



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 17 September 2025**

**Session 6**



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## Wednesday 17 September 2025

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# Scottish Parliament

*Wednesday 17 September 2025*

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

## Portfolio Question Time

### Constitution, External Affairs and Culture, and Parliamentary Business

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The first item of business is portfolio questions, and the first portfolio is constitution, external affairs and culture, and parliamentary business. I remind members that questions 3 and 6 are grouped together, so I will take any supplementaries on those questions after both have been answered.

#### Empire, Slavery and Scotland's Museums Steering Group

**1. Stuart McMillan (Greenock and Inverclyde) (SNP):** First, I apologise to the chamber that I have to leave midway through portfolio questions, as I previously indicated to the Presiding Officer.

To ask the Scottish Government whether it will provide an update on the empire, slavery and Scotland's museums steering group and its work to consider Scotland's involvement in empire, colonialism and historic slavery and how this can be addressed using museum collections and museum spaces, including the potential for a stand-alone slavery or human rights museum. (S6O-04930)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** Presiding Officer, with your indulgence, I begin by welcoming to our proceedings Dr Christopher Kalila, who is the chair of the Commonwealth Parliamentary Association. Dr Kalila is from Zambia, which is one of Scotland's partner countries. We are honoured that he is following these proceedings. [Applause.]

Since publishing its recommendations in 2022, the empire, slavery and Scotland's museums steering group has inspired significant action. Through the delivering change programme, Museums Galleries Scotland is supporting 17 museums and 97 sector professionals, and it has awarded £200,000 to seven community partners. More than 300 people have received training.

The Scottish Government has committed £100,000 to establish a new organisation, with its inaugural exhibition being scheduled for 1 October. Museums Galleries Scotland also

supports repatriation guidance, sector events and research, directly addressing the call for systemic change and inclusive practice.

**Stuart McMillan:** Bearing in mind the steering group's recommendations, does the Scottish Government still consider a stand-alone facility to be a viable option? What discussions has the Scottish Government undertaken with companies that are involved in sugar processing and refining in those islands about their engaging with the history of the industry?

**Angus Robertson:** Work towards the creation of a dedicated space will be a matter for the leadership of the new organisation, and that includes determining its location.

The Scottish Government encourages all organisations and individuals with historical links to colonialism and slavery, including those who were involved in sugar processing and refining, to engage meaningfully with their past. That is essential to ensure that any future representation of Scotland's role in the transatlantic slave trade and colonialism reflects the most accurate and inclusive picture that is possible.

**Foysol Choudhury (Lothian) (Lab):** Will the cabinet secretary provide an update on his work with museums to promote antiracist education and on how that is being integrated into efforts to decolonise the curriculum in Scottish schools, ahead of black history month?

**Angus Robertson:** Answering Foysol Choudhury's question gives me an opportunity to pay tribute to Professor Sir Geoff Palmer, who I know was a close friend of his. Professor Palmer played an outstanding role in the recent history of Scotland coming to terms with its past.

It is really important that we learn the lessons of Scotland's history, that it is made relevant in our schools and that we embrace the challenge, as we have done in my tenure. For example, among other things, we have seen the return of a commemorative community pole to the Nisga'a people in British Columbia in western Canada. That very much fits in with my sense of embracing and understanding our past. I would be happy to write to Mr Choudhury with some more details.

Again, I take this opportunity to put on the record my appreciation to Professor Palmer, Mr Choudhury's friend, who, incidentally, also served on the steering group.

#### Creative Industries Leadership Group

**2. Daniel Johnson (Edinburgh Southern) (Lab):** To ask the Scottish Government whether it will provide an update on the work of the creative industries leadership group. (S6O-04931)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The creative industries leadership group works to articulate the needs and realise the potential of Scotland's creative industries, providing advice to ministers. I co-chaired a meeting of the group on 4 September 2025, the note of which will be published on the Scottish Government website in due course. It was an opportunity for shared intelligence gathering and understanding where the sector considers that it is underdeveloped and where there are opportunities for the Scottish Government to continue to support the growth of that key sector.

**Daniel Johnson:** Before I ask my supplementary question, I echo the cabinet secretary's welcome to the chair of the Commonwealth Parliamentary Association.

It is welcome that that meeting was convened on 4 September, but the cabinet secretary will know that the previous meeting was in March 2022. When I was doing my research for this question, the chair was still stated as Neil Gray. According to the Government's statistics, the number of creative industries enterprises is lower than it was 10 years ago. What is the Government doing to increase that number? Might it be an idea to schedule those meetings more frequently than once every three years?

**Angus Robertson:** I am very much in favour of meeting more regularly, and I made that clear to the creative sector. One area where the Government can be helpful is the ambition of internationalising Scotland's creative sector. At our meeting, we talked at some length about the network of Scottish Government offices internationally, the more than 30 locations where Scottish Development International is sited and the more than 1,400 global Scots around the world who can help to promote the creative sector and the rest of Scotland's economy. There is also the brand Scotland initiative, which I chair and which brings together Scotland's public sector organisations that promote sectors such as the creative industries.

I have committed to the creative sector that we will make sure that we use all those different routes to promote the sector internationally, as well as everything else that is being done domestically.

**Paul McLennan (East Lothian) (SNP):** It is vital that we continue working to support, grow and realise the potential of Scotland's creative industries sector, including through Scotland's reputation internationally. Can the cabinet secretary say any more about the work to ensure Scotland's leading cultural reputation and valuable contribution to our economy?

**Angus Robertson:** One area where I have high hopes is the potential for a Scottish cultural export office working together with the Scottish Government offices internationally, the SDI network and the global Scots right around the world. Scotland has a tremendous cultural offering, but one lesson of the Covid experience and Brexit is that there has been a significant challenge for younger performers who wish to tour more and have more international experience. We can do more in that area, which is why funding is being allocated to look into the opportunities for a cultural export office. I know that that has been warmly welcomed by the likes of the Scottish Music Industry Association and others as a significant intervention that will boost the Scottish cultural sector internationally.

#### **Cultural Venues (Freedom of Expression)**

**3. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it is taking to ensure freedom of expression is respected at cultural venues. (S6O-04932)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The Scottish Government is committed to ensuring that all communities in Scotland feel safe, valued and respected. Cultural venues are responsible for their own bookings and programming decisions, and neither the Scottish Government nor Creative Scotland has a role in that. We fully support individuals' right to freedom of expression, and we are clear that there is no place for any form of discrimination or prejudice in Scotland.

**Alexander Stewart:** Recent campaigns by external groups to censor events run by Scottish cultural organisations have made it difficult to secure corporate sponsorship. The National Museum of Scotland, for example, has suggested that on-going activism is threatening to cut corporate sponsorship and has created an ever more challenging environment in which to operate. Does the cabinet secretary agree that such attempts to censor different opinions are unacceptable? What guarantees will he give the sector to ensure that potential corporate sponsors will invest in Scottish culture in the future?

**Angus Robertson:** I very much welcome the question and the tone of it from Alexander Stewart. The issue is about corporate sponsorship, but it is also about philanthropy. There are a range of campaigning organisations on the concerns of the day, some of which are on particular subjects on which I would have sympathy with them. However, if, by intervening in the way that they do, they undermine the potential for corporate or philanthropic giving, that is a matter of concern. I have spoken about that with a

range of organisations to try to better understand what can be done to build resilience in the culture sector. I draw people's attention to an excellent article written by Ian Rankin on that subject.

The Government can do more, and there is a role for us all, across the political spectrum, to take the opportunity to acknowledge how important it is that corporate sponsorship is protected and kept in place, because its loss can have unintended consequences. To give one example, the loss of funding for the Edinburgh International Book Festival meant that children from deprived backgrounds might have been deprived of the opportunity to go to that fantastic, world-class festival if it was not for the Scottish Government, which plugged the gap after the funding was withdrawn.

### **Arts Organisation Funding (Freedom of Expression)**

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will provide further details of its position on making all future funding for arts organisations conditional on the applicant's commitment to protecting freedom of expression. (S6O-04935)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** As Mr Fraser knows, I have spoken out loudly in favour of freedom of speech. I thank him for the opportunity to do so again today.

He will also be well aware of my defence of the arm's-length relationship between ministers and individual funding decisions for culture and the arts, which really matters for anyone who appreciates the importance of artistic freedom. I acknowledge that such an approach will occasionally be tested, but I value principles and proportionality, given that everybody operates subject to the law.

**Murdo Fraser:** It is a bit of a cop-out to kick all of that over to Creative Scotland, given that the Scottish Government has just told Scottish Enterprise, which is another arm's-length organisation, that it needs to revisit its support for defence contractors because, for example, it might have products that end up with Israel's armed forces. If the Scottish Government can do that with one arm's-length body, why can it not do so with another?

Will the cabinet secretary therefore make it very clear to Creative Scotland that its grants should be conditional on its recipients upholding free speech so that we do not see any more nonsense such as his colleague the Deputy First Minister being potentially banned from an arts venue that receives taxpayers' funds?

**Angus Robertson:** I gently point out to Mr Fraser that there is a tension between standing up and avowing freedom of speech while, at the same time, asking Government ministers to micromanage culture. That is not the cabinet secretary for culture's job. However, I am not walking away from my responsibility to use my voice and say that we want to support a culture of free speech.

I know about the venue that Mr Fraser talked about, because it is in my constituency. I observe that Summerhall management has publicly asserted that Kate Forbes is free to attend the venue.

On the general issue, it is absolutely right that we stand up for freedom of speech, but we also want to protect the arm's-length nature of management in culture and the arts. It is not for Government ministers to get involved in micromanaging individual circumstances, but the general point holds true: freedom of speech matters.

### **Historic Environment Scotland**

**4. Roz McCall (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it is planning to make any changes to Historic Environment Scotland. (S6O-04933)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The appointment process for a new chair of Historic Environment Scotland has been under way since May and an appointment will be announced in due course.

As one of our public bodies, HES is expected to regularly review its policies and priorities to ensure it delivers maximum impact for public investment. As part of public service reform work, we have given greater flexibility to HES to allow increased investment into our most nationally significant historic places.

**Roz McCall:** It was recently revealed that Historic Environment Scotland directors were awarded pay increases of up to 18 per cent at the same time as the organisation faces a £3 million budget shortfall and has admitted to looking for further savings. Does the cabinet secretary believe that those increases are acceptable? Does he agree that taxpayers' money would be better used preserving Scotland's historic sites rather than lining senior staff's pockets?

**Angus Robertson:** I reiterate the point that I made a moment ago, which is very significant. Changes are taking place in the management of Historic Environment Scotland, and I am happy to update Roz McCall and colleagues in due course.

As she will appreciate, I cannot currently comment on the matters that she raised, but I want to give her confidence that I am seized of the matters at Historic Environment Scotland. It is really important that HES's excellent work across Scotland can continue with a new chair, and I look forward to being able to confirm progress on that shortly.

**Bill Kidd (Glasgow Anniesland) (SNP):** Thanks to the changes to the framework, Historic Environment Scotland is now able to invest every penny from its commercial income into protecting our historic environment for future generations. How will that work enable Historic Environment Scotland to improve visitor experiences and preserve our heritage?

**Angus Robertson:** Building on the greater financial freedoms that are provided in the revised framework agreement, Historic Environment Scotland's corporate plan for 2025 to 2028 will result in the organisation contributing to the achievement of key national outcomes and delivering for Scotland. By 2028, Historic Environment Scotland aims to have increased direct expenditure on its assets by 15 per cent; increased the number of people whom it has trained by 10 per cent; increased its contribution to Scotland's gross domestic product by 10 per cent, from £1 billion to £1.1 billion; invested at least £40 million in local communities; and increased the additional funding that it generates from non-Government sources by at least 20 per cent, from £73.5 million to £87 million.

**Neil Bibby (West Scotland) (Lab):** I join the cabinet secretary and other members in welcoming to the gallery the chair of the Commonwealth Parliamentary Association.

Given that, as I understand it, Scottish ministers instructed officials to attend Historic Environment Scotland board meetings back in May due to governance concerns, what assurances can the cabinet secretary give the public and members that HES will properly and robustly investigate claims that a HES director hosted an exclusive private dinner at Edinburgh castle in August?

**Angus Robertson:** Neil Bibby knows that I am seized of the importance of the matter, because I have spoken to him and other members of the Constitution, Europe, External Affairs and Culture Committee about it. I wish to give him confidence that changes are taking place in Historic Environment Scotland, and I will be happy to update him on them in due course.

A new chair of HES will be announced, but I cannot say more than that at the moment, because a number of administrative hoops need to be gone through. I have a very high level of confidence in the incoming chair's ability to deal

with any issues that need to be considered and to take any follow-up interventions that are needed. I encourage the new chair and anybody else who takes a role in Historic Environment Scotland to understand that the organisation has delivered significantly, as I outlined to Mr Kidd. I look forward to being able to make an announcement shortly, and I hope that the news will give Mr Bibby the confidence that it has already given me.

#### **Arts and Culture Sector Workforce (Gender Equality)**

**5. Evelyn Tweed (Stirling) (SNP):** To ask the Scottish Government what discussions the culture secretary has had with ministerial colleagues regarding action to support gender equality in the arts and culture sector's workforce. (S6O-04934)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** We recognise that women remain underrepresented in the creative industries and are disproportionately in lower-level positions. The sector is known for unpredictable freelance work, which makes it difficult for women with caring responsibilities, health conditions or disabilities. Although employment law remains reserved to the United Kingdom Parliament, the Scottish Government is committed to its fair work first policy, including taking action to tackle the gender pay gap across all sectors. Most recently, in June 2025, we set out actions towards gender equality across all portfolios in the Scottish Government's annual statement on gender policy coherence.

**Evelyn Tweed:** The equal media and culture centre for Scotland highlights that women make up the majority of lower-paid and part-time roles in creative industries, whereas it is more likely that higher-paid decision-making and leadership roles are filled by men. What steps is the Scottish Government taking to tackle that occupational segregation?

**Angus Robertson:** That is an important follow-up question. I wish to give Evelyn Tweed confidence that the Government, together with the sector, is considering all those challenges. We want people of all backgrounds—especially the majority of people in Scotland, who are women—to have a fair crack of the whip in filling leadership positions in the culture and arts sector. I can point to a great many women who run some of our most important cultural institutions, and I wish there to be many more.

**Pam Gosal (West Scotland) (Con):** I declare my interest as one of the proud authors of "The Women Who Wouldn't Wheesht".

The Government likes to bang on about its commitment to gender equality. However, the book "The Women Who Wouldn't Wheesht", which

included essays from diverse women, including myself, was temporarily removed from the National Library of Scotland during the busiest time of the fringe because of staff pressure. I am looking for a yes or no answer. Does the cabinet secretary agree that banning books by feminist authors sends the wrong message to women who wish to work in the arts and culture sector?

**Angus Robertson:** I have been asked a follow-up question about the approach of the Scottish Government to tackling occupational segregation and I am—

**The Deputy Presiding Officer:** Cabinet secretary, could you resume your seat for a second? I did note your look towards me during the supplementary question. The question in the *Business Bulletin* is:

“To ask the Scottish Government what discussions the culture secretary has had with ministerial colleagues regarding action to support gender equality in the arts and culture sector's workforce.”

With that in mind, perhaps the cabinet secretary could find a way to respond to the member's question.

**Angus Robertson:** I answered that in reply to Evelyn Tweed's question. I would be happy to write to the member about the issue that she raises, but I echo the points that I made to her front-bench spokesman on the issue. It is—*[Interruption.]*

**The Deputy Presiding Officer:** Ms Gosal, please allow the cabinet secretary to respond.

**Angus Robertson:** It is not the place of a Scottish Government cabinet secretary to micromanage the culture sector, which is why we have arm's-length relations with our funding and cultural organisations. The member's point is on the record, as is my commitment to freedom of speech.

### Cumbernauld Theatre

**7. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government when the culture secretary last met with Creative Scotland to discuss the future of Cumbernauld theatre, in light of reported concerns about its funding. (S6O-04936)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** I meet the chair and chief executive of Creative Scotland quarterly. We have discussed in depth the successful delivery of the multiyear funding programme, including how Creative Scotland is supporting organisations such as Cumbernauld theatre. I also met the chair of Cumbernauld theatre on 26 March, when we discussed the steps that it is taking following its

unsuccessful application for multiyear funding. The chair of Cumbernauld theatre wrote to me on 10 September, highlighting its current challenges, and I have now replied, offering to meet to discuss the situation.

**Mark Griffin:** Given the importance of Cumbernauld theatre as the cultural heart of Cumbernauld for more than 60 years, and the excellent work that is being done by the new leadership team, what firm action, beyond those meetings, is the Scottish Government taking to ensure that the theatre is able to continue to serve the people of Cumbernauld and wider Lanarkshire following Creative Scotland's decision to remove funding?

**Angus Robertson:** I am well aware of the issues relating to Cumbernauld theatre, given the meetings that I have had in the past, the impending meetings and the excellent representation that it has had from my Cumbernauld and Kilsyth Scottish National Party colleague Jamie Hepburn. I look forward to meeting Cumbernauld theatre shortly to better understand its funding concerns and plans to secure funding, given the decision by Creative Scotland on multiyear funding.

I am sure that Mr Griffin will be interested to know that the theatre has been the subject of conversation between me and the civil servants who are responsible in this policy area, and I will be taking it up directly with Cumbernauld theatre and Creative Scotland.

### Performing Arts Organisations

**8. Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government on what basis it will assess the contribution of Scotland's performing arts organisations in advance of the next budget. (S6O-04937)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The Scottish Government has a proud tradition of supporting our performing arts organisations. When we prepare for the next budget, we will assess their contribution through cultural, educational, economic and international lenses.

Our national performing companies, which are now in their 19th year of direct funding, deliver against clear objectives covering excellence, reach, leadership and collaboration. I recently met all five NPCs and was inspired by their work to ensure that Scotland is celebrated globally as a creative nation. That evidence will guide our investment decisions to sustain a vibrant and inclusive cultural sector.

**Michelle Thomson:** I completely agree that the calibre of our national performing companies is

excellent. However, I am aware that part of the remit of our Finance and Public Administration Committee is to assess fiscal sustainability, and that measure must surely be applied to our national performing arts organisations. I would even go as far as to consider the gross value added contribution of each of them, because I was struck by the positive evidence from Alistair Mackie of the Royal Scottish National Orchestra in last week's Constitution, Europe, External Affairs and Culture Committee. If the cabinet secretary agrees with that, would he see a role for the Finance and Public Administration Committee in focusing on fiscal sustainability?

**Angus Robertson:** I have found it very helpful—as have members from all parties, I am sure—to have an understanding of the GVA impact of certain parts of the cultural sector. A report was recently published in relation to the screen sector, which pointed out that the industry is heading towards being worth more than £1 billion by 2030, which is a remarkable success.

In assessing applications to its multiyear funding programme, Creative Scotland used six criteria for those organisations whose proposals involved international activity: quality and ambition; engagement; equalities, diversity and inclusion; environmental sustainability; fair work; and international. In addition, an assessment was made of the financial health of applicant organisations. Spending decisions are scrutinised by parliamentary committees, in line with their own processes and chosen areas of focus.

A number of cultural organisations are in the process of commissioning economic impact assessments and assessments of their GVA contribution to the Scottish economy. I encourage those who have not yet made a decision in that area to follow the advice of Michelle Thomson on this question.

**Stephen Kerr (Central Scotland) (Con):** Some of our national companies have been truly entrepreneurial. A good example is the RSNO, which has been producing soundtracks for major Hollywood productions. That is exactly the kind of financial responsibility that we would want to see right across the sector. What encouragement will the cabinet secretary give to other national companies to follow that example? Will he commit that those who show such enterprise, such as the RSNO, will not be penalised when it comes to the allocation of public money, which they still need in order to thrive?

**Angus Robertson:** First, I join Mr Kerr in praising the RSNO. He is absolutely right, and it is doing what it is doing in not only film soundtracks, but gaming soundtracks. It is a huge business. To know how many of those world-class productions it has made—be they for the screen or for

gamers—is very impressive. I would like to give Mr Kerr confidence that our national performing companies, which work really closely with one another, are very keen to emulate one another with the enterprise attitude that he encourages us to take.

He has also encouraged us to ensure that the money is in place. I am happy to say to him that I am very sympathetic to that. It is only a disappointment that Mr Kerr did not vote for that in the budget.

**The Deputy Presiding Officer:** That concludes portfolio questions on the constitution, external affairs, culture and parliamentary business.

## Justice and Home Affairs

### Gang-related Violence

**1. Annie Wells (Glasgow) (Con):** To ask the Scottish Government what measures it is taking to address gang-related violence. (S6O-04938)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Partners on the serious organised crime task force continue to use every means at their disposal to disrupt serious organised crime, including gang-related violence. In addition, the Scottish crime campus enhances collaboration between key partner organisations in disrupting serious organised crime and terrorism.

The public should be reassured that Police Scotland continues to work with partners to disrupt such criminal activity. These criminals show a complete disregard for the safety of the public, and it is incumbent on us all that they are stopped and held to account. I would encourage anyone with relevant information to report it to Police Scotland or, anonymously, through Crimestoppers.

**Annie Wells:** Given that, historically, Glasgow has experienced some of the highest levels of gang-related violence in Scotland, what additional targeted measures are being introduced in the city to address the issue and to support prevention and diversion programmes for young people at risk of gang involvement?

**Angela Constance:** The Scottish violence reduction unit is working with partners to deliver street guardians. That is similar to the street pastors model that is being used to deploy youth workers and volunteers during the early-evening economy hours in Glasgow city centre. Workers undertake a capable guardianship role, and they undertake early intervention with young people to prevent violence from happening. That work includes common ground, which is a collective of partners who have secured premises outside Central train station in Glasgow to utilise as a youth hub and to support the work of street

pastors through the provision of a safe space for young people and targeted engagement. That is underpinned by our broader programme of work. If the member wishes more detail on that, I would be delighted to write to her.

**Jackie Dunbar (Aberdeen Donside) (SNP):** The importance of reaching young folk who are at risk of joining gangs at an early age cannot be overestimated. What is the Scottish Government doing to support organisations that work to help and support those who are most at risk of becoming involved in crime?

