



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 8 October 2025

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
15th Meeting 2025, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness and Nairn) (Ind)

*Maurice Golden (North East Scotland) (Con)

*Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)

Edward Mountain (Highlands and Islands) (Con)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 8 October 2025

[The Convener opened the meeting at 09:35]

Continued Petitions

Surgical Mesh and Fixation Devices (PE1865)

The Convener (Jackson Carlaw): Good morning, and welcome to the 15th meeting in 2025 of the Citizen Participation and Public Petitions Committee. We will begin our proceedings in the hope and expectation that the deputy convener will join us.

The first item on our agenda is consideration of continued petitions. I highlight to those who are joining us or watching us online that we have a large number of open petitions to consider before the dissolution of the Scottish Parliament, with the last working week being week ending 26 March 2026. Our focus for the rest of the parliamentary session is now on identifying any areas where we feel that we can make progress during the time remaining, given that there are not many meetings of the committee ahead.

Our first continued petition is PE1865, lodged by Roseanna Clarkin and Lauren McDougall, which calls on the Scottish Parliament to urge the Scottish Government to suspend the use of all surgical mesh and fixation devices while a review of all surgical procedures that use polyester, polypropylene or titanium is carried out and guidelines for the surgical use of mesh are established. We are joined by our colleague Jackie Baillie, who has a long-standing interest in such matters.

We last considered the petition on 19 February 2025, when we discussed potentially closing the petition but ultimately agreed to write to the Scottish Government to seek more information on the points about data. We have received a response from the Minister for Public Health and Women's Health. Although committing to keep emerging evidence under review, the minister stated that the Scottish Health Technologies Group—SHTG—analysed the most relevant research on the use of mesh for hernia repair and that evidence published since 2021 aligns with the group's advice on outcomes and patient follow-up.

The Scottish Government is further guided by the Medicines and Healthcare products Regulatory

Agency—our old friends, the MHRA—which says that there is currently no evidence on which to base further regulatory action for surgical mesh. The minister also referenced the National Institute for Health and Care Excellence—NICE—which regularly reviews evidence to update its clinical guidance, including on hernia repair.

The minister's response then highlights a series of programmes in progress, which provide data for medical devices, including pelvic and hernia mesh, both at a United Kingdom and a Scottish level. It also points to the open initiative of the evidence directorate in Healthcare Improvement Scotland, whereby anyone can propose guideline topics or request research to be considered in Scottish clinical guidelines.

The petitioners reiterate their view that the SHTG's recommendations are based on incomplete and outdated data. They also believe that meaningful action has yet to materialise on clear patient pathways for hernia mesh-injured individuals and guidelines for the use of mesh, suggesting that there are still patients who are neither being offered non-mesh alternatives nor receiving fully informed consent.

Before I invite Jackie Baillie to contribute, I will say that I have raised the mesh issue, particularly with regard to the two reports by the late Professor Alison Britton, which were commissioned by the Scottish Government, and the First Minister offered to meet me. He did so after the summer recess. He, the minister and all relevant officials were there. Subsequently, he has written to me with a very detailed outline of all the work that has been done to implement the findings of the two reports. I have to say that there are still some gaps, so follow-up evidence is required.

I am also going to London to pursue, with relevant authorities there, progress on the recommendations by Dr Henrietta Hughes on compensation for mesh.

Jackie Baillie (Dumbarton) (Lab): Well, what can I add to what you have already said, convener? You have been tireless in pursuing this petition, and you, the former health secretary Alex Neil and my colleague Neil Findlay campaigned alongside the mesh-injured women and championed their cause. Clearly, you continue to do that.

I concede that the Government has taken some action. There is a specialist clinic and access to mesh removal abroad, but waiting lists remain too long, and some women are still waiting. For me, the issue is the continuing use of mesh, whether it is in hernia operations or others.

