services, the lack of specialised training for clinicians and the gaps in support post-diagnosis are all issues that we can and must address. By supporting the asks of this petition, we could affirm a fundamental truth: that every person in Scotland deserves access to timeous, compassionate and appropriate care, regardless of where they live and what their circumstances are.

There is a lot of work happening across the country as we sit here today, as the Government outlined, but in most places change is not being felt on the ground. We must collectively put our shoulders to the wheel on this issue. Thank you, convener.

The Convener: Thank you very much. It is a bit disturbing to read about the lack of parity of access and the position as it stands. Do colleagues have any suggestions as to how we might proceed?

David Torrance: In light of the time that the committee has left in this session, I wonder whether the committee would consider passing the petition over to the Health, Social Care and Sport Committee given that its work programme includes something on ADHD.

The Convener: Yes, I understand that the Health, Social Care and Sport Committee has agreed to undertake a review of the issues raised, in parallel to the petition. I think that, in this instance, that might be the best thing that we can do, given parliamentary time.

Fergus Ewing: Provided that the Health, Social Care and Sport Committee is going to do that review, we should pass the petition to that committee, which will be better able to consider it.

I add, though, backing up what Ms Whitham has said, that this issue arises almost every day in our constituencies. It is of huge concern to many young people and their families, particularly their parents, waiting forever for nothing to happen. It is a huge source of tension, problems and difficulty, socially, for the families and children involved.

It is a very worthy petition that needs to be thoroughly examined and pursued, and the apparent lack of any inclination in the Scottish Government to do anything about it is quite baffling and inadequate.

The Convener: Do we want first to establish whether the Health, Social Care and Sport Committee would be prepared to take on the

petition? [*Interruption.*] The clerk tells me that they have agreed to the inquiry, so I think that we can proceed on that basis. Are members content to do so?

Members indicated agreement.

Colour Blindness (Accessibility) (PE2138)

The Convener: We come to PE2138. Colleagues will be aware that they have fresh submissions before them. The petition was lodged by Dr Ian Hume McKee, who, you might remember—well, no, only Fergus Ewing, David Torrance and I might remember—is a former parliamentary colleague of ours. He stood down in 2011, I understand. I remember Dr Ian McKee—I can remember some very florid chamber contributions and sparring engagements in times past. The petition calls on the Scottish Parliament to urge the Scottish Government to make the design and signage for publicly owned buildings accessible for people with colour blindness. Good morning, Dr McKee, if you are joining us.

The petitioner highlights the difficulty that he and other colour-blind people experience when dealing with a world in which information is often provided in a colour-coded way. He points out that hospitals use red and green lines to direct patients, and graphs and Government documents use colour to differentiate trends. The SPICe briefing states:

"While there are regulations and guidance on inclusive access to public buildings, there is limited specific guidance on addressing the challenges associated with colour blindness."

The briefing outlines the requirement to make reasonable adjustments for disabled people, as set out in the Equality Act 2010. However, SPICe notes that it is not clear whether colour blindness would constitute a disability under the act, as it would likely depend on the impact that the condition has on an individual.

We have received a written submission from our parliamentary colleague Gordon MacDonald, which highlights the challenges that are faced by colour-blind high school students. He shares an example of a student in his constituency who was unable to answer a higher geography exam question because it could be answered only by identifying colours on a map. He explains that the question was worth 20 out of 100 marks, so the student was left at a serious disadvantage.

10:15

I mentioned at the beginning of this agenda item that we seek an initial view from the Scottish Government on each new petition. However, I was disappointed that the response from the Scottish Government on this petition, which was due in mid-February, was only very recently received. We

now have that response before us, and I wonder whether the committee would like to consider how best to proceed. If responses to our inquiries are not timeously responded to, it merely delays our ability to represent the petitioner who has brought the petition before Parliament, which is our responsibility and our endeavour. We understand that it can take a little time to consider a petition, but it is very unhelpful if we do not have the response in due course, such that we can consider the detail of the petition timeously.