**Angela Constance:** I reassure members that the Scottish Government continues to tackle youth violence in all its forms, including through education programmes, effective consequences for offences, appropriate police powers, and sustained school and community engagement with young people. That work is backed by an investment of more than £6 million to implement the violence prevention framework, which includes actions to address the carrying of weapons in and around schools. The big focus of the cashback for communities programme, which is receiving additional investment, is to bear down on preventative work.

### Police Stations

**2. Alexander Burnett (Aberdeenshire West) (Con):** To ask the Scottish Government what its response is to reports that 183 police stations need repairs, 177 contain asbestos and four contain reinforced autoclaved aerated concrete. (S6O-04939)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The management of the Police Scotland estate, including assessments of the condition of buildings and statutory and general health and safety at work requirements, is an operational matter for the chief constable, who is under the oversight of the Scottish Police Authority.

We support Police Scotland's commitment to providing a safe environment for officers, staff and the public. For 2025-26, we have increased capital funding to £70 million for investment in the estate, technology, fleet and body-worn video. That will support Police Scotland to commence delivery of its estates master plan, which will deliver a modern, fit-for-purpose estate that serves the needs of the workforce and our communities.

**Alexander Burnett:** I am afraid that the cabinet secretary will not get away with her Government putting officers and staff at risk. I have a response to a freedom of information request that shows that Police Scotland has spent more than £230,000 on managing—not even removing—asbestos in police stations over the past three

years. The north-east has the highest number of buildings with asbestos; 25 are riddled with it. Police officers are being forced to work in buildings that are not just substandard but dangerous, as if being a police officer in Scotland is not dangerous enough. Will the cabinet secretary commit to properly funding Police Scotland and ensure that its buildings are fit for purpose and that all asbestos is removed where it is safe to do so?

**Angela Constance:** It is all very well for the member to argue for additional funding for Police Scotland after the budget has passed. I do not recall him or any member of his party coming to the chamber to advocate for additional resources for Police Scotland or doing so during budget negotiations. In fact, I might have been the only MSP who actively advocated for additional resources for Police Scotland. [*Interruption.*]

**The Deputy Presiding Officer:** Members.

**Angela Constance:** I am pleased that, due to Scottish Government commitments, we have provided almost £90 million—[*Interruption.*]

**The Deputy Presiding Officer:** Cabinet secretary, please resume your seat.

I will not have barracking from members in sedentary positions. Please show courtesy and respect and listen to the cabinet secretary's response.

**Angela Constance:** Thank you very much, Presiding Officer.

It is a matter of public record that this Government will provide almost £90 million in additional funding compared with the previous financial year, and that we have increased capital funding to £70 million. I remind colleagues that, under the Control of Asbestos Regulations 2012, responsibility for the control and management of asbestos in Scottish police stations rests with Police Scotland as the duty holder. I discuss a range of matters with the chief constable and Police Scotland in relation to their requirements for capital funding.

**Katy Clark (West Scotland) (Lab):** Greenock police station has not been properly maintained for many years and is earmarked for closure. Police Scotland's estates master plan also noted that Greenock needs a new station. Will the cabinet secretary give an update on the progress on delivering a new station for Greenock and confirm that it will have a custody suite?

**Angela Constance:** It is important that Police Scotland carefully considers the location of custody suites. It is a matter to which it has given—and continues to give—serious consideration. As I said earlier, specific responsibilities around police stations rest at an

operational level with the chief constable and Police Scotland, but I would be happy, after consulting with Police Scotland, to provide an update to Ms Clark.

### **Women Prisoners (Preparation for Release)**

**3. Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what support is available to women preparing for release from prison. (S6O-04940)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The Scottish Government provides funding to local authorities and third sector organisations to support women to prepare for release. We provide more than £5 million a year to Upside, which is the national voluntary throughcare service, to support people who are completing short-term sentences and periods of remand. That one-to-one support includes help to address issues such as access to housing, healthcare and social security payments, as well as longer-term support to help people to rebuild their lives and reintegrate into their communities.

For women who are completing long-term sentences, we centrally fund local authorities to provide statutory support through justice social work.

**Bob Doris:** The opportunity to develop the skills that are needed for adjusting to life outside prison is hugely important in delivering better outcomes. The Lilius centre in my constituency works very hard to deliver that. Will the cabinet secretary join me in commending the efforts of the team at the Lilius centre? Does she agree that investing in rehabilitation is crucial in tackling women reoffending?

**Angela Constance:** Absolutely. The Lilius centre in Mr Doris's constituency and the Bella centre in Dundee represent a step change in the rehabilitation of women in custody. As members would expect, I have visited both centres, which help women to develop key life skills and a much greater degree of independence. I commend the work that the Scottish Prison Service and partners do to give women in custody the best possible chance of a successful return to the community.

I note that, in its report last year, His Majesty's Inspectorate of Prisons for Scotland commended the SPS's progress towards the vision for women in custody and identified a number of good practices, including work on developing women's entrepreneurial skills.

**Sharon Dowey (South Scotland) (Con):** The numbers speak for themselves: we are not doing enough. Reconviction rates for women who have been discharged from custody increased from 39 per cent for the 2020-21 cohort to 45 per cent for

the 2021-22 cohort, which is higher than the rate for men. In March, there was a documentary about HMP Stirling, in which a female inmate said:

"I don't want to be out, it's just safer in here."

How does the Government explain the huge increase in reconviction rates for women? What is it doing to ensure that women are safe when they leave prison?

**Angela Constance:** It is important to recognise that the proportion of females in custody is significantly smaller than the proportion of men in custody. Sharon Dowey is correct to point to the greater vulnerability and complexity of needs among many women in our care. That is why the investment that we have made in the new HMP Stirling, as well as in the Bella and Lilius centres, is so important.

The crux of the issue that Sharon Dowey's question pointed to is the fact that short-term custodial sentences are way less effective for rehabilitating both women and men. That is why we must all resolve to do more in relation to alternatives to remand and to custody. Community payback orders offer great flexibility, including the ability to provide tailor-made support for women and others.

### **Land Auctions (Misleading Advertising)**

**4. Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government, in light of reports of concerns being raised in communities across the Highlands and Islands in relation to land auctions involving potentially misleading advertising, what action it will take to ensure that people who believe they have been affected by such practices have recourse under Scots law, including access to legal representation and support. (S6O-04941)

**The Minister for Victims and Community Safety (Siobhian Brown):** Any prospective purchaser who intends to buy property at an auction house should ensure that they have all the necessary information. Buyers can request certain information from the selling agent or undertake their own searches.

Any concerns about auction houses not providing full disclosure of the state of land or property should be reported to the local trading standards office. Anyone who believes that they have been subjected to misleading advertising practices should contact Advice Direct Scotland to discuss their concerns. The Scottish Legal Aid Board provides information on the nearest solicitors who offer help through legal aid or other advice providers.

**Liam McArthur:** Over the past year, misleading ads for land sales in Orkney and across the

Highlands and Islands have caused concern, both for buyers and for the communities affected.

I welcome steps taken by operators such as Rightmove to review their listings and reinforce to sellers that any information that is advertised must be wholly accurate. However, as I have seen, unscrupulous sellers move on to find other avenues to exploit. Buyers must have confidence that their rights will be protected, and communities deserve better than the misleading marketing of land for housing and development.

Will the Scottish Government take steps to raise public awareness of such scams, and will the minister explore, perhaps with United Kingdom counterparts, ways to close existing loopholes and reinforce consumer protections?

**Siobhian Brown:** I note the concerns that Liam McArthur has raised, which I am happy to look into on his behalf. I also note that the member has previously asked whether it would be possible to lodge an amendment on that to the Land Reform (Scotland) Bill, and I understand that the cabinet secretary in charge of the bill would be happy to discuss that further with him in order to identify concerns and appropriate means of dealing with the issue.

#### Off-road Bikes, E-bikes and E-scooters

**5. Sue Webber (Lothian) (Con):** To ask the Scottish Government what actions it is taking to address the illegal use of off-road bikes, e-bikes and e-scooters. (S6O-04942)

**The Minister for Victims and Community Safety (Siobhian Brown):** The Scottish Government supports Police Scotland and its partners in dealing with the misuse of vehicles. In May, I, along with my colleague Minister Fairlie, met a number of MSPs to discuss their concerns. Action since has included the development of a campaign involving Crimestoppers and fearless, which got close to 7 million impressions.

Enforcement is a matter for Police Scotland, and local policing teams are best placed to identify misuse and to work to prevent future incidents. We have increased police funding to a record £1.62 billion this year to support the work that they do.

Additionally, I understand that Police Scotland is undertaking a range of initiatives, including working with delivery companies, which is an issue that the member raised with me previously.

We will continue to engage with the United Kingdom Government, which has reserved powers relating to off-road vehicles, including vehicle licensing.

**Sue Webber:** I acknowledge that I was at that meeting on 29 May.

Antisocial behaviour is up 5 per cent in the past year, and e-bikes and e-scooters are playing a huge role in encouraging it. Trail bikes and souped-up e-bikes and e-scooters are tearing around the streets, often in a very dangerous manner, and are repeatedly being used to facilitate home break-ins, shoplifting and car thefts. My constituents are fed up.

Meanwhile, the police are powerless. They do not give chase, and they lack the required resources to stop them. If the bikes are seized, they are more often than not handed back.

Minister, enough is enough. Do you not agree that it is time that we got tough on this sort of crime, and that we should provide the police with real resources to tackle it?

**The Deputy Presiding Officer:** Always speak through the chair.

**Siobhian Brown:** I am aware that the member feels passionately, and I am aware of the issues that are happening throughout Scotland.

I disagree that Police Scotland is not doing anything. As I said, underlying work has been going on for several months now, and I know that Police Scotland is keeping its approach to the illegal use of e-bikes and e-scooters under review. That complements wider efforts to engage with communities and partners to prevent and tackle the issue, which I know is being done through Glasgow division's collaboration with hospitals and food delivery companies.

I will keep members informed as further information becomes available, and I would also be happy to facilitate discussions with Police Scotland, where that would be helpful.

**Paul McLennan (East Lothian) (SNP):** Recognising that some powers, such as vehicle licensing, are reserved to the UK Government, will the minister provide an update on engagement with the UK Government on tackling antisocial behaviour, including in relation to vehicles?

**Siobhian Brown:** We continue to engage with the UK Government on reserved matters, including vehicle use and licensing. Although the UK Government has so far not responded positively to our proposal to extend the safety benefits of vehicle licensing to off-road vehicles, there are some encouraging developments. For example, the Product Regulation and Metrology Act 2025 will provide powers to take action against online marketplaces selling illegally modified vehicles.

We remain committed to working constructively with the UK Government, recognising that this is a shared challenge, and we continue to support enforcement of all existing regulations through our record levels of funding to the police.

### Short Prison Sentences (Rehabilitation)

**6. Paul Sweeney (Glasgow) (Lab):** To ask the Scottish Government what work is being undertaken to improve the rehabilitation of people who are subject to short prison sentences. (S6O-04943)

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** As I said earlier to Bob Doris, the Upside service is aimed at supporting all individuals who leave custody after a short prison sentence or period of remand. Upside is made of eight experienced third sector organisations. On release, all individuals who leave prison are eligible for support to help them to resettle into the community and to ensure that the basic needs of those who leave custody are met. That is absolutely critical for a safe transition back into the community.

We are also taking forward work to improve the support that is available to people who leave prison, including the development of national standards for throughcare introduced in the Bail and Release from Custody (Scotland) Act 2023.

**Paul Sweeney:** I visited Barlinnie prison last month. The staff there were clear that short prison sentences do not have the benefits in rehabilitation that they would like, and there needs to be improvement in that area. One case was cited of a young man who had been released after a short sentence and was back in prison because he did not know how to pay rent to his landlord; he was so humiliated by that that he ran away and ended up back on drugs and in a fight. Clearly, that case was a failure; it resulted in a bad outcome for that person and for society. Will the minister undertake to review the efficacy of short-term sentencing so that, in each case in which it does not work, we can address why it has not worked and deal with that?

**Angela Constance:** We await the independent deliberations of the sentencing and penal policy commission.

As Paul Sweeney has articulated, there is a raft of evidence—both at the individual level and in empirical evidence—that speaks to the inefficiency of short-term sentences. We understand that such sentences are sometimes times necessary, case by case, but they are far less effective in setting folk on the right path when compared with an alternative to custody. Our focus therefore has to be on building up alternatives to custody. Community sentencing is on the increase.

On the issue that the member raised about an individual, I highlight that the support that is provided by Upside begins in custody up to 12 weeks prior to release, where possible, and it is underpinned by more than £5 million of funding

per annum, which is an increase of nearly £2 million.

**Liam Kerr (North East Scotland) (Con):** In summer last year and earlier this year, in an attempt to ease overcrowding and without consideration of their individual rehabilitation journeys, the Government released 789 prisoners early from their short sentences. One in 10 of the prisoners in the first tranche was behind bars again within weeks. That begs the question: what analysis of each prisoner's stage of rehabilitation did the Government do before those releases, to ensure that the rehabilitation was not being terminated early?

**Angela Constance:** Liam Kerr is referring to early emergency release. That demonstrated a return-to-custody rate of 12 to 13 per cent, which is way lower than the general reconviction rate for those who are released from short-term custodial sentences. It is imperative to address issues with short-term sentences in the longer run.

On the specifics of that scheme, extensive planning and preparation for its implementation involved third sector and statutory organisations. Good planning for any release, whether in an emergency or otherwise, is the backbone of reducing the return rate. Preparation is needed for release, whether that is under standard or different arrangements.

I also highlight the governor's veto and statutory exclusions from that scheme.

### Firefighters (Role Expansion)

**7. Maggie Chapman (North East Scotland) (Green):** To ask the Scottish Government whether it will provide an update on any discussions it has had with the Scottish Fire and Rescue Service about role expansion for firefighters. (S6O-04944)

**The Minister for Victims and Community Safety (Siobhian Brown):** Modernisation of the Scottish Fire and Rescue Service, including broadening the role of firefighters, remains an ambition for this Government. I recognise that there is potential for firefighters to do more to protect communities through a broadened role, and I am aware of the outline agreement between the SFRS and the Fire Brigades Union, which is dependent on additional funding. Although the proposal so far has been unaffordable, I regularly meet the SFRS chair and chief officer, and we will continue to work closely with them in considering future budgets in the context of delivering public sector reform.

**Maggie Chapman:** Two years ago, the Fire Brigades Union published “Firestorm: a report into the future of the Scottish Fire and Rescue Service”, which said clearly of role expansion that firefighters are willing to take on additional

responsibilities such as emergency medical response and terrorist activity response. That could be transformational for our emergency services, saving money and time elsewhere and benefiting other public services, but it must be supported with proper training and sustained investment. There are already pressures on existing training provision, and there are significant concerns about job security, staffing levels, capacity and response times. How can firefighters and the communities that they keep safe have confidence that the necessary funding, training and equipment will be provided for existing services and any future role expansion?

**Siobhian Brown:** As I said in my opening comments, it is an ambition for the Government to broaden the role of firefighters. The Scottish Government is currently conducting a spending review, which will set indicative budgets for the next three years for resource and four years for capital. In the context of the spending review, I know that the Cabinet Secretary for Justice and Home Affairs met the SFRS chair and chief officer, and the emergency medical response element of the broad role was discussed.

Since 2017-18, there have been substantial year-on-year increases in funding to support the SFRS, and the current annual budget is more than £97 million higher than the equivalent budget in 2017-18.

**Jackie Baillie (Dumbarton) (Lab):** The downgrading of 24/7 cover at Helensburgh fire station to an on-call evening and weekend system relies on the recruitment of retained firefighters. Does the minister understand that there are not enough retained firefighters to cover the existing shifts at fire stations in Helensburgh and Lomond? Does she therefore believe that the new proposals to rely on that model represent an increased risk to my local community?

**Siobhian Brown:** First, I need to say to Jackie Baillie that, as I said the last time we discussed the issue in the chamber, no decisions on the consultation have been made yet. The consultation for the service delivery review closed on 16 September.

The emergencies that the SFRS responds to have changed significantly over the years—for example, the number of dwelling fires has reduced by more than 20 per cent since 2013. I have a commitment from the SFRS that an independent review will go over the consultation before any decision is made, and when any decision is made it will be rolled out over a period of five years.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I and thousands of local residents responded to the consultation on the future of Hawick fire station to express our

concerns that the proposals would undoubtedly put people at risk. As Jackie Baillie says, the presentations are due to be put in front of the SFRS board for a final decision in mid-December. Will the minister confirm that any decision regarding the future of Hawick fire station will not go against the clear wishes of the community?

**Siobhian Brown:** As I said, no decisions have been made regarding that. There were 23 options in the consultation. I will not comment on individual points of that consultation, but I appreciate and trust that the SFRS will follow the correct procedure in the consultation.

**The Deputy Presiding Officer:** I will squeeze in question 8 if I get brief questions and answers to match.

#### **Antisocial Behaviour (Mid Scotland and Fife)**

**8. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it is working with authorities in Mid Scotland and Fife to address antisocial behaviour. (S6O-04945)

**The Minister for Victims and Community Safety (Siobhian Brown):** I recognise the impact that antisocial behaviour can have on local communities in all areas of Scotland. That is why we have increased police funding to a record £1.62 billion this year, and it is why funding to local government has increased in real terms by 5.5 per cent. Local authorities and Police Scotland have a range of options and powers available to prevent and tackle antisocial behaviour, taking local needs into account.

Moreover, since 2008, our cashback for communities programme has provided £154 million to support young people who are most at risk of being involved in violence, antisocial behaviour and crime. The most recent cashback bidding round has just closed.

**Claire Baker:** Fife Council had to shell out on a repair bill of close to £900,000 for 2,856 incidents of vandalism to public buildings and parks between 2022 and 2024. Last year, a new play park that was opened in Levenmouth had to close less than six months later because it was vandalised, with a repair bill to the council of thousands of pounds. What is the Scottish Government doing not only to better support local authorities and the police, to ensure that they have adequate resources to meet the bills resulting from the incidents, but to actively reduce the number of such incidents?

**Siobhian Brown:** I recognise the impact that such behaviour has on communities and local authorities. We will continue to support local authorities and the police to work in multi-agency partnerships and with communities and businesses to prevent and tackle antisocial

behaviour. It is a complex issue that is brought up time and again, but the Scottish Government is committed to tackling antisocial behaviour.

**Willie Rennie (North East Fife) (LD):** I want the minister to know that, even in relatively peaceful North East Fife, antisocial behaviour affects almost every community. I want the minister to take that back to her budget discussions about resources for councils, housing associations and the police, because people are at their wits' end with some of the behaviour.

**Siobhian Brown:** I will take those comments on board during my discussions. However, I am also aware of some very good practice in Mid Scotland and Fife, such as increased patrols in Stirling city centre and good practice in responding to antisocial behaviour involving retailers in Stirling, which was highlighted by the independent working group on antisocial behaviour. I have visited that social enterprise in Stirling and it does incredible work. We can take guidance from there on how we tackle antisocial behaviour.

**The Deputy Presiding Officer:** That concludes portfolio questions on Justice and Home Affairs. There will be a short pause to allow ministers to change seats.

## Alexander Dennis Ltd

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement on Alexander Dennis Ltd. The Deputy First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:57

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** I am absolutely delighted to be back in the chamber to update members on the landmark announcement that Alexander Dennis delivered to its workforce in Larbert on Monday.

The First Minister was delighted to join Alexander Dennis's workforce and trade union representatives as they received the welcome news that the threat of redundancy had been lifted and that the company has decided to continue bus manufacturing in Scotland.

The First Minister was pleased to announce £4 million of Scottish Government funding towards a furlough scheme for Alexander Dennis's manufacturing staff. It is the first time that any Scottish Government has supported a company-administered furlough scheme. It is an innovative and exceptional intervention to support hundreds of jobs in Alexander Dennis, and it will act as a bridge to a sustainable future for the company in Scotland as orders pick up again.

The outcome has been hard won, requiring the trust, dedication and goodwill of a range of partners, including the management of Alexander Dennis, the workers, trade unions and our enterprise agencies. Together, through close collaboration, we have come a long way during a short period of time.

When I made my previous statement to the Parliament on Alexander Dennis, in June, the future was unquestionably uncertain, which was having an impact on the workforces in Larbert and Falkirk and on the wider community.

At that point, the company had just made public a new strategy for its United Kingdom manufacturing operations that was designed to consolidate all bus manufacturing into a single site at Scarborough in Yorkshire. If enacted, production at Falkirk would have been discontinued and the site closed, while production at Larbert would have been suspended on the completion of current contracts. Around the same time, the company commenced a statutory workforce consultation that placed up to 400 roles at risk of redundancy.

Without a substantive and agile response, Scotland would have faced the prospect of losing our bus manufacturing capacity for good. That would have ended more than a century of automotive excellence in central Scotland and dealt a hammer blow to the affected workers, their families and the surrounding communities.

However, the economic consequences would not have stopped there, as members reminded me during the statement that I made in June. Alexander Dennis estimates that, for every direct job in bus manufacturing, there is a multiplier of three to four jobs in the wider supply chain and support services.

The Government's commitment was to leave no stone unturned to find practical solutions. We said that we would not posture or play politics with the situation and that we would explore every avenue to avoid redundancies, and we have done just that. Since June, ministers across the Government have engaged extensively with Alexander Dennis and its Canadian parent company, NFI Group, to understand the core issues and explore all possible avenues of support.

We heard about the challenges that are posed by increasing international competition and the need for a clear UK bus demand pipeline. We gained an appreciation of the huge scale of future demand for zero-emission buses from public transport operators across the UK, as they increasingly make the switch from diesel-powered to electric vehicles. Last year, in 2024, only 7.4 per cent of all buses in England were zero-emission buses. In Scotland, the adoption of zero-emission buses has been much faster, but, still, a great many of the buses on our roads today will have to be replaced over the next decade to meet our climate goals. A just transition to net zero requires that we retain the industrial capacity and skills that are needed to fulfil that demand and to build those zero-emission buses right here in Scotland.