I am persuaded by your efforts and by the response from the petitioners that we should keep the petition open, because the information is

outdated. It is clear that your meeting with the First Minister was very welcome, but it throws up some gaps that I hope the committee will explore further.

I suggest that we keep the petition open, because the job is not yet quite done. On that basis, I commend the committee to do exactly that.

The Convener: I have a great deal of sympathy with that. On the other hand, we are probably at a stage in the parliamentary session where it will have to be the efforts of individual members that take these things forward. I am not certain that there is more that the committee can do.

The Scottish Government has said that it is guided by the SHTG, MHRA and NICE in its current approach to evidence, which it will keep under review. A number of on-going programmes provide comprehensive data for medical devices, including pelvic and hernia mesh, and there is an option to address proposals for the development of guideline topics directly via Healthcare Improvement Scotland.

I feel that, just because we are running out of time, we should close the petition. That is not because I think that the issues have been fully addressed but because a fresh petition in the next session of Parliament could focus on the issues that might remain at that time. There is a division of opinion, even among those of us who have had major concerns about the use of mesh, in relation to its application in hernia operations—I think that our deputy convener said that he has benefited from that.

There are remaining issues, which can be pursued by members who have an interest in the matter. I hope, and would expect, that the wider issues that remain might therefore be raised in a fresh petition.

Are members content to conclude that there is nothing further that we can do as a committee in relation to the petition in the time that is left available to us?

Members *indicated agreement.*

The Convener: I think that Mr Ewing wants to come in. My glasses are fogged up, Mr Ewing, so you will need to shout out, because I can hardly see you.

Fergus Ewing (Inverness and Nairn) (Ind): I agree with the recommendation, but I do so with considerable regret, because the points that you and Jackie Baillie have made are apposite, as usual. Most of the parties support the general tenor of the petition, so it is extremely disappointing that more has not been done. However, at the same time, we do not have executive power in this committee and we are near the fag end of the session of Parliament, so

the incoming Administration, whoever that is, will have to take on the issue. I have no doubt that another petition could be lodged by the petitioners early on in the next parliamentary session, if they so wish.

The Convener: I note that the First Minister's interest was genuine. It was the first time that he had fully engaged on the topic. However, even though I have received a comprehensive letter, when I ask for an itemised check-off against each of the recommendations, some of the information was grouped and general, which is not necessarily as reassuring as it might be. There are further written questions on all those issues that I can put to Government, as can colleagues.

Child Protection (Public Bodies) (PE1979)

The Convener: Our second continued petition, PE1979—a great year—was lodged by Neil McLennan, Christine Scott, Alison Dickie and Bill Cook, all of whom had an opportunity to address the committee and some of whom joined us from time to time as we considered the petition. The petition calls on the Scottish Parliament to urge the Scottish Government to launch an independent inquiry to examine concerns that allegations about child protection, child abuse, safeguarding and children's rights have been mishandled by public bodies, including local authorities and the General Teaching Council for Scotland; to examine gaps in the Scottish child abuse inquiry; and to establish an independent national whistleblowing officer for education and children's services in Scotland to handle all those inquiries in future.

We are joined by our MSP colleague Edward Mountain—good morning. We last considered the petition on 5 February, when we agreed to write to the Minister for Children, Young People and The Promise and to the GTCS. In her response, the minister indicated that work is under way to identify potential solutions to the issues that were raised in her meeting with the petitioners. She also mentioned work that was undertaken alongside the Association of Directors of Education in Scotland to understand current arrangements for whistleblowing and case investigation and potential improvements to those arrangements.

The minister also highlighted other work that was undertaken to improve child protection, including meetings of the new national child sexual abuse and exploitation strategic group. She reiterated the Government's intention to engage with the recommendations of the Scottish child abuse inquiry once that has been included and to keep under review the statutory requirement for mandatory reporting, on which she said that stakeholder views have been varied.