Maurice Golden: With the delay to the response, in addition to its generality, it would be worth while writing back to the minister seeking detailed views on the action that is called for in the petition; details of the current accessibility standards for the design and signage in publicly owned buildings for people with colour blindness; and the minister's view on whether it is acceptable for the Scottish Government to fail to provide a response to the Citizen Participation and Public Petitions Committee, as the convener has highlighted. Perhaps it would also be as well to write to Disability Equality Scotland seeking its views on the action that is called for in the petition.

The Convener: It must have been quite tricky for any higher geography student suddenly discovering that part of the exam was conditional on being able to identify colours, because they would be quite concerned. The suggestion that colour blindness might not actually be a disability of any sort is therefore also a cause for concern.

Are colleagues content with Mr Golden's suggestion?

Members indicated agreement.

Support for Ex-council Properties (PE2150)

The Convener: PE2150, which was lodged by Wilson Chowdhry—who I think is in the public gallery—calls on the Scottish Parliament to urge the Scottish Government to expand the mandate of the Scottish Housing Regulator or to establish a dedicated body to ensure that owners of ex-council properties receive the support and protection that they need to deal with significant structural issues.

According to the petition, the new or amended regulator should provide oversight and advocacy for owners of ex-council properties experiencing structural crises; monitor standards and safety through on-going inspections and the implementation of mitigation measures; maintain safety standards in homes, particularly when systemic issues affect multiple properties; co-ordinate, support and facilitate clearer pathways for owners of ex-council houses to access advice, financial aid or alternative accommodation where

properties become uninhabitable due to structural risks and where local authorities may have a conflict of interest; and ensure transparency by requiring relevant authorities to disclose known structural risks and safety failures and to provide clear information on the hazards, such as reinforced autoclaved aerated concrete, to owners of ex-council homes.

We have received two additional submissions from the petitioner, in which he provides a comprehensive view of the main issues around RAAC and similar structural defects affecting council-built properties before privatisation.

Members may recall that the petitioner has another active petition under consideration by the committee, which is calling for the provision of support to RAAC-affected communities. Our colleagues in the Local Government, Housing and Planning Committee have been undertaking on-going scrutiny of building safety and maintenance issues in Scotland, including consideration of RAAC. In providing evidence to the LGHPC, the former Minister for Housing and Local Government stated his continuing engagement with local authorities regarding support for RAAC-affected communities. I should say that there is also a members' business debate taking place today in Parliament on recognising RAAC in council and former council housing.

Our SPICe briefing on this petition tells us that the Scottish Housing Regulator's statutory objective under the Housing (Scotland) Act 2010 is to safeguard and promote the interests of persons who are, or may become, homeless, tenants of social landlords or recipients of housing services provided by social landlords. The briefing further highlights that the SHR does not have any specific advocacy role, nor a statutory role, regarding owners of ex-council properties, as I think that most colleagues will have established when representing constituents.

The Scottish Government's response makes it clear that it has no plans to amend the SHR's objective, which is the regulation of social landlords. The response also reiterates the Government's position that local authorities have a duty to ensure that housing in their areas meets the relevant standards. However, where ex-council homes were sold under the right to buy, there are no responsibilities incumbent on local authorities for the maintenance of those properties, which falls to the owner.

Finally, the Scottish Government states that home owners who require advice and information can access the scheme of assistance under which local authorities can provide financial and non-financial help for private housing.

That is a fairly brusque and clear determination from the Scottish Government, which I think limits our options. Do colleagues have any suggestions as to how we proceed? I should say that the RAAC issues remain part of an open, on-going petition. I recognise that there have been some further suggestions in respect of those issues in this petition, but at least it helps that there is continuing discussion of the on-going petition in relation to RAAC. However, in respect of the Scottish Housing Regulator, the Scottish Government seems to be fairly determined. I wonder what colleagues feel in the light of that.

David Torrance: In the light of the Scottish Government's decision not to change the Scottish Housing Regulator's remit—it is determined not to do that—and because there is an on-going petition in the petitioner's name on RAAC, I wonder whether the committee would consider closing this petition under rule 15.7 of standing orders, on the basis that the Scottish Government has no plans to extend the Scottish Housing Regulator's remit as the independent regulator of all social landlords, which is set in law, and home owners who are affected by serious structural issues can access support through the scheme of assistance provided by local authorities, which can include financial help.