Despite the present temporary lull in activity, Alexander Dennis is increasingly confident about its order book, but it needs a bridge to the future, and the Scottish Government has offered that with the furlough support that we have made available. The furlough scheme, which will operate for up to 26 weeks, is intended to be the bridge to a sustainable future for Alexander Dennis. If all the conditions of the furlough grant are met, including initial evidence of contracted orders, Alexander Dennis will be entitled to recover from the Scottish Government up to 80 per cent of the basic wage costs of its manufacturing staff in Scotland.

The terms of our scheme have parallels with those of the UK Government's coronavirus job retention scheme, with a maximum claim of £2,500 per employee per month, which is equivalent to a gross annual salary of £30,000.

The company will be responsible for the payment of wages above the £2,500-per-month threshold and for all employers' national insurance and pension contributions. It is important that the Scottish Government support scheme extends only to those employees of Alexander Dennis whose roles are linked directly to bus manufacturing.

The furlough support scheme is time limited to a maximum period of 26 weeks, and the total cost will not exceed £4.1 million. If Alexander Dennis chooses to take employees off furlough for periods of training or to conduct work, or during pre-arranged factory shutdowns such as the festive holidays, all costs for those periods will be borne by the company. Our furlough grant is a time-limited and proportionate intervention that protects our industrial talent base while limiting the burden on taxpayers.

Furlough is not a stand-alone intervention. During the period of furlough, training and other productivity-enhancing assistance will continue to be offered by Scottish Enterprise. Scottish Enterprise has a strong 10-year-plus strategic partnership with the business, and its research and development and operational support will help the company to meet market challenges through investment and support the sites to exit furlough with improved performance.

I have addressed the contributions of Alexander Dennis, the Government and Scottish Enterprise. I now want to acknowledge the workforce and the vital role that its trade union representatives in Unite the Union and GMB have played in the announcements that we and the company have been able to make this week. The past few months have been extremely worrying times for all who work proudly for Alexander Dennis, their families and the local communities of Larbert and Falkirk. In spite of those challenges, the workforce has demonstrated enormous resilience and collaborated with the company on an agreement that modernises operational working practices. That the shop floor approved those changes through an overwhelmingly positive ballot last week is testament to the workforce's commitment to the future of Alexander Dennis. I have engaged with Unite and GMB representatives regularly over the past few months—they might be sick of the sight of my face—and I did so again yesterday. Throughout it all, I have been impressed by their determination to support their members, their desire to find solutions and their openness to change.

In conclusion, I hope that the announcements that have been made this week will bring comfort to the workers at Alexander Dennis and that they can look forward with confidence again. It is essential that we protect the skilled manufacturing

capacity that we need to build our transition to a green industrial economy. With our innovative furlough support, the Government has again demonstrated a willingness to step in to support Scottish workers and to get behind Scottish manufacturing.

There is a lot more to do. I imagine that, with the Parliament's permission, this might not be my final comment in the chamber on the matter. There are still some challenges ahead. However, I have been assured that Alexander Dennis is working hard to secure orders in national and international markets and that its confidence in the order book is increasing. As a result of collaboration between the company, the workforce and the Government, a bridge to a sustainable future for Alexander Dennis is now in place.

**The Deputy Presiding Officer:** The Deputy First Minister will take questions on the issues that she raised in her statement. I intend to allow around 20 minutes for those, after which we will 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.

**Stephen Kerr (Central Scotland) (Con):** I thank the Deputy First Minister for advance sight of her statement. I welcome the Scottish Government's £4 million support package, which will provide some short-term relief for the workforce at Alexander Dennis in Larbert and Falkirk. That is a positive step, but it does not address the fundamental issue: it is not simply about bridging a few months, but about supporting the long-term sustainable future of bus manufacturing in Scotland. Alexander Dennis has been crystal clear with all of us, and with the UK and Scottish Governments, that it does not seek favours—only the chance to compete fairly.

At present, procurement rules tilt the field against domestic producers, while heavily subsidised imports, particularly from China, undercut Scottish manufacturers and win contracts that should sustain our industry and jobs. That cannot continue. If we are serious about jobs, skills and industrial resilience, procurement reform must be a priority. Will the Deputy First Minister commit to working with the UK Government and pressing it for a joint approach to reform that ensures that the problem does not persist in future? The future viability of companies such as Alexander Dennis depends on it. Will she publish clear proposals with timelines and firm commitments to deliver the level playing field that all manufacturers will need if they are to compete and win the orders that will secure their future?

**Kate Forbes:** I thank the member for the tone and the substance of his question. He is absolutely right that the furlough scheme is merely a means to an end—that end being the orders and

the order book. We have set out that the furlough scheme can be drawn down on only when there is evidence that Alexander Dennis has received orders. I will not be able to go into any detail on the order book here, because that information is commercially sensitive. That is why I said that I would be happy to come back to the chamber at a later date to talk about it further.

Alexander Dennis is increasingly confident about the short-term opportunities for orders. The member is right to say that, beyond those, we need a long-term pipeline of orders. First, we anticipate, through the UK Government in particular, that there will be evidence of mayoral authorities, local government and the UK Government procuring more buses over the medium to long term. That would have been too long a period for Alexander Dennis to wait, which is why the Scottish Government has stepped in to provide support in the short term.

The member also asked about regulatory changes. In its first press release, Alexander Dennis referenced that and what it perceived to be an unfair position. The short answer is yes, because we have not yet seen any progress on the regulatory changes that Alexander Dennis wants to be made. We are continuing to engage with the UK Government on those points.

The issue is, in part, to do with subsidy control legislation. There are a lot of technical details behind that, and I would be more than happy to pick up with the member, or any other member, on the detail of what needs to be changed. However, it is within the UK Government's gift to make those regulatory changes.

**Daniel Johnson (Edinburgh Southern) (Lab):** I thank the Deputy First Minister for an advance copy of her statement. These have been incredibly difficult times for the workforce of Alexander Dennis, so this is undoubtedly a welcome intervention that provides breathing space for the firm to repair its order book. Surely that must be the focus now. That is why Scottish Labour has been reaching out to colleagues, especially mayors, to see what can be done to win orders. What efforts is the Scottish Government making to secure orders, and what is the Deputy First Minister's expectation in that regard?

The issue raises questions about industrial strategy. The Scottish Government's efforts are welcome, but surely things should have been put in place up front. Despite £30 million-worth of funding over 10 years from Scottish Enterprise and £40 million from the previous round of the Scottish zero-emissions bus challenge—ScotZEB—fund, only 44 bus orders were obtained by Alexander Dennis.

If ScotZEB 2 is being reopened, what lessons have been learned? What will be put right through future Scottish Government funding rounds so that further orders for Alexander Dennis can be won?

**Kate Forbes:** I say up front—this will be a common refrain in response to every answer that I give this afternoon—that I will not go into detail about orders because of commercial sensitivity.

The member asked about efforts to secure orders, and I will not go into detail on those. He also asked about our engagement with the UK Government. There was a lot of noise when the announcement was first made in June, and the UK Government promised to work on a pipeline of orders. We await details of that pipeline, which we had been assured would come in the autumn. We were always aware that that period covers the medium to long term, which is definitely important, but that would be too late for Alexander Dennis.

I am more than happy to continue to engage with the member on the question of orders, but, in the short term, a bridge is required, and that is what we have secured.

**The Deputy Presiding Officer:** A lot of members wish to ask questions, so I make the usual plea for brevity when asking those questions and, as far as possible, when giving responses to them.

**Michael Matheson (Falkirk West) (SNP):** I offer my thanks to the Deputy First Minister for her considerable level of engagement on the issue with the trade union, the company and me directly over the summer.

On Monday, the company was clear that, in order for it to create a sustainable pathway, procurement reform is necessary. When I met the trade unions—Unite the Union and the GMB—at the factory on Monday, they were very clear on the need for the Subsidy Control Act 2022 to be reformed in order to create that pathway for procurement reform.

That legislation was introduced by the previous Conservative Government and is now in the hands of the Labour Government in Westminster. What commitment has the UK Government given to the Scottish Government that it will address the issues of concern in relation to the 2022 act, to ensure that we do not again find ourselves in this situation with Alexander Dennis?

**Kate Forbes:** I thank Michael Matheson immensely for his staunch representation of his local constituents and for the constructive way in which he has engaged on the issue.

The member asks about the route to reform. I remain of the view that we need regulatory reform alongside a medium to long-term pipeline of bus orders.

We continue to engage with the UK Government on subsidy control legislation. Section 17 of the Subsidy Control Act 2022 prohibits the giving of subsidies that are contingent on using

“domestic over imported goods or services”,

which are often referred to as local content subsidies. That prohibition is founded in long-standing World Trade Organization law and also implements our commitments in the European Union-United Kingdom trade and co-operation agreement. Michael Matheson will understand that the Scottish Government must operate within certain limits, and that we need the UK Government to make any changes that are required. The same would go for procurement law as well.

**The Deputy Presiding Officer:** I see that 11 members want to come in, but we have just under 12 minutes left.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Given that Alexander Dennis has invested in the site in Scarborough to consolidate manufacturing there, in order to improve efficiency, what can the Scottish Government do to improve the long-term viability of the Scottish sites? Although the prospect of new contracts is extremely welcome, it is not a full solution if the parent company, NFI Group, believes that those contracts could be delivered more efficiently and effectively in Scarborough.

**Kate Forbes:** Scottish Enterprise is actively working with the company on the long-term viability of the sites. That will be part of the overall package of support, to ensure that there is investment so that the company can deliver on any orders that are forthcoming.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** We met Alexander Dennis's senior management team at our Economy and Fair Work Committee not so long ago, and I was hugely impressed with their commitment to find a solution to save the business and jobs in Scotland. Does the Deputy First Minister share that view, and is she confident that, going forward, Alexander Dennis is in safe hands with good management and fantastic staff?

**Kate Forbes:** I have been hugely inspired by the management team's level of commitment and the workforce representation. Having worked on a number of cases in which redundancies are being threatened or there is the prospect of closure, I know that much of it hangs on whether a company and its management and unions are willing to co-operate collaboratively. In this case, it has been very impressive to see them do that.

**Richard Leonard (Central Scotland) (Lab):** I remind members of my entry in the register of interests.

Will the Government give environmental performance, social value and Scottish economic impact much greater weighting in the evaluation criteria in future rounds of its Scottish zero-emissions bus challenge fund?

**Kate Forbes:** As the member will know, particularly from my earlier quite long answer, we operate within the legislation and regulation that we are required to operate within. Any of the changes that the company itself has said that it wants would have to be done through the UK Government. When all this news broke, I received so much advice about what changes we could make. For example, one recommendation from Labour was to use the Crown Commercial Services contract, because that had worked in Manchester. However, that still would not allow us to identify a particular company or location. We have to operate within the law. If the member wants the law to be changed, he will have an ally here on delivering those reforms.

**Kevin Stewart (Aberdeen Central) (SNP):** The wellbeing of Scottish manufacturing and Scotland's industrial economy is a key priority, which is why the Scottish National Party Government has fought tirelessly against the closure of Grangemouth oil refinery and worked to secure the jobs at Alexander Dennis. Can the cabinet secretary speak to existing UK Government policies and the negative impact that they have on local job retention in Falkirk and Larbert and on job creation across Scotland?

**Kate Forbes:** We want a strong manufacturing sector to drive Scotland's economic growth, and we want to maximise the opportunity for Scotland's industrial sectors. I talked about the number of buses that might be in the pipeline as we make the just transition, particularly from diesel to net zero. It is about protecting the talent right now. At the end of the day, there is a lot more work UK-wide than there is purely in Scotland, for the sole reason that we have already made a lot of the interventions and investment. It is about ensuring that there is a fair share of work right across the UK.

**Mark Ruskell (Mid Scotland and Fife) (Green):** It is really welcome that jobs have been saved through the introduction of the furlough scheme for 26 weeks, but what assurances can the cabinet secretary give that Scottish Enterprise, which has worked with Alexander Dennis for the past 10 years, will ensure that the company has a viable future in Scotland after 26 weeks? What will Scottish Enterprise do differently compared with its work over the past 10 years? What will it do more of to ensure that there is a viable future?

**Kate Forbes:** I do not think that the company has at any point complained about the support that it has already received from Scottish Enterprise, because that support has helped it to make improvements and drive productivity growth. The challenge that the company referenced was about securing an order book. Of course, it can draw down the furlough scheme only if there is evidence of an order book. We need to keep working intensively to ensure that we do not end up back here in a few years' time, for the reasons that others have set out. Ultimately, there needs to be a secure long-term order book for the company to give its workforce the confidence that it needs.

**Willie Rennie (North East Fife) (LD):** The scheme is good news, but does the Deputy First Minister agree with Michael Matheson that it is essential to reform the Subsidy Control Act 2022 to secure the long-term future of Alexander Dennis?

**Kate Forbes:** Willie Rennie will have heard in my answer to Michael Matheson that reform was one of the company's asks. I have set out in some technical detail where we stand on that.

The other issue is procurement law. Although it is a devolved matter, it is still subject to UK-wide and international obligations, which are reserved. In order to amend procurement law to enable preferential treatment, for example for domestic manufacturers, the UK is required to make changes to its international trade obligations. Scotland cannot legislate in isolation in favour of domestic bidders at the expense of bidders from other countries with which a relevant international trade agreement applies. We need to be conscious of that and make representations to the UK Government if we think that changes need to be made.

**Jackie Dunbar (Aberdeen Donside) (SNP):** I very much welcome the announcement that 400 jobs have been secured as a result of the Scottish Government's intervention and furlough support. Can the Deputy First Minister say any more about how the funding will be deployed to secure a future for the Alexander Dennis workforce?

**Kate Forbes:** Some of the details about the furlough support are commercially sensitive, but the intention is for funding to be made available to Alexander Dennis once a certain threshold of new orders has been evidenced. Once met, the furlough grant entitles Alexander Dennis to recover 80 per cent of the basic wage costs of its manufacturing staff, which gives the company the much-needed flexibility that it needs to place employees on furlough in the period when materials for new orders are being sourced and ensures, crucially, that the facility will be operationally ready to commence work at the end of the 26-week period.

**Meghan Gallacher (Central Scotland) (Con):**

The Deputy First Minister mentioned in her statement that the furlough support scheme is time limited to a maximum period of 26 weeks. What will happen at 27 weeks, should the strategy not work?

As members have mentioned, decisive procurement reform is needed. Does the Deputy First Minister accept that, if procurement reform does not give domestic manufacturers a fair chance to win contracts, it will result in the offshoring of vital jobs and skills? What contingency plans are the Scottish Government considering, should the strategy not work, to ensure that we do not lose vital skills and jobs?

**Kate Forbes:** I am determined that it will work. In response to the substance of Meghan Gallacher's question, I think that there are some important elements to consider.

First, the furlough funding will be made available only once there is evidence of new orders. As I said to Jackie Dunbar, that gives the company the time to source materials. Essentially, that is the timescale that the company has identified as required for it to prepare for the work to arrive.

Secondly, that order book needs to be constantly updated and refreshed. In other words, we do not want to end up in the same place again, which is why there needs to be intensive work to ensure that there is a longer pipeline of work in the medium to long term.

Thirdly, on the procurement changes and the Subsidy Control Act 2022, I have gone through the technical details, but there is an appetite from our side of the chamber to work collaboratively to see whether changes can be delivered by the UK Government.

**Paul Sweeney (Glasgow) (Lab):** I commend my colleagues Ian Murray, the former Secretary of State for Scotland, and Euan Stainbank, the member of Parliament for Falkirk, for their efforts to save bus manufacturing, particularly by extending the new UK Procurement Act 2023 social value provisions to Scotland. Ultimately, Scottish bus manufacturing must have the most advanced vehicle production facility in the world if it is to be competitive, and the Government can offer direct subsidy to manufacturers such as Alexander Dennis to achieve that—notwithstanding the Subsidy Control Act 2022. Will the Government co-operate with the UK Government on benchmarking the site at Camelon, which is antiquated, ensure that it is upgraded and ensure that bus manufacturing facilities in Scotland are competitive?

**Kate Forbes:** In short, we will work with anybody to deliver improvements and changes. I have to say that there were a lot of helpful

interventions at the very beginning of the process. I, too, commend Ian Murray for taking a number of my last-minute calls as I tried to make progress.

Sadly, though, over the past few months, there has not been the progress that we would have liked to see. We have been promised information about a pipeline of orders in, we hope, the autumn. We will be into autumn fairly soon, but we have not yet seen that pipeline. By that point, it would have been too late, because the consultation period, which had already been extended a few times, ended on Monday. The furlough scheme is being funded entirely by the Scottish Government; the UK Government has not provided funding. However, we really need its help with the longer-term pipeline.

**Graham Simpson (Central Scotland) (Reform):** The furlough scheme is very welcome, but it is contingent on the company providing evidence of orders. When does the Deputy First Minister need to see that evidence? How many orders are needed to meet the requirements of the scheme?

**The Deputy Presiding Officer:** Please be as brief as possible, Deputy First Minister.

**Kate Forbes:** I will be brief, because I am afraid that any information about orders is commercially sensitive. I look forward to the point at which members can quiz me on any orders that are forthcoming but, at this point, I am afraid that I am unable to answer any questions on orders.

## **Victims, Witnesses, and Justice Reform (Scotland) Bill**

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-18883, in the name of Angela Constance, on the Victims, Witnesses, and Justice Reform (Scotland) Bill at stage 3.

15:26

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** The core of the Victims, Witnesses, and Justice Reform (Scotland) Bill is about supporting victims. I begin by recognising everyone who has been impacted by the matters that the bill seeks to address—victims, witnesses and survivors, their families, campaigners and support organisations. Many of them have shared their lived experience to shape the bill, and I know how painful that was. I am grateful for their courage.

Let me speak directly to those people, whether they are watching online or joining us in the gallery, as I know some are. You have campaigned for many years for many of the reforms in the bill, which the Parliament will vote on tonight. Although it will not lessen the pain that you have gone through, I hope that you will feel a sense of pride and achievement as a result of the changes that you have brought about.

I thank the committees that considered the bill, particularly the members—past and present—of the Criminal Justice Committee and its clerks, as well as the wide range of individuals and organisations that brought significant legal and academic expertise through their engagement with the committee and the Government.

I am grateful to all those who were involved in major pieces of work that informed the bill: the victims task force, Lady Dorrian's review, the large-scale jury research, the victim notification scheme review, the NHS Education for Scotland trauma workstream and the Emma Ritch law clinic.

I also thank my officials in my private office for their considerable support and patience throughout the bill's passage. It is fair to say that this journey has been a marathon, not a sprint.

The bill is large and ambitious, with the scope to make fundamental and meaningful changes to ensure that the justice system meets the needs of survivors of sexual offences, the majority of whom are women and girls. We want a justice system in which victims are treated with compassion and their voices are heard; in which processes are modern, fair and transparent; in which the rights of the accused continue to be protected; in which there is strong public confidence in justice

outcomes; and in which vulnerable parties and witnesses in civil cases are better protected. That is what the Parliament has the opportunity to support tonight.

The bill is a landmark bill of reforms, and I wanted to ensure that I worked collaboratively with members across the chamber to reach a consensus wherever possible. I want everyone to be in the position to back the bill today. It is time to come together.

I listened to concerns about the piloting of single-judge rape trials and took the decision not to pursue that. Instead, I lodged amendments that will enable further research on jury deliberations to help us to better understand the impact of rape myths on decision making. If the Parliament agrees to the bill, I will seek approval from the Lord President to commission that research as a priority.

Changes that were made to the bill also reflect the determination to work constructively with members of the Scottish Parliament. I have worked and engaged with all parties, as was seen during stage 2 and yesterday's stage 3. Many MSPs have changed the bill for the better, and I thank each and every one of them.

I know that cultural changes and new laws that the Parliament has introduced mean that women feel that they are more able to report sexual offences. However, it pains me that so many have to face the challenges that that brings. It is abhorrent that so many women and girls are victims of sexual crime and, although I believe that laws and culture can help to protect women, we need men to address their abusive behaviour and attitudes that underpin it. That is part of the work that we carry out in our equally safe strategy.

The reforms in the bill will implement a trauma-informed justice system and introduce lifelong anonymity and independent legal representation, which will afford greater protection to survivors of sexual offences. I cannot stress enough how essential the creation of a new national sexual offences court will be to improving the experience of survivors. Lady Dorrian, the Lord Advocate, senior members of the judiciary, the Scottish Courts and Tribunals Service, victims and support organisations have all been clear that that stand-alone specialist court can deliver further improvements in culture, process and practice that will benefit many. MSPs who support the bill today should be proud of the part that they have played in creating that court. We might wish that such a court was not needed, but it will benefit so many.

For victims generally, the victims and witnesses commissioner for Scotland will have a significant role to play in ensuring that the interests of victims are central to the operation of the justice system.

I am pleased that there has been cross-party support for the abolition of the not proven verdict, from the manifesto commitments of several parties to the support for the bill today that will bring about that change.

There is much to be proud of in our justice system and there have been many positive changes recently. The bill builds on that with reforms that can create the structural, procedural and cultural shifts that are required to make improvements for victims, witnesses and survivors. We have reached where we are today by listening to many voices in advance of and during the passage of the bill. The Parliament must also demonstrate that it is listening and that it is serious about putting victims and witnesses at the heart of our justice system.

I conclude by once again quoting Lady Dorrian, who explained why the reforms in the bill should be supported:

“if we do not seize the opportunity to create the culture change from the ground up ... there is every risk that, in 40 years, my successor and your successors will be in this room having the same conversation.”—[*Official Report, Criminal Justice Committee*, 10 January 2024; c 22-23.]

I move,

That the Parliament agrees that the Victims, Witnesses, and Justice Reform (Scotland) Bill be passed.