The GTCS response highlights that a local authority-led process will always be required when investigating concerns, so long as local authorities provide education services and employ teachers in Scotland. It also reiterates its view that a focus on establishing a new whistleblowing officer could draw attention away from identifying where the current gaps are and from implementing effective solutions to fill them.

Since reviewing the official GTCS response, the Professional Standards Authority for Health and Social Care's review of the fitness-to-teach process was published, and the GTCS is working on an action plan that is based on the PSA recommendations.

The petitioners have welcomed some of the work that has been undertaken, but they continue to highlight the power imbalance against those who raise concerns and say that current mechanisms do not provide the level of security that is required to identify validity of safeguarding concerns.

Edward Mountain would like to address the committee.

Edward Mountain (Highlands and Islands) (Con): Thank you, convener. I realise the pressure that is on the committee as we come to the end of the parliamentary session. I would like to go back to a couple of comments that were made when the petition last came before the committee on 5 February. At that time, Ash Regan said that she believes that public bodies are "defensive" and Fergus Ewing said that he profoundly believed that the current system is "inherently flawed". That remains my position, and I think that that is the position of the petitioners.

Since I came to the committee on 5 February, more cases have come to light in the Highlands, some of which are deeply concerning. Pupils are being dragged out of classrooms by their feet and teachers are being suspended but no evidence has been given as to why they have been suspended. As far as their colleagues are concerned, it remains the case that they have done nothing wrong when the parents and the pupils know that they have done something wrong. That is why we need, more than anything else, a whistleblowing officer to look at issues and to address them.

If we are going to get it right for every child—which we must do—we need to ensure that children are heard and that, when evidence is provided on mistreatment, especially in schools, it is made available when the person is suspended. At the moment, too many teachers across Scotland are getting away with things because the authorities are hiding behind GDPR regulations

that say that they cannot disclose whether a person has been suspended.

I think that that situation will go on for ever, until we get a whistleblowing officer, which is why I am keen to ensure that the petition continues. As I said, I know that time is an issue for the committee, but I think that your committee is the only one in Parliament that can keep open petitions into the next session. Considering that the children of Scotland are affected, I urge the committee to consider keeping it open, because we have not got things right at the moment. I will leave it at that, because I could get emotional over this, as I think that we are letting our children down.

The Convener: Yes, keeping open the petition is an option, but it is one that we would exercise very carefully, because it might not be helpful to the next committee in the next session of Parliament were it to have a significant body of open petitions before it.

Do colleagues have any suggestions for action?

Fergus Ewing: I speak in support of what my colleague Ed Mountain said. I, too, have constituents who have profound concerns about the way in which complaints are dealt with. They feel that they are kept in the dark. No information is ever given to them about anything, and they are left feeling completely impotent. That might be because of GDPR or the law, and it might not be; I do not know.

What I know is that the system is inherently wrong: public bodies are failing to observe the first basic principle of any justice system, which is *nemo iudex in causa sua*. To put it in plain English, they are marking their own jotters. Any public body, when facing criticism, will circle the wagons and defend itself. That is an instinct. It is very simple: there is an inherent conflict of interest between defending its own interests as a public body and dealing with a complaint from a third party.

This petition has been on the go for three years. To supplement what Mr Mountain has said—I drew this to the convener's and the clerks' attention prior to the meeting—I point out that fairly recently, on 26 September, we published the petitioners' supplementary submission. In that submission, they make new substantive points. The first is about the growing support of MSPs; they mention all the MSPs who have supported the petition. Then, they talk about the GTCS and the patent defects of its filtering out of child safeguarding referrals at the initial stage. The defect is that the GTCS basically goes what with the education authority says—so much so that, according to the submission, the statistics show that

“only 26% of referrals received from the public”

were investigated

“compared with 92% of employer referrals.”

That was the finding of the Professional Standard Authority, which is, itself, independent and which also criticised the system, having

“found that the GTCS relied solely on the referral information”.