Fergus Ewing: I would support that, but in doing so I would point to the fact that the petitioner, who has another petition live before this Parliament, is not in any way losing anything today. There is no door being shut on the petitioner. The petitioner is already in the room with the other petition, which is directly considering the RAAC issues.

Moreover, as you have indicated, convener, as well as the members' business debate, there is virtually constant accountability through members raising questions about RAAC every week. The Government's response has been inadequate by any stretch of the imagination, and that has been covered in the chamber time and again.

I stress that there is no need for the petitioner to feel that today is a disappointment because RAAC is very much a live issue before Parliament. Whatever view one takes about the performance of the Government, that is undoubtedly true.

Another brief point is that, if there were to be another regulator—another quango—it would make not a blind bit of difference to the problems that face us at the moment. By definition, any such new quango could not impact things that have happened before its existence and establishment. You cannot apply judgment retrospectively in that regard, nor do I think that a new public body would really make the kind of difference that most people want to see. I simply do not think that it is the right solution to an admittedly very serious problem.

That is just a personal view, and it could be right or wrong, but it is not the main point. The main point is that the petitioner has done extremely well in raising this in Parliament, and has done so successfully, with members of all parties pursuing it vigorously and continuing to do so between now and next May.

The Convener: Although the Government has said that it has no plans to address the issue that has been raised in the way that is suggested, it is one that we have all had experience of with those people who have found themselves in this situation. It is an important issue, but it will have to be addressed differently. I suspect that, given the position that we are in, we have no further course of action open to us.

Foyso Choudhury (Lothian) (Lab): I agree with colleagues, but is there a way in which we can merge both petitions?

The Convener: The problem is that the standing orders of the Parliament do not allow us to have two petitions open in relation to the same thing at the same time, so I am afraid that we cannot do that.

It is important that we acknowledge that some of the issues here remain active in a live petition. In closing it, we accept that there is an issue here, but the Scottish Government—and, at this stage in the life of the Parliament, there is not much more that we can give effect to in that regard—has said that it is not prepared to pursue the suggested solution that is before us. I therefore do not think that we have any other course of action than the one that Mr Torrance has suggested to us.

Are we agreed?

Members indicated agreement.

The Convener: It may be a disappointment in some senses, but that is sometimes the way that these things fall, I am afraid.

Home Reports (PE2152)

The Convener: PE2152, lodged by Lesley Roberts, calls on the Scottish Parliament to urge the Scottish Government to review and update the home report system so that it protects both the seller and the buyer. The petition calls for home reports to be updated every three months while a property remains for sale and to ensure that surveyors are held accountable where they are found to have assessed a property inaccurately.

In an additional submission, the petitioner highlights her personal experience of purchasing a house with defects, which were picked up in a secondary builder's report, but which she believes should have been picked up in the home report.

The SPICe briefing notes that the petition is very similar to PE1957, on making surveyors more accountable for home reports. We agreed to close that petition on 21 February last year, on the basis that, first, the scope of the home report is outlined at the beginning of the report and, secondly, members of the Royal Institution of Chartered Surveyors are subject to various requirements when drawing up home reports.

The briefing reiterates that the single survey, which is part of the home report and which is provided by the seller of most homes, is not the same as a structural survey. While the single survey fundamentally relies on a visual inspection of a property, the structural survey provides more detailed information on its structure and fabric. It also adds that the single survey has to be drawn up by a surveyor who is registered with or authorised to practice by the Royal Institution of Chartered Surveyors and that there are various legal responsibilities and professional standards with which those surveyors have to comply.

The initial Scottish Government response echoes those points and adds that a review of the home report is currently under way. The review aims to update the home report guidance to ensure that its limitations are clear to buyers, along with providing information about other steps that they can take to assess the condition of the home that they are considering buying.

Do members have any comments or suggestions for action in relation to the home report, the limitations of which have to be made clear to buyers?

Fergus Ewing: I have tried to consider the papers carefully. I have concluded that we should seek to close this petition under rule 15.7 of the standing orders, primarily on the basis that surveyors are already subject to various requirements, including the need to have a complaint handling procedure in place and to offer independent third-party recourse for complaints. Also, the home report guidance is being updated to make the limitations of the single survey clearer to buyers and to provide information about other steps that buyers can take to assess the condition of the home they are considering buying.