15:33

**Liam Kerr (North East Scotland) (Con):** The bill has had a tortuous passage. The cabinet secretary said that it has been a marathon, not a sprint, and that is certainly true. It was originally going to be called the “Criminal Justice Reform (Scotland) Bill”. It was introduced in April 2023, but it did not reach stage 1 until a year later. Since then, it has been through repeated rounds of evidence taking, fundamental amendments, extensive scrutiny at stages 2 and 3, and the introduction of novel and unscrutinised amendments at stage 3. The Government even amended its own draft only to realise its error and reverse course again. The bill’s name was changed to the Victims, Witnesses, and Justice Reform (Scotland) Bill.

On Sunday, the cabinet secretary said:

“This Bill should modernise our criminal justice system in the most radical ways ... putting victims right at the very heart of everything.”

She is absolutely right: it should—but it does not.

To be fair, there are some welcome measures. Thanks to Russell Findlay, victims will have greater access to notifications about the outcomes of plea deals, and Sharon Dowey and Pam Gosal have strengthened victims’ protections through non-harassment orders. The bill also includes

improved rights to information for victims of crime and better recognition of child victims and witnesses. Those are steps in the right direction.

However, the bill misses so many chances to do so much more. It could have launched an inquiry into grooming gangs in Scotland to uncover the scale of the problem and prevent further victims of this vile crime, but it does not. It could have extended the parole period from two years to three, giving victims both peace of mind and respite from the revolving door of parole hearings, but it does not. It could have introduced a genuine Suzanne’s law—no body, no release—but it does not.

Instead, the headline reforms are deeply flawed. The so-called specialist sexual offences court has been described as little more than a sign on a door. Simon Di Rollo KC has called it “window dressing”. It will use the same judges in the same buildings with the same overstretched staff, and it could potentially add to the existing backlog. Rape survivors have deep concerns about what their cases not being heard in the High Court will mean. Ellie Wilson told the Criminal Justice Committee:

“Rape is one of the most serious crimes in Scots law; such cases are only ever heard in the High Court. That solemnity is sacred, and it is important that we maintain it.”—[*Official Report, Criminal Justice Committee*, 17 January 2024; c 4.]

The sexual offences court will cost millions of pounds that could instead have been invested in trauma-informed practice in our existing courts and in tackling the backlog, which leaves rape victims waiting for up to three years for justice. The Law Society of Scotland—of which, I remind the Parliament, I am a member—warns that it will increase complexity, noting that “specialist divisions” could achieve the same thing. Children First has said that it could

“distract from efforts to make the clear practical changes that victims and witnesses consistently tell us would make things better”.

The bill also establishes a victims commissioner—an idea that England adopted more than 20 years ago. However, the commissioner will have no power to intervene in individual cases. They cannot investigate grooming gangs or address the crisis in legal aid or, indeed, the court backlog. That is why it is unsurprising that Scottish Women’s Aid has said:

“We maintain our opposition to the creation of this Commissioner”.

It will add a layer of bureaucracy, and the funds could be better utilised in improving services and advice to victims.

I come to the changes to the trial system. The cabinet secretary candidly admitted that the Government originally proposed juryless rape

trials, which was abandoned only after overwhelming expert opposition, threats of legal boycotts and warnings that it would lead to miscarriages of justice.

As the cabinet secretary noted, the Conservative manifesto committed to abolishing the not proven verdict. That could have been done simply and effectively. Instead, however, the Government has decided to go much further, with changes that strike at the heart of the Scottish criminal justice system. As well as changing the verdicts in the context of the Lord Advocate's corroboration changes to a system that has consistently featured since at least the 1600s, the Government has also changed the size of the jury majority, following a back-and-forth about its size.

If we are going to change a system that has worked for more than 200 years, we need a strong basis to found the change on, but the Government does not have that. Three of the four key features of our criminal trial system will be altered, largely without evidence, largely without precedent and against expert advice. We have all received the warnings that the rebuilt system could be counterproductive. It could reduce conviction rates and lead to more miscarriages of justice, and outcomes for victims could be even worse. The Law Society has been clear. It stated:

"We are concerned that the model proposed ... has never been proved effective in any other comparable jurisdiction ... The lack of evidence to support the proposals ... may lead to unintended consequences in the fairness of criminal trials."

The bill is called a victims and witnesses bill. It does some good things, but it fails to do what it could have done, and it will make changes that may well fail and could even be counterproductive. It is a victims bill in name only and it represents a massive missed opportunity to truly put victims at the heart of justice. The bill that we have in front of us is neither for victims nor for witnesses, and that is why the Conservatives will vote against it.

15:40

**Pauline McNeill (Glasgow) (Lab):** This is the most difficult bill that I have dealt with in my time on the Criminal Justice Committee. It deals, in its entirety, with wholesale reform of the criminal justice system, overturning years of established systems that fit together, so it is not simple to pick apart. In the early stages of the bill process, there was considerable focus on the systems—on abolishing the not proven verdict and on abolishing the jury system for some trials—rather than on victims. There is a lot to deal with in the bill, but we do not have the kind of consensus that we would want for changes to some of the big legal principles, such as to the size of the jury following the removal of the not proven verdict.

At stages 2 and 3, many big issues arrived that were not properly scrutinised, and I was not comfortable with that. Yesterday, I did my best to follow all the late amendments, but I have to be honest and say that I did not understand all that members were trying to achieve, because there was simply not enough time, and that is not satisfactory. The debates on jury size and the balance within the jury for convictions have not achieved the positive consensus that we would want for making such substantive changes. There is no way of knowing whether we have retained the same balance of interest on how the change will affect convictions—we will just have to wait and see.

A lot of what the bill is trying to achieve could be done without legislation. In fact, I would argue that culture change has already started. There is a strong consensus that the experience of victims of sexual assault has not been good enough, and, as the cabinet secretary said, change is imperative, because we need a fundamental change in society towards women and girls—two thirds of the crimes in the High Court are sexual offences. Leadership from the Government, the Lord Advocate, the judiciary, Victim Support Scotland and Rape Crisis Scotland has paved the way for some of the changes that are already happening, such as the tackling of jury myths, the taking of evidence by commissioner, the changes made to the law of corroboration and the extended use of the Moorov doctrine. Those things are already beginning to change the culture—for the better, I hope.

Trauma-informed practice should be standard practice and can be embedded in any court. Scottish Labour welcomes independent legal representation, but we would have liked to have gone further on that. We note changes to the victim notification scheme and communication with victims, which are good. The real test will be whether the bill results in the transformative change for victims that the Government promises. A lot of what we have heard so far is the Government asking us to trust that it has got it right, but we do not have any evidence that it has done so.

If victims are given more agency and engagement—with the Crown, for example—they are far more likely to feel that they have had a positive experience. I have argued that victims must have the right to meet their advocate in advance of a trial for them to be given the agency that they deserve.

One of the most traumatising things for victims is the delay in the system. That issue comes up all the time, and it is at the heart of the argument. We have not heard any promises of extra resources for the court system, but unless we fix the shortages of defence lawyers and ensure that

there are enough people to staff any new court or the existing court system, the bill will not adequately address the problems of delay.

The Scottish Government says that structural change is the answer, but, as I have said, I am concerned that the bill will not deliver on the promises that the Government has made. The sexual offences court is certainly the flagship measure in the bill. It will be a new court in so far as it will have natural jurisdiction over solemn cases. However, I agree with Liam Kerr that the new court simply involves a sign over the door. There will be a lot of organisational change, but it is not clear that it will result in any difference or reduction in the delay that victims experience, which is a very large claim to make. I genuinely worry that delay will not be reduced. I suggested an alternative way; I whole-heartedly believe that having a specialist division for victims of sexual assault in the High Court and the sheriff court would have been a better, more practical way of achieving the same thing.

I want to put on record that, fundamentally, I am not in favour of taking rape cases out of the High Court; I agree with Ellie Wilson on that. Members might disagree, but I believe that rape is one of the most heinous crimes—that is why it is a plea of the Crown. It is clear that we can embed the practices that we are talking about without legislation.

For those reasons, Scottish Labour will not be voting with the Government tonight; we will be voting against the bill.

15:45

**Maggie Chapman (North East Scotland) (Green):** I remind colleagues of my entry in the register of members' interests: I used to work for a rape crisis centre.

We are here today to debate legislation that has the potential to transform how Scotland's justice system treats those who have been harmed—in particular, survivors of rape, sexual assault and other serious offences. For too long, survivors have been asked to carry the heaviest burden: to repeat and relive their trauma in a system that was not designed with them in mind.

The Victims, Witnesses, and Justice Reform (Scotland) Bill gives us a chance to shift that balance, which is not simply a matter of making small adjustments. It involves moving from a system that is centred on procedure to one that is centred on people—on those who have been harmed, on those who are asked to give evidence and on those who need the system to work fairly for them.

The foundations of the bill are the recommendations of Lady Dorrian's review. That

work was clear in showing that sexual offences cases are failing survivors, failing to protect dignity and failing to deliver consistent justice. The provisions on specialist courts, on trauma-informed judicial duties and on measures to reduce delay and retraumatisation all stem from Lady Dorrian's recommendations. The Lord Advocate, too, has been clear that reform is necessary if prosecution is to be both effective and fair.

Third sector organisations have been vital in shaping the bill. Rape Crisis Scotland has reminded us that survivors experience the justice system not just as discrete hearings but as one long ordeal. Victim Support Scotland has said that the bill represents a landmark chance to embed trauma-informed practice and transparency. They and others have told us that the bill must shorten that ordeal, reduce retraumatisation and make support an active offer at every stage. I am very grateful for the contributions of all those organisations.

I welcome many of the bill's provisions, including the statutory duty to act in a trauma-informed way, the stronger protections for complainants' anonymity, the reforms to the victim notification scheme, the right to independent legal representation to oppose intrusive questioning on sexual history, the establishment of a sexual offences court and the abolition of the not proven verdict. Those are practical, evidence-based steps that reflect the principle that survivors must be treated with dignity.

However, let me be clear: the Scottish Greens believe that the bill should have gone further. Survivors need support from the moment that they report, not weeks later. That means providing properly resourced referral pathways, so that survivors know what support they can access, whether that is rape crisis or victim support services, legal advice or something else. It means embedding consistency across the country, so that a survivor in Shetland is offered the same level of support as someone in Glasgow. That support must be provided throughout the legal process and beyond. That is why I lodged amendments at stage 2 to extend the availability of advocacy, legal advice and legal representation.

We also need to be honest about resources. Legal reform without investment in specialist services risks leaving survivors with rights on paper but not in practice. A trauma-informed duty for judges must be matched by training, by court scheduling that avoids last-minute cancellations and by proper facilities in every sheriffdom.

We must remain ambitious. Lady Dorrian's work showed us that specialist sexual offences courts are possible and necessary, but we must also

ensure that they are resourced, staffed with trained judiciary and rolled out with urgency.

Reforming our justice system is not optional. Survivors have waited too long for change. The bill is a start, but we must not pretend that it is the end of the journey. The Scottish Greens support the bill, and we will continue to push for a justice system that is preventative, trauma informed and truly centred on those who have been harmed. Let us all commit today to legislation that makes a real difference. Let us choose compassion, dignity and justice for survivors.

15:49

**Jamie Greene (West Scotland) (LD):** I am often asked, when schools come to visit, “What is the best part of being an MSP? Is it helping constituents? Is it meeting inspiring people? Is it changing the law?” Today, I say that all three are true, because every one of the 160 amendments that we debated yesterday has real-world consequences: from the creation of a victims commissioner to the removal of the centuries-old not proven verdict and other sweeping changes to our justice system, the likes of which this Parliament has not seen since its very creation.

In the case of my amendments, there will be the introduction of Suzanne’s law, commanding the confidence of those to whom it matters most, and the introduction of Michelle’s law. There will be changes to parole decisions and the rules around those and changes giving victims a greater voice in court and more information, not less.

I joined the Criminal Justice Committee back in 2021, when I was then shadow justice secretary. Week in, week out, we took evidence from ministers, lawyers and academics, but what sticks in my mind the most about that period was the evidence sessions that we took in private—the horrific stories of abuse, assault, rape and murder.

I first consulted on my member’s bill back in 2021. With so many wrongs to right, I understood the gravity of the task in hand, the lack of victims’ voices and the endless traumatisation in the justice system. I was simply appalled at what I heard, to be honest. However, it is incredibly difficult to get a member’s bill through the Parliament, so it was perhaps serendipitous for me that the Scottish Government introduced its own criminal justice reform bill. The Government soon realised, however, that the word “victims” needed to be at the front of the name of the bill, as it had been in mine, so it changed the title. They say that imitation is the best form of flattery, but I do not really care, because what matters to me is getting those proposals into law, by whichever means possible.

Yesterday, we did just that. Now, victims in all solemn cases will be able to make an impact statement to court. They will have to be informed of a decision not to prosecute a case. They will have their safety and security put front and centre of parole decisions. They will have exclusion zones, if required or necessary. They will be given reasons for those decisions. They will be guided through their justice journey, and they will know that, if the killer of their loved one refuses to co-operate, that person will stay behind bars.

Every political party represented in the Parliament, to some degree or another, supported the changes and voted for them. They were constructive and respectful negotiations, because that is how you get things done from the Opposition benches in the Parliament. I am grateful to the members who backed my proposals, but I am more grateful to the people who let me sit in their living room, with a mug of tea in hand, while they recounted the absolute horror of the crimes that they or their loved ones had been victims of.

I say to those people in the public gallery, who live and breathe that trauma every day, that it is to them that we owe the most credit in getting to where we are today; it is their relentless campaigning to put victims first that has finally paid off. I made them a promise, face to face, that I would fight to change the law in their favour, and I sincerely hope that I have met their expectations.

I believe that there are members in the Parliament who would never vote for this bill, whatever its content, but I say to them that, if they vote against it, they are voting against their own manifesto commitments. If they vote against the bill, they are voting against every positive change that we made yesterday, and they are ignoring the pleas from those whose voices matter most—victims themselves.

Two members of those families sent me a quote that they want me to read out. It simply says this:

“We implore you to vote through this bill for this and all the positive changes that it can bring.”

I know that, when I next meet them, I will look them in the eye and say, “I did.” Members, please, if you do not listen to me, listen to them, to whom the bill passing matters most.

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

15:54

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** It is safe to say that the passage of the Victims, Witnesses, and Justice Reform (Scotland) Bill has been long, complex and challenging—and rightly so, given the

transformational ambition of the bill, which derives from the Lady Dorrian review, and which centres on delivering meaningful change for victims and witnesses in the justice system.

I, too, thank everyone who contributed to the shape of the bill as it stands before us today at stage 3. The extensive debates at all stages reflected the breadth of the bill and our collective desire to shift the dial on the common and, often, justified perception that the system fails to adequately support those whom it is meant to protect. I will quote the words of a survivor who gave powerful evidence to the Criminal Justice Committee at stage 1. She said:

“when we talk about what happened, each one of us mentions the exact date that our case went to trial. We remember the date that we were raped, but we also remember the date that we went to trial, because they are as traumatic as each other.”

Speaking as a member, rather than the convener, of the Criminal Justice Committee, and through the lens of a career in policing, I say that the bill presents a huge opportunity for us to create a contemporary and modern justice system that we can be proud of.

There is not enough time to comment on all the provisions in the bill, so I will reflect on a couple: the removal of the not proven verdict and the establishment of a specialist sexual offences court. First, I thank everyone, including campaigners and colleagues, for their efforts in making the case for free court transcripts. I hope that that proves to be a small but meaningful option for survivors as they move on from their experience of sexual crime.

There is no doubt that the not proven verdict has had its day and should be abolished. During scrutiny of the bill, some argued that the not proven verdict is a unique and historical feature of the Scottish legal system that should be retained. However, that is hardly a good reason for keeping it. Indeed, the Criminal Justice Committee heard compelling evidence about the devastating impact that that verdict—which cannot be defined—can have on victims. Even for the accused, it can be an unsatisfactory outcome and leave a lingering stigma.

The creation of a specialist sexual offences court is a key reform in the bill and is informed by survivors, their families and many others. It is supported by victims, stakeholders and leading members of the justice system. It provides a real opportunity to reform practice, process and culture by improving efficiency and effectiveness, reducing the number and frequency of unnecessary court adjournments and ensuring that cases reach trial more quickly. The status quo is simply not an option. I agree with the cabinet

secretary’s view that the idea of creating specialist divisions of the High Court and sheriff courts

“prioritises hierarchies, status and tradition over progressive and practical solutions that will improve the experiences of complainants in sexual offences cases.”—[*Official Report*, 16 September 2025; c 114.]

There is so much more to say, but I will conclude. Over decades, we have seen meaningful change in culture, legislation and attitudes, but we need to do so much more. I urge members to support the bill.

15:58

**Douglas Ross (Highlands and Islands) (Con):** I remind members of my entry in the register of members’ interests, which notes that my wife is a sergeant with Police Scotland.

The cabinet secretary knows that she has the numbers. She has worked hard with some parties to get the bill over the line. On Monday or Tuesday this week, we knew that the Greens would support it, before we discussed the 160 amendments that Jamie Greene referred to.

The bill will be passed but, having sat through yesterday’s stage 3 amendments and looked at the work of the Criminal Justice Committee, I cannot help but feel that it is a missed opportunity. There was an opportunity for the cabinet secretary to have not just a majority in favour but a unanimous decision of the Parliament to support a bill that really made a difference for victims and witnesses.

We all want an improvement for anyone who goes through the horrific and horrendous experience of being a victim of crime, and the bill concerns some of the most serious crimes that we could ever imagine. We all want to make it better for people to be involved in the justice system—to be a witness and give evidence. Some of the most harrowing cases that I have ever had to deal with as a constituency representative have involved those who went into the legal system as a victim or a witness and came out of it almost more traumatised by that experience than by the crime itself.

With the bill, there was an opportunity to make a difference that all of us could get behind and support. I gently say to Jamie Greene that he cannot shame Opposition members—I do not think that he was absolutely doing this—for opposing the bill when there are good elements in it. There are undoubtedly elements in the bill that I support. I know that there are families in the chamber who would like all MSPs to back it because of the individual elements that they have rightly and fiercely campaigned on for so long, but that does not mean that we can ignore the elements that I believe could have been improved

if the justice secretary had gone a bit further yesterday in the stage 3 amendments or at stage 2.

As Liam Kerr said, the Conservatives have made the bill better with the amendments from Russell Findlay, Sharon Dowey and Pam Gosal. However, I still cannot understand or get my head around the fact that the opportunity was not taken in the bill to launch a national inquiry into grooming gangs. We see that issue all over the news and all over the media. The Labour Government at Westminster originally tried to do the same thing and tried to refuse such an inquiry, but it eventually had to U-turn because of public pressure. I am pretty sure that in a number of weeks, months or perhaps years—sadly, if it gets to years, it will be far too late—an incumbent Scottish Government will have to do the same thing, so why not take the opportunity under the bill?

On amendment 112, which I spoke to yesterday, I understand that there are disagreements on sexual offences courts. Some members believe that that is the right approach, and some believe that it is the wrong approach. I have to say that the cabinet secretary's response to the alternative proposals that were put to her was dismissive. She believes that her option is the only option but, as Pauline McNeill said yesterday, that is not the case.

The proposal will cost a lot of money. That money could be better spent on changes in the current justice system. I understand that Lady Dorrian does not agree with specialised units or divisions in the High Court, but she also does not agree with the approach that the Government has taken forward on the sexual offences court. I believe that that is another missed opportunity.

I would genuinely have been pleased to be able to vote for the bill at decision time, but I cannot, and it is with a heavy heart that I cannot, because it could have been so much better and done so much more for victims and witnesses across Scotland. Sadly, I believe that it is a missed opportunity.

**The Deputy Presiding Officer:** I call Christine Grahame, who is the final speaker in the open debate.

16:02

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate all who are engaged in the bill, but I also consider that to allocate just over one hour to debate these radical changes to the delivery and pursuit of our criminal law is misplaced.

I shall make just a few remarks. Steps to better steer witnesses through the court process with compassion must be welcomed. I am not convinced of the need for specialist sexual offences courts. I pose this question. An individual is indicted for robbery, assault with a threat to life and sexual assault, and there are three different victims—in which court should that case be held?

The changes in the majority required and in the size of juries seem to me untried. The removal of the not proven verdict may make convictions more difficult, whether before a sheriff sitting alone or before a jury. The test that is applicable across summary and solemn proceedings is still that the Crown has to prove its case beyond reasonable doubt. The onus is on the Crown. Not proven meant that there was still a reasonable doubt, but that now transfers seamlessly to not guilty considerations. Some campaigning organisations may believe that that, together with the change to jury size, makes convictions more likely, and I understand why, but in my view, it will not, and at best it may be neutral.

As the not proven verdict is consigned to history, I have marked down my reservations, and I sincerely hope that my concerns about unintended consequences do not come to pass. Despite those concerns and reservations, I will support the bill at decision time, but I will watch how it works in practice.

**The Deputy Presiding Officer:** We move to closing speeches.

16:04

**Maggie Chapman:** Presiding Officer,

"We are treated like outsiders throughout the whole process."

"I was told by a police detective that I wasn't raped—it was consensual."

"When you are on the witness stand you should not be made to feel embarrassed, humiliated or undermined by someone."

"In our court system you are totally humiliated. It was the most degrading experience I have been through."

"You are made to feel as if you are a bit of evidence that just gets put on a shelf and is brought out when you are needed and you are just disregarded afterwards."

As we close the debate, I return to the people who are at the heart of it—those who have survived sexual violence, those who have stood as witnesses in court and those who have too often been revictimised by the very system that is meant to protect them. Their words should be in our minds this afternoon.

Throughout the bill process, we have heard the evidence from Lady Dorrian's review, from the Lord Advocate and from those who are on the

front line of support, including Rape Crisis Scotland, Victim Support Scotland, Scottish Women's Aid and many others. Their message has been consistent—our current system is not working well. Survivors face long delays, hostile environments and retraumatising procedures. Change is not only desirable; it is imperative.

The bill is a step towards that change. The statutory duty of trauma-informed practice, new protections for complainants, reforms to victim notification and the introduction of independent legal representation are important and welcome. Survivors have called for those measures, which can rebuild confidence in the justice system. However, we must also be honest about where we are falling short, as others have said.