No one acting in any judicial capacity can rely on hearing only one side of the case. That is a breach of a second principle of natural law: *audi alteram partem*, which, as Latin scholars will know, means “listen to both sides of the case”. It could not be more elementary and yet, three years on, we are no further forward.

I accept entirely that we are moving towards the end of this parliamentary session. However, there are six months left in it. I hope that colleagues feel that this is fair: given the cross-party support for the petition, its obvious strong points and the petitioners submission in September, the least that we should do is invite the Scottish Government to respond specifically to the points that were made in that submission. It sets a good example: as the Citizen Participation and Public Petitions Committee, we must ensure that the Scottish Government responds to the other side of the case.

I know that we are under a lot of pressure to close petitions and I will not be arguing that every petition should be kept open. There are only two this morning that I think that about—which, for me, is a very modest bag—and this is one of them. It has an extremely strong case and, three years later, we are not any further forward.

The Convener: Thank you, Mr Ewing. If I may trade Latin with you, *tempus fugit*.

Fergus Ewing: Well—*festina lente*, you know.

The Convener: Mr Ewing recommends that we invite the Scottish Government to respond to the petitioners’ latest submission.

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): Education is a public service. Is there not another public body, such as the Scottish Public Services Ombudsman, that could take on that role? It is a public service that is being provided and there is a flaw in the public service. That is the PSO’s role.

The Convener: That might be beyond the scope of the committee’s ability to properly explore.

In the first instance, are we happy to pursue Mr Ewing’s suggestion? Then, we will have a further opportunity to decide whether, as Mr Ewing is suggesting and as Mr Mountain is hoping, it might

be one of our legacy petitions—or whether we think that it would be best served by a fresh petition in the next parliamentary session. We will write to the Scottish Government to seek a response to the petitioners’ latest submission. Are colleagues content to proceed on that basis?

Members indicated agreement.

Hire of Public Land (Ministerial Intervention) (PE2056)

The Convener: PE2056, which was lodged by Stephen Gauld, calls on the Scottish Parliament to urge the Scottish Government to introduce legislation providing ministers with the power to call in and potentially override council decisions on the hire of public land for large-scale events.

We last considered the petition on 5 February 2025, when we agreed to write to the Scottish Government about it. The response from the Cabinet Secretary for Finance and Local Government states that the Scottish Tourism Alliance’s submission does not change the Scottish Government’s previously stated position. The Government would not consider introducing the mechanism asked for in the petition, since that would go against the principles set out in the Verity house agreement, under which it committed to respecting local government’s democratic mandate, and vice versa. I did not know that that was still a thing. For the same reason, the Scottish Government would not pass judgment on what may, or may not be, a sound reason for refusing an application at a local level.

The petitioner’s additional submission details his recent experiences when attempting to hire land for events, which he found demoralising and expensive.

Do members have any comments or suggestions for action?

Maurice Golden (North East Scotland) (Con): Given the stage of the parliamentary session, we should close the petition under rule 15.7 of the standing orders on the basis that, as the convener highlighted, the Scottish Government has reiterated its commitment to the Verity house agreement and thereby will not intervene in decisions regarding the hire of public land owned by local authorities.

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

Members indicated agreement.

The Convener: Given the position that the committee is in, as I have outlined, we will close the petition on that basis.

We are expecting petitioners to join us this morning on the centralisation of specialist neonatal

units in NHS Scotland. I know that Jackie Baillie is joining us for that petition too, but I will hold off a little in the hope and expectation that the petitioners are able to join us.

Before I move on, I forgot to mention that in relation to the first continued petition that we considered this morning—PE1865—Katy Clark had hoped to join us but instead submitted a late written submission when she was unable to do so.

Denominational Schools (Assessment of Demand) (PE2129)

The Convener: PE2129, which was lodged by Elizabeth Spencer, calls on the Scottish Parliament to urge the Scottish Government to require education authorities to adopt a uniform set of criteria and a standard consultation for assessing community demand for denominational schools.