10:30

In saying that, it is important to state something that is true but is perhaps not mentioned very much, which is that when someone buys a heritable property—typically a house or flat, a dwelling house—the system is caveat emptor. The buyer takes on the risks, and it is up to the buyer to decide whether or not the home report is sufficient. Very often, in practice—this happened in my day—one would look at the home report and

decide that there were further investigations that required to be carried out, for example, into whether internal alterations to a property had been made with or without consent, or whether there was an extensive problem of infestation of dry or other forms of rot.

All those things have to be discussed by the buyer's solicitor with the buyer, and the buyer's solicitor owes legal duties. The RICS rules about what surveyors are bound to do are very clear: the surveyor must be chartered and that chartered surveyor must have professional indemnity. The chartered surveyor, in providing the home report, does not have a duty to provide a thorough, detailed, intrusive, incursive report, but only a report designed primarily for mortgage valuation. Having seen those reports myself, and worked with them, and having seen a home report recently, I would say it is a very limited document. Frankly, it spends more time setting out the exclusions of liability than it does describing the actual property. That may be a bit cynical, but that was true of the home report that I saw very recently.

I think that there is a much wider issue here. Possibly the petitioner's complaint is an individual legal complaint that she may have to pursue against the RICS or the individual surveyor's indemnifying insurers, and that would be a legal private case for her to pursue. In saying that, I am not passing any judgment. It is a possibility. However, given that the Scottish Government is carrying out a review in this area, there are not any magic solutions here.

The home report was brought in to replace the situation where there were five parties going for the same property and five different surveyors surveying the same property each time. That was regarded as an unnecessary expense and an unnecessary procedure, and that is the reason why the home reports were brought in. There is no perfect system, however, and caveat emptor is where it starts and, frankly, where it very often finishes. It is up to the individual to listen carefully to advice from solicitors.

I did not mean to give a conveyancing lecture here, convener, but because we are proposing to close a new petition, I thought it only courteous and respectful to the petitioner to set out the reasons why I do not think that this committee, at this stage in the parliamentary session, can do anything more, while recognising that the petitioner certainly has raised valid points, which I am quite sure will be reflected by many other people who were less than satisfied with the experience that they had. That is by no means new, convener, and if there were easy answers that everybody could be happy with, I am sure that they would have been discovered long ago.

The Convener: Thank you, Mr Ewing. I hear echoing in my ear my late colleague David McLetchie, who similarly was a conveyancing lawyer of some experience. I recall his views on the legislation on home reports, as introduced in the 2007 Parliament—I remember those debates vividly. I think that there is an interesting potential future petition to be made to this Parliament, following up on the Scottish Government identifying the limitations of the home report. If home reports are under review, it would be very interesting to know how those limitations have been addressed and what the future value of the home report is, because it seems to me to mitigate expense in only a very few cases. People now find that they have to incur the very same expense over and above the fact that a home report has been commissioned. However, I think that we have agreed to close the petition at this stage. Do members agree?

Members indicated agreement.

Planning (Equestrian Access) (PE2154)

The Convener: PE2154, lodged by Jasmine Bissett, calls on the Scottish Parliament to urge the Scottish Government to review and update planning policies to make it mandatory for new urban developments to give consideration to equestrian usage and ensure that suitable access and signage is included as part of that consideration.

The SPICe briefing for the petition explains that, in general, decisions on planning applications must be made in accordance with the development plan. The development plan for the given area in Scotland consists of the fourth national planning framework—NPF4—and the relevant local development plan, with which all colleagues will feel familiar. NPF4 requires planning authorities to consider the need to safeguard access rights when developing LDPs.

However, under the Land Reform (Scotland Act) 2003, local authorities and national park authorities have a legal duty to protect routes for responsible public access to land in the countryside, and the Scottish outdoor access code stipulates that access rights extend to horse riding. In its response to the petition, the Scottish Government states that it expects the issue of

“horse-related infrastructure in urban developments”—

what a sentence—to be considered at a local level, including in terms of signage, to ensure suitability to location and use.