The Greens have been clear that we need stronger guarantees of early and consistent support for survivors, and not just the possibility of referral but the expectation of it. We need all survivors to have access to legal advice and representation for as long as they need it. We need our criminal and civil justice systems to be better connected, to talk to each other and to ensure that women and children are not used as pawns in someone else's game. We need the reforms that we will deliver on paper today to translate into meaningful change in people's lives. Survivors deserve more than symbolic progress.

We must also guard against complacency. Passing the bill is not the end of the journey. Trauma-informed practice is not achieved by statute alone; it must be embedded in training, in scheduling and in the culture of our courts. The Lord Advocate and the Crown Office and Procurator Fiscal Service must play their part by ensuring that decisions are explained clearly and respectfully and that the pursuit of justice does not add to survivors' pain.

**Christine Grahame:** Thank you for taking an intervention; I know that your time is constricted. Is there a place in our education system—in schools—for education on the general legal process and juries, including what a jury is and is not?

**The Deputy Presiding Officer:** Always speak through the chair.

**Maggie Chapman:** Absolutely—education for all of us about the legal system and our criminal justice system is imperative.

After we pass the bill today, our third sector partners will continue to hold us to account—and rightly so. Rape Crisis Scotland and Victim Support Scotland have stressed that survivors do not see the system as being in separate parts, but as one long process. We owe it to them and to the people they support to keep going until our justice system is worthy of the name.

For the Scottish Greens, this is about principle. Justice is not only about verdicts; it is about reducing harm, restoring dignity and preventing further violence. That is why we support the bill, and it is why we will continue to press for more restorative approaches where appropriate, for prevention and for survivor-centred practice in every corner of the system.

Let us pass the bill today, not as the end point but as the beginning of a transformation in how Scotland delivers justice. Survivors deserve nothing less.

16:08

**Katy Clark (West Scotland) (Lab):** I am pleased to close the debate on behalf of Scottish Labour.

We remain concerned that the bill might have unintended consequences and disappoint victims. We are also concerned about the significant amendments—for example, on victim notification and the rape shield—that were lodged by the Scottish Government at stage 3 but not considered by the committee. We are not opposed in principle to those proposals, but they are major changes that require consultation and scrutiny. Much of what we proposed and argued for at stage 2 on victim notification—such as a single point of contact—was agreed to and accepted by the Government, whereas the amendments that the Government lodged at stage 3 extend to many areas that were not scrutinised by the committee.

We welcome the fact that the Scottish Government did not proceed with the most polarising part of the original bill: non-jury rape trials. These were controversial, and we do not believe that they were the top demand of victims. Indeed, many of the rape survivors whom we spoke to said that the jury was not an issue for them. It is unclear how the changes to jury size and jury majority and the abolition of the not proven verdict will impact conviction rates.

One of the most significant complaints from complainants is about the delay that they experience in the system. We are concerned that an unintended consequence of the bill could be further delays, given the massive reorganisation that will be required to create new courts. Even if extra resource were put into the new courts, the result would be less resource for the High Court and the sheriff courts, which may continue to deal with many rape and sexual offence cases. We would have been more supportive if the proposals had been more radical, with new buildings and infrastructure, so that a very different environment was created. However, the reality is that the new courts will use the same buildings and rooms, and

complainers are likely to be walking into a similar set-up but with new signage.

We support radical cultural change and embedding trauma-informed practice throughout the system for victims and witnesses. We believe that the experience of other countries is that one of the most effective ways of delivering justice for victims is by empowering them within the system. Yesterday, I spoke about some of the international examples in which victims have been given stronger voices and more access to information.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The member's party and the Conservative Party are not voting for the bill. Do you not think that, by not voting for it, you are letting down victims and witnesses? Despite all the good things that are in the bill, you are not prepared to vote for it.

**The Deputy Presiding Officer:** Always speak through the chair.

**Katy Clark:** The whole of my speech addresses the point that Rona Mackay is making.

There are many proposals in the bill that we agree with. Indeed, many of them do not actually require legislation. For example, with regard to part 1, we strongly support the proposals for trauma-informed practice, but that should be happening already, and the Government needs to be driving that policy. We strongly support that approach, but we do not need the bill for that. What we need today is not warm words but the kind of real action that will improve the experiences of victims and witnesses in the system. Our view is that giving them access to information and to independent legal advice and representation and enabling their voices to be heard in the system are probably the most powerful steps that could be taken.

We welcome the very narrow provisions on independent legal representation in relation to access to medical records, but we believe that far more needs to be done. The bill was far too large. The committee attempted to give equal scrutiny to the different parts of the bill, but, inevitably, much of the scrutiny focused on proposals that have now been removed from the bill, and too many parts of the bill received little or no scrutiny or were added late. Therefore, unfortunately, on this occasion, we are unable to support the Government.

16:13

**Sharon Dowey (South Scotland) (Con):** I acknowledge that the bill contains some improvements, and I welcome the fact that the Government backed my amendments to toughen up non-harassment orders and allow for a review

to notify victims when fiscal fines are issued. However, taken as a whole, the bill fails to deliver the meaningful changes to the criminal justice system that victims in Scotland are crying out for. As Katy Clark said, the bill is far too big. It should have been broken up long ago, but, instead, it has been made even bigger, with significant changes introduced by the Government at the very last minute and without proper scrutiny, as Liam Kerr and Pauline McNeill made clear last night.

Let me turn to what the bill will do. It will create a victims commissioner, which, on paper, sounds wonderful. If we had limitless resources, that would be one thing, but we do not. The truth is that the commissioner lacks teeth and has no ability to intervene in individual cases, which will provide false hope to victims that it could directly help them while taking away resources that could be invested instead in victim support services, as Scottish Women's Aid warned us. During stage 3 proceedings, I tried to strengthen the role by giving the victims commissioner the power to obtain information from local authorities and social housing providers, but my amendment was voted down.

The Parliament set up a cross-party committee to look into the role of commissioners, which concluded, a few months ago, that creating new bodies to address public service failures or perceived public service failures is not necessarily effective nor sustainable. Meanwhile, Children First has said that a commissioner should not be brought in as a substitute for concrete actions to improve the experiences of victims and witnesses, and I agree. Victims are being failed, but all that we are doing is creating yet another commissioner of debatable effectiveness and saying, "Job well done," without having changed much.

I admit that the Government has done a great job on the branding of the bill, because creating a new sexual offences court sounds brilliant. However, as Douglas Ross said during the stage 3 proceedings yesterday, when we scratch the surface we realise that it is little more than an expensive sign on a door—in the same court buildings with the same judges and the same staff. I welcome the requirement for training in trauma-informed practice. However, as Pauline McNeill outlined, instead of setting up a new court and the huge expense that will come with that, we could create a specialist division in the existing courts, focusing our resources where we know that they are badly needed. The Faculty of Advocates and the Law Society of Scotland both said that that would be more effective, while Children First said that it feared that creating a new court would distract from making the changes that victims and witnesses argue would make things better. Simon Di Rollo KC even called it "window dressing".

Once again, we are patting ourselves on the back without having addressed the real issues.

As Liam Kerr said, the issue of jury majorities was decided without any hard evidence, despite the liberty of our constituents literally being on the line, with the changes based largely on mock jury research that experts such as Lord Renucci KC warned do not in any way mirror what really happens in the courts. I tried to stop that by lodging an amendment that would have put us in line with the tried and tested system in England and Wales and in other jurisdictions, but it was defeated in favour of a step into the unknown.

It is hard not to conclude that the bill does anything other than waste millions of pounds on cosmetic solutions that will make little difference to victims while ignoring the real issues. Victims deserve real change, but the bill does not deliver that.

What is most disappointing is what could have been. We urged the Government to accept our amendments, which would have made fundamental changes and delivered a victims bill worthy of the name. Russell Findlay tried to deliver a real Suzanne's law—meaning that if there is no body, there is no parole—and commonsense reforms so that victims would not be left in the dark regarding plea deals. Liam Kerr tried to deliver a Scottish grooming gangs inquiry. I tried to ensure that victims would be notified about decisions not to prosecute. However, all those amendments were voted down. As a result, this is a victims bill in name only, and it is with a very heavy heart that I will vote against it at decision time.

16:18

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I do not want to pollute the debate with partisan comments because, at the end of the day, victims will judge for themselves whether they see through any contortions or manufactured grievances. As parliamentarians, we have had our debates and our disputes during stages 1, 2 and 3 and I believe that the bill is all the better for it. We have had debates on amendments that we have all either won or lost at some point during the legislative process.

Today's debate is not about repeating, reheating or rehashing those old debates. Today is about putting our past battles behind us, because, ultimately, it is not about us. Today is about the people who are gathered in the gallery behind us and about the many victims, survivors and victim support organisations the length and breadth of the country.

Once again, I thank everyone for their thoughtful consideration of and engagement on the Victims, Witnesses, and Justice Reform (Scotland) Bill and for their remarks this afternoon. For the record, the bill was introduced with its current title.

I say to Jamie Greene that, I, too, made a promise: the day that I introduced the bill, I promised that I would see it through and do everything that I could with it.

I believe that the Parliament can be proud of the significant reforms that the bill will introduce, which will support victims and witnesses in our justice system. I remind Parliament of those reforms. The bill will introduce a new champion for victims by establishing a victims and witnesses commissioner who will have oversight of a victims charter. The commissioner will have powers to require criminal justice bodies to respond, and if they do not, the commissioner will have a route to the Court of Session. The commissioner will have the purpose and power to hold bodies to account in the implementation of trauma-informed approaches that will avoid the retraumatisation of victims, and to support victims and witnesses to give their best evidence, because that, surely, is in the interests of fairness.

**Liam Kerr:** Will the cabinet secretary take an intervention?

**Angela Constance:** Not just now.

The bill will introduce radical improvements to how sexual offences are dealt with through the creation of a new sexual offences court, which will, in its establishment, compel change. I just could not accept an alternative that only gave the power to courts and did not see that through by compelling them to change.

There is, of course, the abolition of the not proven verdict. There has been a long debate on that. That change, which is long overdue, will happen now. Some of the evidence to support the abolition of the not proven verdict goes back decades and, indeed, even to Michael McMahon's Criminal Verdicts (Scotland) Bill. That bill was, of course, unsuccessful at the time, but it speaks to the value of member's bills, irrespective of whether they complete their journey.

There is also reform of the victim notification scheme to ensure that victims can be supported, informed and, ultimately, empowered. Rape is the most serious offence, not because it is prosecuted in the High Court but because it is the most degrading crime that a woman can experience.

Other improvements include changes to the parole process, including requiring the Parole Board for Scotland to take into account whether a prisoner has information about the disposal of a victim's remains but has not disclosed it.

Through the legislation, we will embed trauma-informed approaches with a statutory duty on criminal justice bodies, and protect the privacy of victims through lifelong anonymity for sexual offence victims. There will be new independent legal representation for victims where the court has been asked to look into a victim's character and sexual history, and we will strengthen protections for victims through reforms to non-harassment orders and other protective orders.

That is the transformation that parliamentarians have the power to agree to by supporting the bill today.

Yes, it is a big bill, but, as someone once said to me, "You do as much as you can for as long as you can." I know that we are all attached to our tradition and history, not least that of our unique legal system in Scotland, which of course we are all proud of and which we will do everything that we can to safeguard. However, as Lady Elish Angiolini said, our justice system

"doesn't stand still due to tradition. The great thing about Scottish justice is that it does look at itself and it does move and it does develop."

Our justice system needs reform so that those who become part of it, whether as victims or witnesses of crime, feel safe and informed and are treated with understanding. The bill is needed to ensure that the structural, procedural and cultural change that will put victims and witnesses at the heart of a much more modern and fair justice system is created.

Even at this late stage, I appeal to—I urge—all parliamentarians not to let victims, their families and their support organisations down today. They want to know that we have heard them and that we are giving them our full support. We need to let those whom we seek to serve know that their pain has not been in vain and that we are with them in their creation of a legacy that comes from their loss. I appeal that we come together and back the bill.

**The Presiding Officer (Alison Johnstone):** That concludes the debate on the Victims, Witnesses, and Justice Reform (Scotland) Bill at stage 3.

## Business Motion

17:25

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-18921, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 September 2025

2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Stage 3 Proceedings: Housing (Scotland) Bill

<i>followed by</i>	Committee Announcements
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<i>followed by</i>	Business Motions
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<i>followed by</i>	Parliamentary Bureau Motions
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10.00 pm	Decision Time
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Wednesday 24 September 2025

2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Deputy First Minister Responsibilities, Economy and Gaelic; Finance and Local Government

<i>followed by</i>	Stage 3 Proceedings: Housing (Scotland) Bill
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<i>followed by</i>	Scottish Government Debate: Improving Literacy in Scotland's Schools
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<i>followed by</i>	Business Motions
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<i>followed by</i>	Parliamentary Bureau Motions
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<i>followed by</i>	Approval of SSIs (if required)
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5.00 pm	Decision Time
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<i>followed by</i>	Members' Business
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Thursday 25 September 2025

11.40 am	Parliamentary Bureau Motions
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11.40 am	General Questions
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12.00 pm	First Minister's Questions
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<i>followed by</i>	Members' Business
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2.00 pm	Parliamentary Bureau Motions
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2.00 pm	Portfolio Questions: Climate Action and Energy, and Transport
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<i>followed by</i>	Ministerial Statement: One Scotland, Many Voices: A Shared Future
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<i>followed by</i>	Stage 1 Debate: Tertiary Education and Training (Funding and Governance)
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(Scotland) Bill

*followed by* Financial Resolution: Tertiary Education and Training (Funding and Governance) (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Tuesday 30 September 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 1 October 2025

2.00 pm Parliamentary Bureau Motions

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

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.10 pm Decision Time

*followed by* Members' Business

Thursday 2 October 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 and Housing

*followed by* Stage 1 Debate: Dog Theft (Scotland) Bill

*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 22 September 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*]

16:25

**Liz Smith (Mid Scotland and Fife) (Con):** Just for parliamentary transparency, I wonder whether I could have confirmation on the record that, in line with the letter that I received from the Minister for Children, Young People and The Promise on 4 September, there will be a ministerial statement next week on the Schools (Residential Outdoor Education) (Scotland) Bill, even if the Minister for Parliamentary Business cannot confirm the time for that. I put on the record that I am grateful to the Minister for Children, Young People and The Promise for arranging to meet me tomorrow afternoon.

16:26

**Douglas Ross (Highlands and Islands) (Con):** I agree with everything that Liz Smith has just said, but I want to move the subject on slightly.

As you will know, Presiding Officer, I have tried numerous times this week to get a statement on Minister Jim Fairlie's seagull summit, which is happening next Tuesday. You have competing demands to deal with, Presiding Officer, and you have your own reasons for not selecting questions, and I respect that. However, through parliamentary procedures, I now have an opportunity to speak for up to five minutes on the issue.

The reason why I want to raise it is that what the minister is doing next Tuesday is a sham and a farce. He came to the chamber months ago and said:

"I will have a summit later this year to discuss with members and the people who are raising those issues".—[*Official Report*, 28 May 2025; c 9.]

The summit that he plans to go ahead with next Tuesday is excluding members, because politicians are not invited; it is excluding the public, because it is not open to the public; and it is also excluding the press. A cast-iron commitment that was given, in the Parliament, to have a meaningful summit is now turning into a Scottish National Party talking shop, and the participants will be talking to themselves. Jim Fairlie will be sitting in Great Glen house, which is the headquarters of NatureScot, listening to his officials, listening to himself and listening to quango bosses, and not listening to the public.

**The Minister for Parliamentary Business (Jamie Hepburn):** Will the member give way?

**Douglas Ross:** I will give way in a moment. I am glad that the minister is interested in this, because the Government has not been, so far.

The summit will not involve listening to the public, who have repeatedly been raising concerns about the issue.

The point about the location is important, because Fergus Ewing wrote to the minister and asked for the summit to be held in a neutral venue. He suggested Eden Court, but NatureScot said that it must be held at Great Glen house so that there would be a broadband connection to live stream the summit to a wider audience. This week, NatureScot has said that it now refuses to live stream the summit, so the whole reason for having it at its headquarters has now been thrown out.

On that point, I will give way to the minister.

**Jamie Hepburn:** I just wonder at what stage Mr Ross might speak to the business motion that is before us.

As an aside, I say that I have not had any request sent to me for a statement on the matter. As a matter of public record, it is important to make that point.

**Douglas Ross:** In the next three minutes, I will get there, because we have up to five minutes. The reason why there has not been a statement request is that I was looking at other opportunities. I put in a topical question request, and I put in an urgent question request yesterday, and one today. Those were not selected, so I am now using the opportunity that is afforded to every MSP to speak for up to five minutes on a topic of their choice that they would like to see in the business motion.

**The Presiding Officer:** Just for clarity for all members, this is an opportunity to speak to items that members wish to see in a future business programme.

**Douglas Ross:** That is exactly what I want. It is important to set this out as an issue because, at the moment, the Scottish National Party minister will be going ahead with something that does not meet any of the conditions that he set.

The summit will not be independently chaired; it will be chaired by the minister for a short period, then he will be jumping into his ministerial car and heading down the road again. It will not be held at a neutral venue; it will be held at the headquarters of NatureScot, which has been the biggest blocker throughout the whole process, and it will not be made open to the public. Nairn and Inverness's business improvement districts were involved in trying to set the summit up, and they are now considering whether they should even go to it.

In the business motion, I want to see the Scottish Government postpone the Tuesday summit, make a statement to the Parliament next week on its postponement, and set out what it will do to make the summit truly open and reflective. It must allow members of the public to give their views directly to the minister, so that he does not sit behind a closed door in NatureScot's

headquarters and listen only to people with whom he agrees or who agree with him, but that he instead listens to the public.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** In Eyemouth, we have the same issue with seagulls attacking constituents. I asked Jim Fairlie directly what would happen when it came to the representation of Eyemouth constituents at the seagull summit, and he replied that he would share the recommendations from that summit. Therefore, I back my colleague's recommendation for a statement in the Parliament—by 100 per cent—because this Government is not listening to our constituents about the threat of seagulls in our constituencies.

**The Presiding Officer:** Please conclude, Mr Ross.

**Douglas Ross:** The Scottish Government is not listening to anyone who disagrees with it. We have been told that a pest controller will be at Tuesday's summit to give an update. It is the same pest controller whose idea to control gull numbers was to pick up eggs and chicks and take them to wildlife sanctuaries, but who also said that it would not be possible to implement that approach in the Highlands and Islands, where the summit is being held.

My plea to the minister is that the Government should listen to the concerns of business improvement district members, politicians across the political spectrum and members of the public who want next week's summit to be postponed in favour of a rearranged future summit—one that is open and transparent and that involves listening—at a neutral venue that is open to the public, and that that should be included in next week's business programme.

16:32

**The Minister for Parliamentary Business (Jamie Hepburn):** I will do what Mr Ross did not, which is to speak to the business motion that is before us.

As an aside, the Tories have a new business manager. I cannot say that it speaks much for Mr Ross's confidence in him that he decided not to speak to his business manager about raising the matter with me.

**Stephen Kerr (Central Scotland) (Con):** Grow up!

**Jamie Hepburn:** I can hear the Conservatives decrying that. I have not had a single representation from the Conservative business manager on the issue. I have had representations on plenty of other issues, but not on that one. If Mr Ross cares to go via his business manager, as is

the normal practice, to raise the matter with me, I will give it every consideration.

**Douglas Ross:** The problem with asking for statements is that we have asked for many and none of them has come forward. We get them coming, drip by drip, over a period of weeks.

It is an urgent issue, which is why I went through the process of asking a topical question and an urgent question. When those approaches were not successful, my next opportunity as a member was to raise the matter by responding to the business motion. The minister could satisfy us all by saying that his Government will postpone the existing summit, organise a proper one that will involve listening to people, and include that in next week's business motion.

**Jamie Hepburn:** Douglas Ross knows that it is utter nonsense to say that we do not make requested statements. A statement was requested on the Alexander Dennis situation, and we gave that statement today. It was made at the Conservative Party's request, therefore we do bring those matters forward.

Let me come to the matter at hand, which is the business motion. I thank Liz Smith for speaking to it. She made the point that she had already raised the issue with the Minister for Children, Young People and The Promise. She asked about the statement on the matter, and the minister has made a commitment that there will be one. It speaks to my point, which is that the Conservative business manager raised the issue with me. I made it clear to him that we will make a statement on the matter. I made that point to all business managers and to the Presiding Officer.

I make that commitment now: we will make a statement, and I will lodge a revised business motion, which will be subject to the Parliamentary Bureau's agreement next week.

**The Presiding Officer:** The question is, that motion S6M-18921, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a business programme, be agreed to.

*Motion agreed to,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 September 2025

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 3 Proceedings: Housing (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

<i>followed by</i>	Parliamentary Bureau Motions
10.00 pm	Decision Time
Wednesday 24 September 2025	
2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Deputy First Minister Responsibilities, Economy and Gaelic; Finance and Local Government
<i>followed by</i>	Stage 3 Proceedings: Housing (Scotland) Bill
<i>followed by</i>	Scottish Government Debate: Improving Literacy in Scotland's Schools
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Approval of SSIs (if required)
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Thursday 25 September 2025	
11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
<i>followed by</i>	Members' Business
2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Climate Action and Energy, and Transport
<i>followed by</i>	Ministerial Statement: One Scotland, Many Voices: A Shared Future
<i>followed by</i>	Stage 1 Debate: Tertiary Education and Training (Funding and Governance) (Scotland) Bill
<i>followed by</i>	Financial Resolution: Tertiary Education and Training (Funding and Governance) (Scotland) Bill
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Tuesday 30 September 2025	
2.00 pm	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Topical Questions (if selected)
<i>followed by</i>	Scottish Government Business
<i>followed by</i>	Committee Announcements
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business
Wednesday 1 October 2025	

2.00 pm	Parliamentary Bureau Motions
2.00 pm	Portfolio Questions: Rural Affairs, Land Reform and Islands; Health and Social Care
<i>followed by</i>	Scottish Labour Party Business
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Approval of SSIs (if required)
5.10 pm	Decision Time
<i>followed by</i>	Members' Business

Thursday 2 October 2025

11.40 am	Parliamentary Bureau Motions
11.40 am	General Questions
12.00 pm	First Minister's Questions
<i>followed by</i>	Members' Business
2.30 pm	Parliamentary Bureau Motions
2.30 pm	Portfolio Questions: Social Justice and Housing
<i>followed by</i>	Stage 1 Debate: Dog Theft (Scotland) Bill
<i>followed by</i>	Business Motions
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 22 September 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.