We wrote to the Cabinet Secretary for Education and Skills after we last considered the petition on 19 February. The cabinet secretary's response states that, when establishing a new school, local authorities are required to carry out a consultation under the Schools (Consultation) (Scotland) Act 2010. That consultation has to include at least 30 school days, engage with a specific list of relevant consultees and include a public meeting. Education Scotland also produces a report about the educational benefit of the proposal, and the local authority has to produce a final report summarising responses to that consultation. The cabinet secretary states that she has no evidence to support the view that the current arrangements for the establishment of new schools, including denominational schools, is unfair or inconsistent.

The petitioner has provided a written submission that states that, in the case of Aberdeen City Council, non-Catholic parents and grandparents were disregarded from the consultation. She calls for the committee to consider whether the criteria and consultations are being applied consistently and to examine whether the experience of Aberdeen families shows the need for national guidance and oversight.

Do members have any comments or suggestions for action?

Maurice Golden: I recommend that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government is of the view that existing legislation takes into account the needs of communities that wish to establish a denominational school, and that the current framework for decision making around the establishment of a denominational school is sufficient.

The Convener: Are colleagues content to close the petition?

Members indicated agreement.

The Convener: We thank the petitioner for raising the petition, but in the light of the Scottish Government's response, we do not feel that there is anywhere further that we could take it.

Non-medical Aesthetic Injectors (Regulation) (PE2137)

The Convener: The next of our continued petitions is PE2137, which was lodged by Jordan Morris on behalf of Mr Skulpt Aesthetics Ltd. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce an aesthetics licensing scheme to ensure that non-medical practitioners meet training and safety standards.

We last considered the petition on 5 March 2025, when we agreed to write to the Scottish Government. The Scottish Government has since written to the committee on two occasions. The most recent submission set out that the Scottish Government has published its analysis of the consultation on the regulation of non-surgical cosmetic procedures and its intended next steps. The Scottish Government intends to introduce a non-surgical cosmetic procedures bill, which will ensure that many non-surgical cosmetic procedures will be undertaken by or under the supervision of a healthcare professional and, in most cases, in a setting that is regulated by Healthcare Improvement Scotland. In addition, the Scottish Government intends to pursue secondary legislation under the Civic Government (Scotland) Act 1982 to establish a local authority licensing regime for procedures that do not require the input of a healthcare professional.

In view of the fact that many of the aims of the petition have been realised, do colleagues have suggestions for action?

Maurice Golden: As per your remarks, convener, the Scottish Government is ultimately committed to meeting the ask of the petitioner, which is a positive result. Therefore, I recommend that we close the petition under rule 15.7 of standing orders.

Fergus Ewing: I do not demur from that recommendation. However, the controversy regarding the expected content of the Scottish Government's bill will not recede. The controversy may actually intensify once people grasp that the bill may not achieve what a great many people believe that it should achieve and that they want it to achieve, although that may just be a personal observation.

For the reasons that the convener and Mr Golden have given, there is nothing further that we can do with the petition at this stage.

The Convener: Are colleagues content to close the petition?

Members *indicated agreement.*

New Petitions

10:01

The Convener: I will suspend consideration of item 1 for a while as we move to item 2, which is the consideration of new petitions.

I highlight to those who are following today's proceedings that a considerable amount of work is done in advance of the consideration of each petition. We invariably invite the independent research service in the Scottish Parliament—the Scottish Parliament information centre—to offer a briefing in relation to the issues that are raised by each petition, and we get an initial view from the Scottish Government. We do both those things because it has historically been the case that the committee would initiate them as its first actions upon the first consideration of a petition, so we simply get to the point of being better informed at an earlier stage.

Child Custody Cases (Standardised Timeframe for Civil Proceedings) (PE2166)

The Convener: The first of the new petitions is PE2166, which was lodged by John Watson McMaster. The petition calls on the Scottish Parliament to urge the Scottish Government to establish a standardised timeframe for civil proceedings that relate to child custody cases, including a 14-day timeframe for proof hearings. The SPICe briefing explains that section 11 of the Children (Scotland) Act 1995 gives courts various powers to decide an issue in a dispute about parental responsibilities and rights.