In an additional submission, the petitioner expresses the view that local authorities tend to prioritise more popular modes of transport to the detriment of the needs of equestrians. Additionally, the petitioner highlights that the response received

from the Scottish Government acknowledged that Scotland’s great trails were designed solely for pedestrian usage and that catch-up has been needed to open suitable areas of the trails for other uses.

I have equestrian users in my constituency, so I am aware that sometimes there is a lack of access or thought given to routes for equestrian users. Notwithstanding that, and in the light of the Scottish Government’s response, do members have any suggestions as to how we might proceed?

David Torrance: In the light of evidence from the Scottish Government, I wonder whether the committee would consider closing the petition under rule 15.7 of the standing orders on the basis that where access rights apply, local authorities and national park authorities already have a statutory duty to uphold those rights and to enable all types of responsible access, including equestrian. The Scottish Government expects the need for equestrian-specific infrastructure, including signage for shared use, to be considered locally in order to ensure that provision is appropriate to the location and use.

The Convener: I think that there are some issues underlying the petition, but I am afraid that time is short in this parliamentary session and I do not know that we can do justice to them. It is a petition that somebody might like to consider bringing back, in order to challenge the Government’s assertion in relation to some of those matters. At this stage, I think that the committee is minded to close the petition. Do colleagues agree to close the petition?

Members indicated agreement.

The Convener: We thank the petitioner.

E-cigarettes (Cessation Support) (PE2155)

The Convener: PE2155, lodged by Daniel Taggart, calls on the Scottish Parliament to urge the Scottish Government to improve the support available to people trying to give up e-cigarettes and vapes by expanding access to nicotine replacement therapy and stop-smoking medications to include e-cigarette users and vapers.

The SPICe briefing for this petition explains that while e-cigarettes and vapes are currently considered lower risk than traditional tobacco products, they still pose health concerns and that further research is required to study their long-term impact on health.

The most recent data for Scotland shows that 12 per cent of adults reported using vapes or e-cigarettes in 2023, compared with just 10 per cent the year earlier. The national health service

guidance for pharmacists on public health services states that e-cigarette users should be able to access licensed smoking cessation products, including nicotine replacement therapy. However, the guidance cautions that many e-cigarette products contain nicotine, which means that switching to NRT could create issues with determining the correct dosage.

Additionally, for patients who try to quit non-nicotine e-cigarette products, reintroducing nicotine through NRT would be inappropriate. For those patients, the guidance recommends referral to non-pharmacy specialist smoking cessation services, which may include telephone support, one-to-one support or group support.

In its initial response to the petitioner, the Scottish Government mentions the "Tobacco and vaping framework: roadmap 2034", under which it has committed to improve information about vapes and to increase awareness of avenues of support for stopping vaping or smoking. The Government has also committed to continue to fund and support cessation services. Despite that, the quit your way Scotland service, which is also referenced in the Scottish Government's response, appears to be geared primarily towards those who are trying to quit smoking. In fact, with caveats around evolving research on their safety, vapes are being suggested as one of the few possible options to help people who wish to give up smoking.

Do members have any suggestions for action?

Maurice Golden: I think there is something in this petition. The reality is that, in the United Kingdom, the battle to stop people smoking has largely been won, with the long-term trend such that smoking will eventually be only a peripheral activity for most of the population. However, there has been a massive expansion in the use of e-cigarettes and vapes, initially designed as replacement products, particularly among young people and under-18s, despite that being illegal.

It would be worth writing to the Minister for Public Health and Women's Health, asking for clarity on what steps the Scottish Government is taking to increase support, as well as awareness of support, for those who are trying to quit e-cigarettes and vapes, with a particular focus on young people.

The Convener: Are colleagues content to proceed on that basis?

Members indicated agreement.

The Convener: That draws to a conclusion the public part of our meeting. As I said at the start of our meeting, we have an additional committee meeting next Wednesday, 25 June, when we will take evidence from, among others, the Lord Advocate and the Cabinet Secretary for Justice and Home Affairs.

10:40

Meeting continued in private until 10:52.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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