**The Presiding Officer:** The next item of business is consideration of business motion S6M-18922, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on the timetabling of a bill at stage 1.

*Motion moved,*

That the Parliament agrees that consideration of the Crofting and Scottish Land Court Bill at stage 1 be completed by 16 January 2026.—[*Jamie Hepburn*]

*Motion agreed to.*

## Parliamentary Bureau Motion

16:35

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of Parliamentary Bureau motion S6M-18923, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on committee remits.

*Motion moved,*

That the Parliament agrees to the following revisions to the remits of committees—

Name of Committee: Local Government, Housing and Planning Committee

Remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters relating to housing and tenants' rights within the responsibility of the Cabinet Secretary for Social Justice, and matters relating to local government boundaries, local governance review and democratic renewal.

New remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters within the responsibility of the Cabinet Secretary for Housing, with the exception of matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services; and matters relating to local government boundaries, local governance review and democratic renewal.

Name of Committee: Social Justice and Social Security Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.

Name of Committee: Net Zero, Energy and Transport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Net Zero and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.—[*Jamie Hepburn*]

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

## Decision Time

16:35

**The Presiding Officer (Alison Johnstone):** There are two questions to be put as a result of today's business.

The first question is, that motion S6M-18883, in the name of Angela Constance, on the Victims, Witnesses, and Justice Reform (Scotland) Bill at stage 3, be agreed to. As the motion is to pass the bill, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

16:35

*Meeting suspended.*

16:38

*On resuming—*

**The Presiding Officer:** We move to the division on motion S6M-18883, in the name of Angela Constance. Members should cast their votes now.

The vote is closed.

**Willie Rennie (North East Fife) (LD):** On a point of order, Presiding Officer. I forgot to cast Beatrice Wishart's proxy vote. She would have voted yes.

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

**Michael Marra (North East Scotland) (Lab):** In a similar circumstance, I attempted to cast Paul O'Kane's vote, but it did not work. He would have voted no.

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

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 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)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)

Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (LD)  
 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) [Proxy vote cast by Ross Greer]  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Máiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Reform)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (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) [Proxy vote cast by Willie Rennie]  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Balfour, Jeremy (Lothian) (Ind)  
 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)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 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)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab) [Proxy vote cast by Michael Marra]  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (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)

### Abstentions

Ewing, Fergus (Inverness and Nairn) (Ind)

**The Presiding Officer:** The result of the division on motion S6M-18883, in the name of Angela Constance, on the Victims, Witnesses, and Justice Reform (Scotland) Bill, is: For 71, Against 46, Abstentions 1.

*Motion agreed to,*

That the Parliament agrees that the Victims, Witnesses, and Justice Reform (Scotland) Bill be passed.

**The Presiding Officer:** The final question is, that motion S6M-18923, in the name of Jamie Hepburn, on committee remits, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the following revisions to the remits of committees—

Name of Committee: Local Government, Housing and Planning Committee

Remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters relating to housing and tenants' rights within the responsibility of the Cabinet Secretary for Social Justice, and matters relating to local government boundaries, local governance review and democratic renewal.

New remit: To consider and report on matters relating to local government and planning falling within the responsibility of the Cabinet Secretary for Finance and Local Government, matters within the responsibility of the Cabinet Secretary for Housing, with the exception of matters related to homelessness and rough sleeping, fuel

poverty, and welfare and debt advice services; and matters relating to local government boundaries, local governance review and democratic renewal.

Name of Committee: Social Justice and Social Security Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.

Name of Committee: Net Zero, Energy and Transport Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Net Zero and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

New remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.

**The Presiding Officer:** That concludes decision time.

## Nuclear Incidents

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-18614, in the name of Bill Kidd, on nuclear incidents. The motion will be debated without any question being put. I invite those members who wish to speak in the debate to press their request-to-speak buttons, and I call Bill Kidd to open the debate.

*Motion debated,*

That the Parliament notes reports of the disclosure of a number of safety incidents at His Majesty's Naval Base Clyde (Faslane) and the Royal Naval Armaments Depot Coulport, including the second Category A incident in two years; further notes that the UK Government and Ministry of Defence documentation has confirmed a number of "near-miss" incidents and safety breaches, including the radioactive contamination of Loch Long; notes what it sees as the concerns of constituents in Glasgow Anniesland and people across Scotland, and recognises the importance of ensuring the highest safety standards at these sites, particularly given their proximity to communities in Argyll and Bute and the wider west of Scotland.

16:42

**Bill Kidd (Glasgow Anniesland) (SNP):** It is with a heavy heart that I bring this debate to the chamber. For most of my adult life, I have campaigned on the dangers of nuclear weapons, and here we are again. From manning stalls on cold winter nights to the highs of having the honour of being part of the Parliamentarians for Nuclear Non-Proliferation and Disarmament team that was nominated for the Nobel peace prize in 2017 in my capacity as co-president of the global group of PNND, I would give all of that up in a heartbeat to see a Scotland that was free of these terrible weapons and a nuclear weapon-free world. Sadly, however, that is not what we have today, which is why this debate is so important.

The recent disclosures about radioactivity contamination and repeated safety breaches raise serious and legitimate concerns that demand the attention of the Parliament and the wider public. The motion highlights the occurrence of a second category A nuclear safety event in two years, alongside a series of near-miss incidents and breaches, including the reported contamination of Loch Long. Those revelations, which have been confirmed by Ministry of Defence documentation and investigative reporting, are deeply troubling not only for communities in Argyll and Bute and the wider west of Scotland, but for the integrity of environmental and public health protections across Scotland.

Category A incidents, as defined by the Ministry of Defence, are the most serious classification of nuclear safety events. The fact that such an event occurred between January and April of this year

and that it follows a similar incident that took place in the previous year demands urgent scrutiny. The environmental implications of those incidents cannot be overstated. Loch Long is a vital natural resource that supports biodiversity, local communities and economic activity. Reports of repeated leaks, infrastructure failures and increased tritium emissions from Coulport between 2018 and 2023 raise legitimate concerns about long-term environmental degradation, and the potential consequences for marine ecosystems and public health must be taken seriously.

The incidents were brought to light only by dogged journalism after the Scottish Environment Protection Agency refused to release critical documents relating to radioactive leaks until it was compelled to do so by the Scottish Information Commissioner, who stated that disclosure of the leaks threatened "reputations", not national security. It is an outrage that reputational protection was put above public health, environmental safety and democratic accountability, and that only adds further weight to demands for urgent scrutiny.

I have therefore written today to the convener of the Net Zero, Energy and Transport Committee, calling on it to undertake an inquiry into the incidents and to investigate, among other aspects, the adequacy of current oversight mechanisms, including the role of SEPA and United Kingdom regulators; the transparency of reporting and public communication regarding radioactive discharges; the existence and adequacy of emergency response plans, including whether a national plan exists and is publicly accessible; and the financial implications for local authorities and whether costs are being appropriately met by the UK Government.

The UK Government's response to the issue has been woefully inadequate. The Ministry of Defence's written response to my correspondence reiterates its commitment to international best practice and to oversight by the Defence Nuclear Safety Regulator and the Office for Nuclear Regulation. It also outlines plans to publish annual statistics on nuclear site event reports. Although those measures would be welcome in principle, they fall short of the transparency that is required in practice. The refusal to release incident-specific data, with the citing of operational security, prevents meaningful scrutiny and accountability.

Only last week, I asked the Cabinet Secretary for Climate Action and Energy whether the UK Government had made any information available to the Scottish Government on addressing the radioactive waste that was released by the nuclear safety failure and on the work of cleaning the affected area and ensuring the physical health of local residents following the event. She was

compelled to reply, "The short answer is no." That is simply not acceptable, and it is why I am today asking the Scottish Government to formally request that a UK-wide inquiry into the incidents be established. Such an inquiry must be independent, transparent and comprehensive, with a clear mandate to investigate the state of nuclear safety at the facilities and to recommend necessary reforms. The inquiry should also consider the adequacy of current regulatory arrangements and the extent to which military nuclear sites are subject to the same environmental standards as civilian facilities.

Emergency preparedness is another area of concern. It is not sufficient for local authorities alone to bear responsibility for responding to nuclear incidents. We are talking about national facilities, and the implications extend beyond local boundaries. There must be a national emergency response plan. I ask the Scottish Government to confirm whether it knows of such a plan existing at Westminster, whether it is in the public domain and whether it can be made available for scrutiny.

A further area of concern, which is often unreported, is the costs incurred by local authorities in preparing for and responding to nuclear incidents. They should be met by the UK Government. It is unfair for local councils to bear the financial burdens of failures and risks that are associated with UK Government facilities. The polluter pays principle must apply, and the UK Government must take full responsibility for the consequences of its defence infrastructure.

Scotland has said before and will say again that nuclear weapons have no place here. However, until that day comes, we must demand transparency, accountability and, above all, safety. The people of Scotland are entitled to nothing less, and I urge all parties to put aside differences, come together and support calls for an independent UK inquiry to be held now.

16:50

**Emma Roddick (Highlands and Islands) (SNP):** I thank Bill Kidd for securing time for this debate. It goes to the heart of how the UK Government treats the people of Scotland. Nuclear weapons are designed to be destructive. Their use is unforgivable, and I would far rather see them removed from Scotland and the whole world entirely. However, as they are currently in Scotland, there are other issues that we have to pay attention to.

Bill Kidd is right that there is a lack of transparency and scrutiny on the wider impacts of radioactive waste. The motion talks about some really concerning incidents. However, they are not just one-off mistakes but parts of a bigger, much

more worrying pattern. Locals should not have heard about those events through social media gossip and uncertain media reports. When we hear about category A incidents, near misses and radioactive contamination, we are talking not just about technical failures but about a complete breakdown of trust. The UK Government has one job here: to keep us safe. However, time and again, it has been shown that it does not care enough.

Reports of contamination in Loch Long are not just a news story; they represent a real threat to our environment, to the people of Argyll and Bute and to all of us who treasure our wild spaces. It is not just a Faslane problem. It is a story that has played out before. I ask members to think about Gruinard island off Ross-shire. Back in the 1940s, the UK used it as an anthrax test site and left it poisoned and closed off for decades—a literal scar on our landscape. The message to the Highlands was loud and clear: “This is a part of the country that is a convenient place for dangerous games, far from anyone who might complain or be worth listening to.”

The danger has not gone away. It is in the secret transport of nuclear waste on our roads and rails, often right through our towns and cities, without us knowing. We are left completely in the dark and are forced to accept those risks with no say in the matter. That is not transparency. It is treating us like we do not matter.

The people of Scotland, especially those of us who live in the Highlands and Islands, have a right to feel safe in our own homes, despite what is going on. We deserve to know what risks are being managed in our backyard. We deserve a Government that is up front and accountable and that listens to us instead of just pushing us around and expecting us to accept it. The UK Government needs to get that the Highlands and Islands, Argyll and Bute and Scotland as a whole are not a dumping ground for risky operations and dangerous material. We are communities with a right to a safe environment and a secure future. We deserve better. We deserve accountability, and we deserve to be treated with respect.

16:53

**Stephen Kerr (Central Scotland) (Con):** I congratulate Bill Kidd on securing the debate. I completely respect his convictions, which he expressed with great eloquence. However, I say to him and to Emma Roddick that nuclear science and nuclear weapons cannot be disinvited. It appears to me, judging by the first two speeches tonight, that the Scottish National Party has learned nothing about the threats and dangers of the world that we currently live in. Its members are burying their heads in the sand, and they ought to

start listening to senior party figures who have encouraged them to think again about their ideological distrust of nuclear in general and of nuclear weapons in particular.

As we debate these issues today, I feel obliged to point out that, under this country’s constitutional arrangements, the nuclear deterrent and the operation of His Majesty’s Naval Base Clyde at Faslane, along with the royal naval armaments depot at Coulport, are reserved matters that are overseen by the United Kingdom Parliament and the Ministry of Defence.

I say to fellow parliamentarians in the debate that the fact that the matters in question are in the public domain at all is evidence of the strength of our democratic system. The reports that we are discussing—

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

**Stephen Kerr:** Of course.

**Alasdair Allan:** The member might be about to explain this, but my understanding is that these matters are in the public domain thanks to some pretty dogged efforts by journalists, rather than any willingness on the part of the United Kingdom Government to tell us anything.

**Stephen Kerr:** I think that Alasdair Allan will discover that it was the asking of a parliamentary question by one of his party’s members of Parliament that resulted in the official confirmation of the incidents to which Bill Kidd’s motion refers. Ministers were obliged to respond to that question in the Westminster Parliament with facts. That is transparency in action. It might not be the entire transparency that some members on the opposite side of the chamber would like to see, but such transparency is what distinguishes our democracy from those hostile regimes that would seek to undermine it.

His Majesty’s Naval Base Clyde, which comprises Faslane and Coulport, is the backbone of the United Kingdom’s continuous at-sea deterrent. It ensures that Vanguard-class submarines, armed with Trident missiles, are always at sea, providing a critical shield for our country. Faslane serves as the operational hub, while Coulport secures stores and loads nuclear warheads. Together, they form a cornerstone of our national defence.

Those operations extend well beyond submarines and naval personnel. They rely on a highly skilled workforce that includes Royal Navy personnel, the Royal Marines, Ministry of Defence civil servants, specialist contractors from firms such as Babcock International and Lockheed Martin, the Ministry of Defence Police and the Ministry of Defence Guard Service. There are

approximately 3,500 to 4,000 civilian workers, alongside around 2,000 service personnel.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** One of the key issues that Bill Kidd highlighted was safety. There was a category A leak. Does Stephen Kerr share the view of Bill Kidd and—I am sure—many other members that that is a serious issue and that safety is paramount? So far, Stephen Kerr has not touched on how such leaks affect safety.

**Stephen Kerr:** I assure Stuart McMillan that I am coming right on to that, but I wanted to make a point about the strategic importance to our national defence and our economy of the role that is played by His Majesty's Naval Base Clyde.

The Ministry of Defence maintains one of the most rigorous safety cultures in the world. Every irregularity, however minor, is recorded and thoroughly investigated. None of the incidents that we are discussing today harmed personnel, endangered the public or caused measurable environmental harm. Our national security arrangements, whether through the Privy Council system, the Intelligence and Security Committee of Parliament, which has had Scottish National Party members sit on it, or the duty of ministers to account to the House of Commons, are founded on a simple truth—that liberty and security are inseparable. Without security, there is no liberty.

I pay tribute to every man and woman, whether uniformed, civilian or a contractor, whose work at Faslane, Coulport and beyond ensures the effectiveness of our deterrent. National security should not be a matter of partisanship. It is a solemn responsibility that all of us who serve in public office share. Our nuclear deterrent is essential to the safety, sovereignty and freedom of the United Kingdom.

16:59

**Richard Leonard (Central Scotland) (Lab):** I thank Bill Kidd for lodging this important motion. Even now, we are told, the Scottish Government does not know exactly what has been happening at Coulport and Faslane with these latest radioactive leaks. Members of this Parliament and the people who elect us only know what we know because of the dogged investigative journalism of *The Ferret*, the courage of papers like *The Guardian* to publish, and the belligerence of the Scottish Information Commissioner.

This debate is important, but it is also timely. Donald Trump is, after all, making an official state visit to the UK. So we should send the 47th President of the United States a very clear message from the Scottish Parliament: that we oppose nuclear weapons, that we oppose nuclear and US military bases, and that we want to see

the removal of both. Because these weapons and those bases do not strengthen our economy, our defences, our democracy. They do not strengthen our economy—they weaken it. They should never be considered as any part of any industrial strategy or any growth deal.

And nuclear weapons are not a deterrent at all; they only serve to spread nuclear proliferation. And, of course, it is not our deterrent in any case. It is not independent. We could only use it with the sanctioning of the Pentagon, the say-so of the White House, and the approval of Donald Trump—a man who has changed the name of the US Department of Defense to the US Department of War, and a man who wants to ethnically cleanse Gaza so that he can “own” the land.

What is also clear is that nuclear weapons, and the secrecy that surrounds them, do not make us safer. Quite the opposite—they make us much less safe and they corrode our democracy. Over 30 years ago, I co-authored a pamphlet with the late and much-missed John Ainslie, where I examined the construction of the explosives handling jetty at the royal naval armaments depot at Coulport—which, of course, is where those nuclear weapons, those warheads, are stored, maintained and then fitted. Originally estimated to cost £120 million, the jetty had already spiralled to £275 million, and faced considerable delay because of design and other failures, which meant that extensive and expensive steel reinforcements were necessary—a fact later confirmed by the National Audit Office.

So this jetty was problematic from the very start, and now it has been exposed as having “shortfalls in maintenance” and components beyond their design life, leading to the release of radioactive material into Loch Long, a sea loch, and the flooding of a nuclear weapons processing area. This should come as no surprise. Corrosion in pipes and radioactive leaks are a hallmark of the nuclear industry, not least in the so-called “civil” nuclear programme. So I will make a prediction that these will not be the last incidents or the last accidents at the base. In fact, the attempt to cover this up by the Scottish Environment Protection Agency—which is, let us not forget, answerable to this Parliament and the Ministry of Defence—has been almost overtaken by events, with the revelation that, between January and April this year, a category A nuclear incident took place.

For me, there can only be one answer, and it is nuclear disarmament: unilateral nuclear disarmament. It is nuclear decommissioning. It is defence diversification. It is arms conversion. It is not an illusory defence dividend that we want; it is a peace dividend that we demand. It is the right to live in peace, to live outside the shadow of the

nuclear menace, and to live outside the shadow of war: in short, it is a simple demand to stay alive.

17:03

**Maggie Chapman (North East Scotland) (Green):** I am grateful to Bill Kidd for lodging the motion, and I speak this evening to call loudly and clearly, as he and others have done, for the end of Trident for the safety of our communities, our children, our climate and our conscience.

We cannot ignore what has been reported: category A incidents at the Faslane naval base—the most serious classification, indicating an actual or high potential for the release of radioactive material. We read of old, decrepit pipework and of bursts of contaminated water flowing into Loch Long, a place that is beloved by the community, by swimmers, by fishers and by so many others. The Scottish Environment Protection Agency confirms serious maintenance failures, assets past their design life and delays in remedying known risks.

Those are not abstractions. Those incidents threaten our environment, our health and our trust in the institutions that are meant to protect us. To say “no harm to the public” or “no radiological impact” is cold comfort, given that latent risks multiply over time and near misses can become disasters, especially if nuclear weapons and radioactive materials are involved. The magnitude of the potential harm demands far more than assurances—it demands action.

As a Scottish Green, I believe deeply in peace, environmental justice and the power of the democratic will. The Scottish Green Party’s position is of long standing: these weapons do nothing to make us safer—they do not protect us from climate change, pandemics, inequality, cyberattacks or the rise of racism on our streets. They are a moral abomination. Scottish Greens, along with the Scottish Campaign for Nuclear Disarmament and the wider peace movement, have repeatedly called for the removal of Trident from our waters, the abolition of nuclear weapons and, instead, investment in life-affirming public services.

Let us consider the alternatives. If the billions of pounds that are invested in Trident were instead spent on healthcare, social care, climate justice and lifting people out of poverty, Scotland—indeed, the UK—would be far stronger and far more secure in the ways that matter. The arms race, the nuclear deterrent posture and the infrastructure of creeping decay are all signs of moral and political failure. They undermine our democracy, impair our environment and gamble with our lives.

To constituents in Glasgow Anniesland, in Argyll and Bute and across the west of Scotland, I say

that it is your waters, your air and your homes that are at risk. We owe you truth, transparency and accountability, not secrecy. We owe you change. I therefore call on the UK Government and the Ministry of Defence to do the only honest thing, which is to begin the process of disarmament, remove all nuclear weapons from Scottish soil, decommission Trident, stop the dangerous proximity of category A incidents, halt the contamination and end the threat.

I call on this Parliament to demand that both of our Governments—Scottish and UK—act. We must use every democratic lever, including parliamentary pressure, environmental regulation and civil society partnerships. I say support the Treaty on the Prohibition of Nuclear Weapons and stand with Scottish CND and our communities, because we can choose a future built not on fear but on trust. We can reject weapons of mass destruction and we can invest in safety, our people and a peace that is real. That is the Scotland that I believe in.

**The Deputy Presiding Officer:** In calling Alasdair Allan, I hope that he will take the opportunity to apologise for being late for the start of the debate.

17:07

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** It was my intention so to do. My apologies, Presiding Officer.

I declare an interest as a long-term member of the Scottish Campaign for Nuclear Disarmament. I thank Bill Kidd for his work in bringing an important motion to the chamber, and I recognise his long-standing personal commitment to the issue.

The unusable—I pray—nature of nuclear weapons means that they consistently fail to deter wars of aggression, even when that aggression involves nuclear powers, as recent years have shown only too clearly. For many people, the real terror that is presented by nuclear weapons is their capacity to be used as the result of a misunderstanding, an error or, as very nearly happened in the Soviet Union in 1983, an information technology fault.

My party has opposed the use or storage of nuclear weapons in Scotland since 1963, and I acknowledge that people in a number of other parties take the same view; indeed, that would be the majority position in this Parliament. It is therefore relevant for the Parliament to take an interest in the wider risks that may be presented by any radioactive incidents at nuclear bases.

Since coming to light, the numerous reports of radioactive contamination have proved concerning for many residents across western Scotland. The

UK Ministry of Defence's attempts to downplay those concerns leave many questions unanswered. The reality is that the incidents that prompted today's debate have not come to our knowledge through the transparency and willingness of the Ministry of Defence. Instead, a six-year freedom of information battle has been waged by various journalists. Thanks to their hard work, we now know that incidents occurred in 2010 and 2021 and that there was a major leak of a radioactive isotope in August 2019. The Scottish Environment Protection Agency concluded that those leaks were due to shortfalls in maintenance. Perhaps even more worryingly, the plans to replace piping to maintain our expensive nuclear deterrent were, it seems, slow and inadequate.

I understand that some members will have differing views to mine on whether the nuclear deterrent works. However, I hope that, as Mr Kidd set out, we can all agree that the public in Scotland, who are host to a truly terrifying nuclear arsenal, have a right to be convincingly reassured on safety matters. I believe that it is not unreasonable, therefore, that the UK Government, which is ultimately responsible for the UK's weapons of mass destruction—I use the phrase that describes them in the Scotland Act 1998—takes action to address the concerns that clearly exist about recent incidents and does so correctly and transparently. Given that Scottish taxpayers are expected to contribute towards the £3 billion annual maintenance bill for those weapons, I do not believe that it is an unreasonable ask that sites be maintained in a way that commands some degree of public confidence.

17:11

**Emma Harper (South Scotland) (SNP):** I did not intend to speak in the debate, but I wanted to thank Bill Kidd. I agree with Bill Kidd, and with Green and Labour colleagues, that we need to stop the proliferation of nuclear weapons. Sitting here, listening to the debate, I was reminded of an incident that occurred in November 2018, when the Stena Superfast VII ferry had a close-quarters incident with a Royal Navy nuclear submarine that was travelling between Belfast and Cairnryan in the north channel, close to the Irish Sea. The ferry's officer of the watch was forced to take evasive action to avoid a collision. The submarine's command team had misjudged the ferry's speed and range, leading to a near miss whereby the two vessels came within 50m to 100m of each other. A subsequent investigation by the marine accident investigation branch found that the submarine's actions were unsafe, and the Royal Navy implemented new procedures to mitigate risks. The issue is not only the threat of nuclear weapons; it is also the threat to the public and the passengers who were going about their

daily lives. The submarine was travelling at periscope depth. It was on a training mission and was photographed by people on the ferry. I wanted to bring that issue to the attention of Parliament.

It is absolutely an issue of safety. Growing up in Stranraer, I heard about the nuclear submarines patrolling the waters in the busy shipping lane between Larne and Belfast and Cairnryan. That is something that we need to think about. I want members to know that it is not just about the challenges of nuclear weapons; it is also about the other issues that are going on.

We need to build a future free from weapons of mass destruction, and that is where I will stop.

17:13

**The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon):** Like other members, I thank Bill Kidd for lodging the motion on nuclear incidents for members to debate this evening. I also take a moment to acknowledge and appreciate the tireless campaigning on nuclear disarmament that he has done and will no doubt continue to do.

Bill Kidd raised a number of important issues and made a number of requests. I know that he has raised some of those matters with the Cabinet Secretary for Climate Action and Energy, and I will continue to raise them with her after the debate. I think that there was a particular call for an inquiry from the UK Government, so I will raise that directly with her and respond to Bill Kidd.

I welcome the opportunity to speak on this important issue. I thank colleagues across the chamber for their contributions, which have been passionate, given the issues that we are discussing. One thing stuck out. Regardless of our views on nuclear weapons—I appreciate that they are deeply held by many members across the chamber, including Stephen Kerr—I hope that we can all agree that, as Alasdair Allan rightly summarised, we should all be concerned and informed about safety when it comes to nuclear weapons.

Scotland has a legacy of civil and defence nuclear sites that will, regrettably, be with us in one form or another for many years. Whether a site is one of the former nuclear power stations that are now in the decades-long process of decommissioning or an operational site such as Faslane, it is vitally important that that legacy is managed responsibly on behalf of the people of Scotland now and for generations to come.

Faslane is home to the UK's strategic nuclear deterrent. Therefore, I will reiterate the Scottish Government's clear and long-standing position on

nuclear weapons. The SNP Government is firmly opposed to the possession, threat and use of nuclear weapons. They are strategically and economically wrong, their impacts are indiscriminate and devastating, and their use would bring unspeakable humanitarian suffering and widespread environmental damage. We believe that nuclear weapons should not be based in Scotland and should be removed in the safest and most expeditious manner possible, following a vote for independence.

In relation to the motion that we are debating, I completely agree that ensuring the highest standards of safety at nuclear sites in Scotland, including defence nuclear sites, is of the utmost importance. Although matters of defence and nuclear safety are currently reserved to the UK Government, the Scottish Government places great importance on the safe, secure and responsible management of radioactive substances while protecting people and the environment.

As such, repeated reports of serious incidents at Faslane are extremely worrying. The Scottish Government expects that the main focus of nuclear site operators, including the MOD, must be on safety and security at all times. As such, any incident involving radioactive substances is clearly a cause for concern. That is why the oversight and governance arrangements that are in place around Scotland's nuclear sites are of critical importance, including the oversight by the Scottish Environment Protection Agency.

Although defence sites are exempt from environmental legislation, the MOD has a long-standing agreement with SEPA, via a memorandum of understanding, to operate as though such sites were subject to normal environmental regulation. That is important not only to ensure that operations are conducted properly but to provide some reassurance to the public that activity is subject to oversight from an independent Scottish regulator.

Openness and transparency in the management of nuclear sites is critical to ensuring public confidence and, in particular, the confidence of the communities that live closest to nuclear sites. As such, it is deeply regrettable that the MOD has not released details of the incidents that have been reported at Faslane, including a reported category A nuclear site event—the MOD defines category A as the most serious—or at Coulport in relation to Loch Long being contaminated due to failing infrastructure.

Levels of radioactivity in food and in the environment around all Scotland's nuclear sites, including Faslane, are regularly monitored by SEPA, and the results of that are published with an assessment of the impact on the public. That

has been done annually since 1995 to provide further reassurance to communities and the public, but there is no room for complacency when it comes to protecting our people and our environment. The safe management of radioactive material—whatever purpose it is being used for—must stay at the heart of any work that is undertaken in Scotland, and the reporting of the incidents highlights that.

Therefore, I look to the MOD, SEPA and other regulatory bodies to maintain a robust and open relationship that ensures that such an approach continues until we can finally get rid of nuclear weapons from our shores, when Scotland gains her independence. Until then, we are clear that the UK Government and the MOD must take all steps necessary to reassure the public.

**The Deputy Presiding Officer:** That concludes the members' business debate on motion S6M-18614, in the name of Bill Kidd, on nuclear incidents. To allow front-bench teams to change positions, there will be a short pause before we move to the second and final members' business debate of the evening.

## Supreme Court Judgment (Definition of "Woman" in the Equality Act 2010)

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-17234, in the name of Pam Gosal, on welcoming the Supreme Court's judgment on the definition of the word "woman". The debate will be concluded without any question being put. I invite those members who wish to speak in the debate to press their request-to-speak buttons.

### *Motion debated,*

That the Parliament welcomes and respects the judgment of the Supreme Court of the UK on 16 April 2025 in the case, For Women Scotland Ltd v The Scottish Ministers; recognises that the court unanimously ruled that the terms "woman" and "sex" in the Equality Act 2010 refer to biological woman and biological sex; congratulates For Women Scotland on what it sees as the group's hard work and dedication in protecting and strengthening women's rights; considers that this decision will have many implications for the rights of women and girls, including those living in East and West Dunbartonshire, and notes calls on the Scottish Government to review its policies to ensure that these are in line with the law.

17:19

**Pam Gosal (West Scotland) (Con):** Before I begin, I welcome to the public gallery, and thank, For Women Scotland and all the organisations and individuals who are fighting tooth and nail for women's rights. I am extremely proud to stand here today, delivering a speech on an issue that is so important to women and girls.

These are dark days in politics. Nicola Sturgeon's dangerous gender ideology has put many women and girls at risk. However, the United Kingdom Supreme Court judgment on 16 April this year was crystal clear: the definition of the word "woman" in the Equality Act 2010 is based on biological sex. There is nothing controversial about that. Men cannot become women, and it is shocking that in 2025, we need the highest court in the land to define such a simple word.

Where are we now? It has been five months since that monumental judgment, but the Scottish National Party is still shamefully refusing to implement it in law. In Scotland, we have nurses suspended for refusing to share changing rooms with biologically male colleagues; policies that allow for dangerous biological males with male genitalia to serve time in women's prisons; and guidance allowing transgender offenders to be strip-searched by both male and female police officers. We have school guidance stating that young people

"where possible, are able to use the facilities they feel more comfortable with".

We have teachers being called transphobic for expressing legitimate concerns over the provision of unisex toilets, and Scottish Government lawyers arguing that men can become pregnant. All that could have been avoided if the law had been properly implemented in the first place by the SNP Government.

I am not just disappointed that the Scottish Government has refused to follow the law—I am appalled. I am appalled that the Government has tried to silence us at every point. I am appalled that, during the consideration of the Gender Recognition Reform (Scotland) Bill, SNP ministers prioritised meetings with gender extremists who supported that dangerous bill. How could we forget that the First Minister at the time, Nicola Sturgeon, said that opponents of the bill were

"deeply misogynist, often homophobic, possibly some of them racist as well"?

Of course, when Nicola Sturgeon and other members of her Government, including John Swinney, were asked if a male double rapist was a woman, they shamefully dodged the question.

However, actions speak louder than words. The SNP Government has wasted more than £20 million in taxpayers' money to fund gender extremist organisations that are desperate to strip women and girls of their rights. That includes more than £3.6 million to the Equality Network and Scottish Trans; more than £2 million to LGBT Youth Scotland; and more than £0.25 million to Stonewall Scotland.

On the subject of wasting taxpayers' money, we should not forget taxpayer-funded institutions such as the National Library of Scotland, which initially caved in to the woke mob by refusing to include gender-critical books such as "The Women Who Wouldn't Wheesht" as part of its exhibition. That decision was reversed, after the Scottish Conservatives called it out.

I ask members to imagine what would have happened if the shoe had been on the other foot, and the Supreme Court had ruled in favour of the Scottish Government: we would not have heard the end of it. However, because the SNP did not get its way, it is dragging its heels.

A recent report from the Ethical Standards Commissioner, "State of the Nation: Diversity in Public Appointments in Scotland", highlighted

"a tendency of policy-makers to seek to apply their own policies rather than following national law",

resulting

"in ... legal cases".

In fact, the Government has spent hundreds and thousands of pounds on legal costs, with taxpayers footing the bill. It has already lost two major court battles, and I am hopeful that justice will prevail in Sandie Peggie's fight against the national health service, too.

Yet the failure to implement what has been set out so clearly by the Supreme Court and by the Equality and Human Rights Commission will lead to more legal challenges. Just last weekend, it was confirmed that there will be another legal challenge from For Women Scotland over flawed trans guidance for schools and prisons.

It is becoming clear that our voices as women do not matter for the law or the SNP Scottish Government. Women and girls deserve answers, so I have a very simple question for the Minister for Equalities: will the Supreme Court judgment be implemented immediately by the Scottish Government?

I am happy to give way to the minister.

**The Minister for Equalities (Kaukab Stewart):** The Scottish Government has always said that we accept the ruling of the Supreme Court in its judgment—that is not a contentious issue, and we are working at pace to review and implement guidance as necessary. That is not in question.

**Pam Gosal:** As I expected, there was no yes or no answer. That is all that I wanted from the minister—just a simple yes or no.

Let me be clear today: I will continue the fight against this toxic gender ideology, for every woman and girl in Scotland. It is my number 1 priority on which I will continue to hold the SNP Government to account. No matter how many hurdles are thrown in our way or how many times they try to silence or slander us, women won't wheesht and women won't wait. I promise that I will continue the fight with every breath that I have.

Nevertheless, how many more court cases are we going to go through before common sense prevails in the SNP Government? How much more taxpayers' money is the SNP Government going to waste?

The Scottish Parliament is an institution that people respect, but under the SNP it has become an echo chamber that does not reflect the priorities of the people of Scotland.

Many women, including myself, are looking forward to receiving a response from the minister in closing. I hope that she will be able to give us that information.

We have For Women Scotland and many other organisations and individuals in the public gallery, waiting to hear from the minister whether she and her Government will implement the law in the

Supreme Court ruling. We want just a simple yes or no, minister.

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

17:27

**Michelle Thomson (Falkirk East) (SNP):** I thank Pam Gosal for bringing the debate to the chamber. I apologise to members, as I have to leave earlier than the conclusion of the debate.

I have to say that it fills me with despair to be speaking again in a debate to fight for women's rights. I have never sought to be a victim, and I have always been wary of using traumatic events in my life to draw attention to myself, yet I feel the lack of action from the Scottish Government deeply personally.

Since I had to stand up and speak about this issue having barely just been elected in 2021, and then had to vote against the Gender Recognition Reform (Scotland) Bill due to the casual introduction of self-identification without any consideration of safeguarding, I have met many women with a similar story to my own.

My early-years trauma has left me with a compelling need to feel safe, not just to be safe. I have a visceral fear of the physicality of men when encountering them in unexpected places—places where I thought that I could feel safe. That visceral fear, when it kicks in, leads straight to a trauma response, which includes acute anxiety, inflammation, tingling across my face and mouth, extreme tiredness and so on. That is how I live my life.

Therefore, having to continually stress the need for protected safe places and for dignity, safety and privacy is constantly re-triggering. Having to continually press the Scottish Government to do the right thing is constantly re-triggering. Yet, given the fact that 89 per cent of those reporting serious sexual assaults in Scotland are women, I am not alone—I am actually fairly typical.

In the chamber, there are women similar to me—both MSPs and members of the public watching the debate—whose direct life experience of being in the sex class of female has subjected them, as it has subjected me, to such experiences.

I have been so wary of ever mentioning myself, merely noting that I must speak for those who cannot be heard. However, I press myself to continue to do so, as the Scottish Government has failed to engage with women who have been raped or sexually assaulted. It failed to do so when the Equalities, Human Rights and Civil Justice Committee was looking at the Gender Recognition Reform (Scotland) Bill; it failed to speak with For Women Scotland; and it is not listening still.

Scottish women simply want their legal rights back. They do not want to take rights away from anyone else, and they want their Government to do the right thing.

I am tired of being stuck in a groundhog day loop in which the Scottish Government states that it

“accepts the result of the Supreme Court judgement”

and insists that it will definitely do something at some point—what that something is, and the timeframe, are never defined—and when it is asked again, it repeats the lines, and so on.

Decision theory tells us that not making a decision is a decision in and of itself. Rather than face the consequences of acting on the Supreme Court judgment, the Scottish Government has gamed that it would rather live with the consequences of not acting on it, and those consequences are the continued denial of women’s rights. What does that say to me? What does it say to 51 per cent of the Scottish population?

Public money is really tight, yet there always appears to be money to contest women’s rights. I find it incredible that the Scottish Government is going to go head to head with For Women Scotland all over again, despite the Supreme Court judgment. That is surely the very definition of madness.

It seems ironic that, today, we saw the passage of the Victims, Witnesses, and Justice Reform (Scotland) Bill, which really recognises the impact of trauma on women. I hope that sensible heads start to prevail and that the Scottish Government understands why safety, dignity and privacy are vital to women like me.

17:32

**Sharon Dowey (South Scotland) (Con):** I very much welcome the motion that has been lodged by my friend and colleague Pam Gosal. I especially back the motion’s conclusion, which urges the Scottish Government

“to ensure that”

its policies

“are in line with the law.”

The Supreme Court judgment in April was unequivocal in its conclusion: that the term “woman” refers to biological women and that “sex” refers to biological sex in the Equality Act 2010. Since the ruling, the Scottish Government seems to have been very reluctant to take that message on board and, five months on, a range of important public bodies are still waiting for instructions.

This should not be difficult. The ruling itself, as well as being obvious to many of us, and long overdue, is in fact very simple. I have recently written to three major public sector bodies—Police Scotland, the Scottish Fire and Rescue Service and the Scottish Prison Service—to inquire as to how they are getting on in enacting the consequences of the ruling.

Their replies were worryingly similar and betrayed the same issue: nothing concrete from SNP ministers has yet arrived, leaving all manner of taxpayer-funded organisations, which are all under the leadership of the Scottish Government, to muddle through on their own.

Police Scotland told me that it was reviewing the guidance, but that

“No formal guidance, instruction, or policy has been provided by the Scottish Government to Police Scotland.”

The SFRS is also moving forward with some engagement, but they—like their policing colleagues—warned:

“At present, the Scottish Fire and Rescue Service has not received any formal direction, advice or guidance from the Scottish Government in relation to the ruling.”

The Scottish Prison Service has said that, although it was reviewing matters “at pace”, it, too, was awaiting guidance.

A reasonable person would conclude that the Scottish Government is merely closing its eyes and ears and hoping that all this goes away. However, thanks to the efforts of groups such as For Women Scotland, which has rightly been praised in the motion, we know that that will not happen.

Ignoring the state of play could have serious ramifications for organisations. We know that female police officers need protection from dangerous male criminals who claim to be women just so that they can be searched by a woman police constable, humiliating, intimidating and degrading them in the process. We know that female firefighters expect dignity and privacy in a fast-moving and male-dominated organisation. Most shamefully of all, we know the lengths that some male criminals are prepared to go to to persuade the Scottish Government that they should be incarcerated in a female prison alongside some of society’s most vulnerable women.

In the absence of strong and unwavering guidance from the Scottish Government, those organisations cannot go full steam ahead with the changes that they need to make and which we know that they want to make. The Scottish Fire and Rescue Service told me that

“The Supreme Court ruling has provided important clarity.”

All that is to say nothing of the situation in schools, hospitals and other public sector workplaces, all of which desperately need action from the Scottish Government. Parliament respecting the ruling of the Supreme Court is not a choice; it is a duty. Doing so does not just uphold the law but strengthens and protects the rights of women and girls across Scotland.

Several months have now passed since the ruling, and, disappointingly, Scottish ministers appear to have made no progress on ensuring that its public bodies are following the rule of law. I hope that the motion focuses the minds of those in Government, and I am delighted to give it my full and unwavering support.

17:36

**Jackie Baillie (Dumbarton) (Lab):** I thank Pam Gosal for bringing the debate to the Parliament and echo her comments about For Women Scotland.

When the Supreme Court was founded in 2009, under a previous Labour UK Government, it finally removed judges from the House of Lords and separated the different arms of the state. Politicians might make the law, but it was independent judges who would decide whether it was being appropriately and fairly applied. In April, the Supreme Court did just that, when it ruled that a woman is defined by biological sex under equalities law.

As Lord Hodge said when presenting the court's decision, this is not about pitting one group against the other but about interpreting the meaning of the Equality Act 2010. A court is a place in which to settle debates and clear up confusion. At the time of the ruling, the current First Minister was among those who said that the ruling gave clarity, and I agree. He pledged to engage with the implications of the ruling. I think that we can all agree that that was the sensible thing to do, so I have to ask myself why, nearly six months on, we are having this debate. It should be simple: the court has clarified the law; we are all bound by the law; we should respect it; and we should implement it. There is no need to wait for more guidance or consultations in order to follow the law—we can start the process now.

All that we are asking is for the Scottish Government to follow the law. It cannot be both a lawmaker and a lawbreaker. Just as the Supreme Court provides clarity to the Scottish Government, there are countless public sector employers in Scotland who rely on the Scottish Government to provide clarity to them. If the Scottish Government will not show leadership, who do they turn to? The First Minister could issue a letter today to public bodies underlining the position and reminding

bodies that they need to act in accordance with the law. Failure to do so will simply lead to more expensive court challenges, such as the Sandie Peggie case against NHS Fife. We know that that is costing the public purse a huge amount of money, when, frankly, the NHS is in crisis. Other legal cases are in the pipeline, because the Scottish Government is intent on delay.

A report by the Ethical Standards Commissioner this week noted that there is

"a tendency of policy-makers to seek to apply their own policies rather than following national law, and for organisations to attempt to go beyond the law".

As a result, it warned that

"Practice has diverged from legislation to a point at which there is perceived competition and resulting tension between equality groups".

I come to this issue from the perspective of being a health and social care spokesperson. I am acutely aware of how busy and overworked staff are in hospitals, including managers who are trying to fill shifts and ensure that their front-line teams do not burn out. They do not have time for politics or ideological debates. They need to know that they are being supported and that they are following rules that are legal and fair.

Our NHS needs more equipment, better working conditions and more investment in primary care; it does not need more employment tribunals. According to some estimates, the case of Sandy Peggie against NHS Fife will eventually cost as much as £1 million, not including any potential compensation. NHS Fife has already spent a quarter of a million pounds on legal fees alone, and it is the taxpayer and patients who will bear the costs.

The longer that the Scottish Government drags its feet, the greater the risk will be of more tribunals, more confusion and more tensions in the workplace. Employers need clarity so that they can get on and think about the best way to accommodate the different needs of all of their staff. The SNP should today tell its public bodies to follow the law. There should be no more delay or equivocation—get on with it.

17:41

**Maggie Chapman (North East Scotland) (Green):** It does not give me any pleasure to speak in this afternoon's debate, but I am doing it because it is important that those who do not welcome the Supreme Court's judgment and who have had their lives made considerably worse by it are represented in our Parliament today.

This debate frames women's rights as if they are in conflict with trans rights. That is simply not true. Women's rights and trans rights are not in

competition; they are deeply interwoven. Our struggle is a shared one against patriarchal structures that seek to police our bodies, define us narrowly and limit our freedom.

The Supreme Court's ruling has, in effect, rewritten the Equality Act 2010 to reduce the definitions of "woman" and "sex" to so-called biological terms. In doing so, it has stripped away rights that many trans people had relied upon and, crucially, it has made life harder, not safer, for all women—cis and trans alike.

Since the ruling, hundreds of testimonies have poured in from people across Scotland and the UK. "A Community Living in Fear", a report that has been published by TransActual, captures the scale of the crisis. People are terrified. One trans woman described the ruling as "profoundly dehumanising", saying:

"It not only invalidates the lived realities of trans women like myself but sends a broader message that we are to be excluded—further fuelling discrimination, isolation, and abuse that many of us already face daily."

Another trans mother of a young son spoke about how she now feels that she cannot even take her child to the toilet in public. She said:

"I haven't been to a toilet outside of the house since because now I am scared, is this my future?"

She said that she does not want her three-year-old to be exposed to harassment because of who she is.

Those are not abstract fears; they are daily, lived realities. The ruling has emboldened those who wish to exclude, harass and intimidate. It has left people considering emigration, facing panic attacks and, heartbreakingly, openly discussing suicidal thoughts.

Let us be clear: the ruling does nothing to protect women. On the contrary, it places all women under greater scrutiny. As one cis woman explained,

"Since this ruling I find myself terrified"—

**Sue Webber (Lothian) (Con):** Will the member take an intervention on the use of the term "cis woman"?

**Maggie Chapman:** I am using the words—

**The Deputy Presiding Officer:** Ms Chapman, please resume your seat. I do not think that the member was taking an intervention.

**Maggie Chapman:** No, I was not.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** On a point of order, Presiding Officer. I personally object to being called a "cis woman".

**The Deputy Presiding Officer:** I thank Ms Hamilton for her point of order. We are a Parliament and we will debate issues—[*Interruption.*] I will finish. It is always the role of the chair to protect the rights of members to scrutinise and to debate and challenge each other robustly.

I have heard the language that the member used and I do not think that she was referring to any specific member by using that terminology. The member has obviously now heard that, for instance, Ms Hamilton would not regard that terminology vis-à-vis herself as being anything other than personally insulting, and I hope that the member in question would not use that terminology as far as Ms Hamilton is concerned. However, I think that the member's use of the terminology was in a wider context; I do not think that it was directed at Ms Hamilton.

With that, I ask the member to resume.

**Maggie Chapman:** As one cis woman explained:

"Since this ruling I find myself terrified before I dress to go out in public. I'm unwilling to be an unauthentic version of me, but I keep thinking 'well maybe if I wear this? maybe I'm less likely to be misgendered ... and more likely to be left alone.'"

She continued:

"this ruling will make everyone a judge of whether you are 'woman enough'".

That is the reality. The ruling narrows and polices womanhood, reinforcing patriarchal control instead of dismantling it. We must resist the false choice between women's rights and trans rights. When women are reduced to biology, we all lose. When trans people are denied dignity, we all lose. When rights are stripped away from any community, none of us are safe.

I stand with women, I stand with trans people and I stand with all who refuse to be pitted against one another. Together, we must reject attempts to roll back rights and instead build a Scotland where every person—cis, trans, and non-binary—can live free from fear, with dignity and with equal protection under the law.

17:46

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The subject of this debate has become divisive and controversial, and the legal proceedings that are under way impact what can be said in the chamber. Respectful debate among people with differing opinions should always be possible. Everyone should be able to speak freely, and I hope that differing views come from a good place. My colleague Michelle Thomson and I have always had differing views on this issue, but that

does not mean that I respect her less, and I hope that the feeling is mutual. My view is that there is no hierarchy on equality and that discussion in the Parliament must be mindful of the rights of everyone, including the LGBT community.

The current debate, and the debate that has led up to it over many months, has been incredibly stressful and upsetting for trans people and their friends and family. No one deserves to have their personal lives made the subject of political debate, which inevitably leads to malicious social media interactions and publicity. I cannot begin to imagine what it must be like to be the parent of a trans child or the sibling of a trans man or woman in the current climate.

The Government has made it clear that it will comply with the recent Supreme Court judgment, because we must act within the law at all times. Work has begun to ensure that policies, practices, procedures and guidance are compatible with the judgment of the Supreme Court.

It is important to reiterate that the judgment is not a licence for division and hostility. The pursuit of equality for women, trans people and non-binary people remains our collective responsibility, and the judge confirmed that the outcome of the case must not be seen as a victory for those on either side of the debate. We are dealing with people's lives, and the Scottish Government is fully committed to protecting everyone's rights and building a fairer Scotland for all.

The Supreme Court has confirmed that the Scottish Government followed the guidance of the EHRC at all times. Indeed, we carried out work on guidance for gender representation on public boards in good faith by following the relevant EHRC guidance. Due process was followed and the Scottish Government won both cases in the inner and outer houses of the Court of Session. In the light of the Supreme Court's judgment, the Scottish Government will maintain its respect for the courts and move forward with implementation. Renewed and updated guidance from the EHRC will be key in ensuring legislative compliance.

The trans and non-binary communities will always be a valued part of our society. Non-binary people and trans men and women are our friends, our neighbours, our work colleagues and members of our family. The very least that they deserve is our respect.

17:49

**Douglas Ross (Highlands and Islands) (Con):** I congratulate Pam Gosal on securing today's debate, on the motion that she lodged and on her opening speech, which set the scene very well. She rightly recognised the women in the gallery and, in particular, For Women Scotland for

everything that they have done on the issue and, sadly, for everything that they will have to continue to do, which I will get on to in a moment.

I have often been quite critical of the level of debate and the quality of contributions in the chamber—I would include myself in that at times. I have to say that, tonight, I feel that that view was cemented, having had to endure Maggie Chapman's—to be quite frank—disgraceful speech.

However, if I see that as a negative, I see as a positive the fact that I have been in the chamber to listen to Michelle Thomson. I would challenge anyone to listen to her contribution, or to read it in the *Official Report*, and not hear the words of a woman who is very passionate about the issue for which she is fighting. What she said was very personal. We are privileged to hear her open up like that, but surely that sends a clear message to the minister: an impassioned plea from your own back benches, from your own party—

**The Deputy Presiding Officer:** Always speak through the chair, please.

**Douglas Ross:** That message must be listened to, and it must be heard and accepted.

My question to the minister is: why are we here, five months after a Supreme Court ruling? This is a Government that can, at lightning speed, introduce legislation and get involved in any one of a host of issues. If Westminster says something that it does not like, the power of the civil service and SNP ministers comes tumbling down within minutes, or hours. If there is an issue around independence that needs to be politicised, the Government will do that immediately. However, when the rights of women and girls are reaffirmed by the highest court in the land, we get nothing.

I would like to hear from the minister exactly what the Government has done for five months. She said, in her response to Pam Gosal, that the Government is waiting for more guidance and that it will then update everyone, but what more is needed than the final word from the Supreme Court? That was as clear as day to those who had to take their Government to court and won that case, and they expected the judgment to be implemented immediately.

I am not sure that the Government really respects the ruling. If it did, it would have implemented it. It would have issued the guidance that is needed in our prisons and our schools, but that guidance is still not being delivered.

I recently had the privilege of being in the audience when Trina Budge was speaking about the case. I know that she is in the public gallery, so I hope that I can spare her blushes, but she had the audience captivated, although it was also

immensely frustrated at what Trina and other campaigners in For Women Scotland have had to do.

When people look back at the history books, they will be amazed and appalled that women had to go to court against their own Government to simply get the definition that sex means biological sex in law. They will then flick over a few more pages and wonder why it took so long for this Government, which says that it respects the decision, to do anything about it.

Minister, I hope that, in some ways, you are uncomfortable with the contributions tonight, because the situation should not be comfortable for the Government. As Jackie Baillie said, you cannot, on the one hand, make the laws of the land and, on the other hand, refuse to implement legal judgments.

There is an onus on the Government to act, and act quickly, for the Parliament, for MSPs representing our constituents and for Scotland. We are watching for the Government finally, even at this late stage, to acknowledge, respect and therefore implement the ruling of the Supreme Court. That must be done, and it must be done now.

**The Deputy Presiding Officer:** Before I call the next speaker, I advise members that, given the number of members who wish to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to extend the debate by up to 30 minutes. I invite Pam Gosal to move a motion without notice.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Pam Gosal]

*Motion agreed to.*

17:53

**Ash Regan (Edinburgh Eastern) (Alba):** I join other members in congratulating Pam Gosal on bringing this important debate to the chamber. Motions on this topic—including my own, back in April—recognise the unanimous judgment of the Supreme Court in For Women Scotland Ltd v the Scottish ministers, which was delivered on 16 April this year.

However, five months on, the Government and legal advisers are, oddly, trying to convince the people of Scotland that applying the clarity from the apex court is somehow complex. The ruling was clear and decisive, and it was historic. The Supreme Court affirmed beyond doubt that the words “woman” and “sex” in the Equality Act 2010 mean biological woman and biological sex. The judgment was not only unanimous but necessary. It is necessary because the Scottish Government

has, for far too long, pursued policies, guidance and legislation that have undermined the basic protections that are guaranteed to women under the 2010 act. The judgment was crucial because, without that clarity, women’s rights—hard won over generations—were being eroded in practice before our eyes.

I congratulate members of For Women Scotland, some of whom are here with us in the public gallery, on their courage, persistence and dedication. They did what they did against the odds, without the resources of the Government at their disposal, and they carried that fight all the way to the highest court. They did so not for recognition or power but for the fundamental principle that women’s rights matter and that those rights and protections need to be rooted in biological sex.

The First Minister, who, I hope, is watching this debate, must now honour the promise that he made to meet members of For Women Scotland, who have now been forced to take the Government back to the courts to make it comply with the law. That is shameful.

We are not talking about an abstract legal debate. The issue goes to the heart of women’s safety, dignity and equality. As we all know, it has implications for women’s prisons, hospital wards, women’s sports and every single-sex service that women and girls depend on. It has implications for the support services that are available to women who are recovering from prostitution, male violence and abuse, and for the principle of trust in the rule of law itself. If a unanimous judgment of the UK Supreme Court can be met with foot dragging and confusion, women in Scotland are entitled to ask whose side the Government is really on.

I say to the minister that acceptance of the Supreme Court’s ruling must result in action—without qualification, without caveat and without delay. With respect, that is not currently happening. All the policies and guidance that do not comply with the Equality Act 2010, as interpreted by the court, must be withdrawn.

Let this Parliament send a clear message today that women’s rights are not negotiable and that the meaning of “woman” is not up for reinterpretation. In Scotland, the law is not optional. For Women Scotland has done its part. The Supreme Court has done its part. It is now time for the Government to do its part by upholding the law, upholding its promises and upholding the rights of women and girls across Scotland.

17:57

**Tess White (North East Scotland) (Con):** I apologise for being 40 seconds late for this

important debate. Like others, I pay tribute to my colleague Pam Gosal for securing the parliamentary time for it.

We are five months on from the Supreme Court judgment, and it should shame the SNP Government that MSPs are still having to call for policies to be updated in line with the law. I am delighted that Jackie Baillie has spoken in the debate. I thank her for that, but I would have liked to see more of her Labour colleagues speaking in the debate.

To Maggie Chapman, I say that I find the term “cis woman” offensive, and I say to Rona Mackay that she must have drawn the short straw to have to come here tonight to be the Scottish Government’s spokesperson.

When Scottish ministers are determined to dodge scrutiny, we must use every available lever to demand answers. It is shocking that my colleague has to bring a members’ business debate in order to do that. Whether it is because of their arrogance or ignorance, we will not let SNP ministers get away with it.

Let me first congratulate the tenacious trio who are here today from For Women Scotland. Marion Calder, Susan Smith—I am sorry; I am getting emotional—and Trina Budge courageously fought for women’s sex-based rights from their kitchen tables to the highest court in the land. After meeting on Mumsnet, those three incredible women defended women’s rights while the SNP Government and its army of lawyers did their best to dismantle them. Sex Matters and Scottish Lesbians, as interveners in the case, should also be thanked.

The Supreme Court judgment was unanimous: under the Equality Act 2010, “woman” means a biological woman, and “sex” means biological sex. We cannot get clearer than that—no ifs, no buts.

The Scottish Parliament has acted to comply with the law. So, too, has the City of Edinburgh Council. Even the beleaguered Edinburgh Rape Crisis Centre has fallen into line. However, under the SNP Government, there are still men in women’s prisons; too many hospital wards are still mixed sex; women and girls are still having to get changed in gender-neutral changing rooms at their local leisure centres; and children went back to school in August with unlawful trans guidance still in place, which means that teenage girls still have to share school toilets with boys. It is absolutely shocking.

Shamefully, there has been no directive from John Swinney to Scotland’s public bodies to comply with the Supreme Court ruling, leaving them, as my colleague Jackie Baillie said, wide open to litigation. The foot dragging from Scotland’s First Minister is sending a clear

message to women and girls across the country. As Michelle Thomson said, inaction is action. The captured SNP would rather keep our rights in limbo than confront biological reality.

The SNP is fixated on self-ID and is pandering to party activists rather than upholding the rule of law. It is not wishful thinking; it is wilful ignorance. Now, Scottish ministers are throwing away even more taxpayers’ money to defend themselves again in court. I do not know the exact figure that is being spent—it was quoted as being £250,000, but my understanding is that, this week, the figure has risen to £600,000, and, as Jackie Baillie said, could go up to £1 million. That is shocking. NHS Fife is paying only a small part of that; the large part is being paid by the Scottish Government.

There are fears that the can could be kicked well into 2026. I would like to ask the minister to address that point in closing the debate. Is the Scottish Government going to kick the issue into 2026, or is it going to follow the law this year? If it is kicked down the road into next year, that beggars belief.

I say to the SNP Government that the game is up. As Jackie Baillie and my colleagues have said several times in the chamber, nobody is above the law. The Supreme Court has provided clarity, and now the SNP Government must restore its tattered credibility.

In closing, I echo the words of women and girls up and down the country who cannot speak for themselves: just get on with it—women will not be ignored, and we will not wait.

**The Deputy Presiding Officer:** I call Rachael Hamilton.

18:03

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** How long do I have, Presiding Officer?

**The Deputy Presiding Officer:** You have up to four minutes.

**Rachael Hamilton:** First, I thank Pam Gosal for bringing this important debate to the chamber and allowing us to demand that the Scottish Government be held to account for its pathetic response to a decision that was made five months ago by the Supreme Court, which, as many people have said today, confirmed the definition of “women” in the Equality Act 2010: “women” means biological women.

I also take this opportunity to thank For Women Scotland and the campaigners Trina Budge, Marion Calder and Susan Smith, as well as Sandie Peggie and Leigh Hurley. I would also like to thank Murray Blackburn Mackenzie—Dr Lucy

Hunter Blackburn, Lisa Mackenzie and their whole team—and other women who are with us today in the public gallery, because those women have given people such as me the confidence to speak with clarity on these issues.

In the past, I may have been undermined and intimidated by the comments that people such as my colleague Maggie Chapman MSP make. I want to challenge Maggie Chapman today. What kind of democracy are we living in when those who support sex-based definitions and oppose the views of certain individuals in the chamber who believe that eight-year-olds can socially transition are accused of perpetuating prejudice and being transphobic? The chamber is not the place to be making those statements.

Furthermore, it is important that we do not undermine the rule of law. That is the most important aspect of why we are challenging the Government and holding it to account for not delivering the Supreme Court decision. For example, one individual—it may have been the same individual—accused the Supreme Court of “bigotry, prejudice and hatred.”

I will move on to other comments that have been made in the chamber. Sharon Dowey, who always stands up for victims, did not mention by name the self-ID rapist, Isla Bryson, who was housed in HMP Cornton Vale, but men are still being housed in women’s facilities in Scotland.

We have also heard about trans guidance in schools. Teachers are being accused of transphobia. The guidance is not clear, and it is the Government’s job to deliver that guidance.

Michelle Thomson is not in the chamber now—she apologised for having to leave early—but I agree with my colleague Douglas Ross that hers was a very brave speech. Like many other women—for example, women in prisons, who are being retraumatised—she talked very bravely about her trauma and about how she feels when she is in some spaces with men. Those of us who have not experienced what Michelle Thomson has experienced in her life will ever feel that. I say well done to her. The minister, Kaukab Stewart, should take that point fully on board and 100 per cent listen to one of her back benchers, who delivered one of the most powerful speeches in Pam Gosal’s debate today. She should get on and deliver the change and the guidance, and make sure that people, particularly women and girls, are protected.

We really deserve better. Women in Scotland deserve better. We deserve leaders who are not going to sacrifice our safety and our privacy for reasons of political ideology. We deserve clarity, not confusion. We deserve fairness, not fairyland.

18:08

**The Minister for Equalities (Kaukab Stewart):**

I have listened very carefully to all the contributors in the debate. I will not be able to refer to everybody individually, but I will try to address as many of the points that were raised as I can.

The Scottish Government has consistently made it clear that it accepts the Supreme Court ruling in *For Women Scotland Ltd v the Scottish ministers* in relation to the definition of the term “woman” in the Equality Act 2010.

Since April, we have been taking forward the detailed work that is necessary as a consequence of the ruling. That work is on-going, and it is being co-ordinated by a senior-level, cross-Government working group that is convened by the permanent secretary.

Our approach is—

**Douglas Ross:** I am sure that the minister has asked this question, since it has gone right to the top with the permanent secretary. What timescale have civil servants given the minister for when that work will be completed?

**Kaukab Stewart:** I cannot give a timescale for that. There are so many different areas that the judgment may or may not cover, and the work has to be done in a methodical way.

I was going on to address the point that our approach is focused on co-ordinating Government action in the context of legal complexity, ensuring accuracy and clarity.

I would also like to make it clear that the decision of the Supreme Court does not remove trans people’s protections from discrimination. That point was made explicitly by the Supreme Court in its judgment. We have been clear since the Supreme Court ruling that we accept that. We are taking forward the work that is necessary as a consequence of it. Every key area of Government that is or may be affected by the judgment is carrying out those assessments.

**Rachael Hamilton:** I am slightly confused. If the minister is getting the guidance out and is going to act on the decision made by the Supreme Court, why is the Scottish Government challenging *For Women Scotland*, in its challenge against the Government in relation to the decision?

**Kaukab Stewart:** The Presiding Officer will be well aware that I will not comment on any live litigation cases.

I will give some examples of the work that we have already done: we have updated the guidance on the Gender Representation on Public Boards (Scotland) Act 2018 and we have amended the recruitment process for appointments to public bodies subject to the 2018 act. Through joint

working with Police Scotland, we will publicly consult on the stop-and-search code of practice before the end of the year. The guidance on supporting transgender young people in schools is being reviewed, recognising that the EHRC is also reviewing the technical guidance for schools.

As I said, our approach is focused on ensuring accuracy and clarity, and avoiding unnecessary complexity or confusion at a time of heightened public debate.

**Jackie Baillie:** I referred to a report by the Ethical Standards Commissioner, who, I think we can agree, is not known for being outrageous. He says that policy is getting ahead of the law. You have a direct role in that. It does not require thinking through; it requires the Government to say to its public bodies, “Don’t get ahead of the law. Follow the law.” Why can you not do that?

**The Deputy Presiding Officer:** Always speak through the chair.

**Kaukab Stewart:** We have, in fact, done that. I reminded myself of the fact that, in May, we published a note that was sent to all public bodies, and which made it very clear that public bodies should satisfy themselves that they are compliant with the law and that they are reviewing all the necessary guidance and policies. Other people also raised that point and implied that we had not offered that instruction, but we had.

I take the opportunity to remind the Parliament that equality for women and girls is a priority for this Government. I have heard very powerful testimonies this afternoon about why that is so important. I also remind Parliament that it is at the heart of our vision for a fair and prosperous Scotland for everybody.

As a Government, we are determined to deliver for women and girls and to address those inequalities where they arise.

**Jackie Baillie** rose—

**Rachael Hamilton** rose—

**Kaukab Stewart:** Can I just make a little bit of progress? I realise that I am running out of time—I have taken interventions.

That was an outline of some of the work that we are doing. I also want to re-emphasise that the ongoing work on the implications of the Supreme Court judgment is not about pitting the rights of two groups of people against each other, but rather is about ensuring equality, dignity and the rights of all. I want to make it clear that trans men and women are valued in society. They exist—they always have done—and they must enjoy the same human rights as all in society, as well as protections under the Equality Act 2010.

I sincerely believe that the vast majority of people in Scotland want to live in a country that is respectful, compassionate and caring and that protects the rights of all. It is not a competition. Our work to support trans people in Scotland is absolutely not at the expense of our vital support for women and girls. Strategic work is taking place on that, informed by the First Minister’s National Advisory Council on Women and Girls and the voices and views of a diverse range of women and girls, including those on the empowering women panel.

Violence against women and girls was mentioned. I highlight the equally safe strategy, which is world leading. Through it, we have strengthened the laws that enable us to respond robustly to perpetrators and protect women and girls—for instance, through the Domestic Abuse (Scotland) Act 2018. We make sure that we take trauma-informed approaches, especially for women who have experienced sexual violence, and we have changed the law so that victims of rape and sexual assault can get healthcare without first having to report the assault to the police—[*Interruption.*] Forgive me, but I will make progress. I am grateful for the leeway, Presiding Officer—I know that I have gone over my time.

We have taken forward a great deal of work to ensure that those who work in the public sector are equipped with the resources and knowledge to confidently and sensitively work with those who are affected by violence against women and girls.

I will briefly mention health. We published the first women’s health plan in the UK, and we are currently working on the second phase of that process. The achievements that that has led to include the appointment of Scotland’s first women’s health champion, Professor Anna Glasier.

**Rachael Hamilton:** On a point of order, Presiding Officer. I cannot for the life of me believe that the minister is talking to the motion. It is very frustrating. We are trying to hold the Government to account on not delivering the Supreme Court decision, and the minister is talking about health plans and domestic violence.

**The Deputy Presiding Officer:** I thank Ms Hamilton for her point of order.

I have listened carefully to the minister’s response thus far. She has specifically addressed issues that are raised in the motion. In the past minute or so, she has been reflecting on wider actions that the Government is taking. However, as time is now pressing, perhaps the minister would bring her remarks to a close, focusing on the issues in the motion.

**Kaukab Stewart:** I will bring my remarks to a close. I hope that I have given reassurance that

the Government absolutely accepts the Supreme Court judgment. I have given clear examples of the actions that we are taking. I point out that the EHRC has only recently—on 5 September—submitted to the UK Government its revised code of practice, which we have not yet seen. That is another sign that it is vital to take time to fully consider the impact of the judgment and its consequences—which is what we are doing.

**The Deputy Presiding Officer:** That concludes the debate.

*Meeting closed at 18:18.*

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