The briefing states that relatively few section 11 cases tend to get as far as a proof hearing. Instead, they are typically settled during child welfare hearings, which are relatively informal, private proceedings. The briefing also notes that there have been long-standing policy concerns about delays in cases that affect children, including in section 11 cases, and inconsistencies in how such cases are managed. To address that, the Children (Scotland) Act 2020 will, when in force, require courts to consider whether any delay in proceedings would negatively affect a child's welfare. The length of delay is not specified in the legislation, with the explanatory notes for the bill stating that the length

“would vary from case to case.”

The Scottish Government's response to the petition states that it does not consider the specific asks of the petition to be practical or achievable. Its submission notes that a standardised timetable would not recognise the different complexities in individual cases. The submission also highlights the case management rules that are in place for

family actions, which includes a key aim of bringing greater judicial case management to resolve cases more quickly.

The petitioner has provided a written submission calling for the committee to reconsider the timeframe that was set out in the petition. Following a meeting with the Scottish Government, he is now calling for a considered timeframe of four to six weeks rather than 14 days for a proof hearing. He states that that timeframe is pragmatic, because it aligns with the operational realities of the courts while still drastically accelerating the process. He also states that the timeframe would protect child welfare by prioritising swift resolution and improve system efficiency by reducing opportunistic and malicious litigation.

The petitioner's submission states that the core issue is not a lack of rules but a systemic failure to enforce them consistently. He believes that the social damage that is caused by those procedural failures is measurable not only in the immense emotional toll on families but in the long-term costs to public services, including mental health support and social work intervention.

Do colleagues have any comments or suggestions for action in the light of what we have received?

Fergus Ewing: I used to be involved in family actions as a solicitor. It is an area that is not only about child welfare but often about broken-down relations between the husband and wife. Therefore, such cases are often ancillary to divorce proceedings. They can be extremely difficult and fraught with emotional intensity and strong feelings on either side, so many of the delays that result come not from the courts but from the reluctance of the parties to come to a deal. I do not make any judgments on anybody in saying that. That is just how it works—or does not work.

It would be interesting to know when the Children (Scotland) Act 2020 will come into force and what the plans are. The advice that we have had from the clerks is that the act will require courts to consider whether any delay in proceedings could negatively affect a child's welfare, which seems to be a very useful power. In other words, if there were to be an inordinate delay that went on for years and years and the child's welfare was—understandably—suffering as a result, it seems sensible that that law, as passed in 2020, should come into play. It would be good, at the very least, to ask the Scottish Government when the 2020 act will come into force. If it is saying that the 2020 act is something that should be taken account of, we are entitled to know when it will become the law.

The Scottish Government should also be asked for its views on the petitioner's revised deadline of four to six weeks as opposed to 14 days. I suspect that the answer will be much the same and I suspect that there are good practical reasons to consider that any deadline of this nature may be arbitrary in some cases and therefore potentially produce adverse anomalies and consequences. However, it would be useful to get a bit more detail from the Government about that.

At the end of the day, I am sure that the petitioner has got a point that these actions can take years and years, and that the victims—the sufferers—are very often the children.

The Convener: Thank you, Mr Ewing. This is the first consideration of the petition, and you have made specific recommendations. Are committee members content to keep the petition open and to make the inquiries that Mr Ewing has detailed?

Members *indicated agreement.*

Pavement Parking Ban (PE2167)

The Convener: The next petition is PE2167, which was lodged by Donna Inglis and calls on the Scottish Parliament to urge the Scottish Government to pause the pavement parking ban for all roads that were built before 2019 and to require all local authorities to carry out an assessment and consultation on any other road for which they want to introduce a ban, with a presumption that bans will not be agreed for roads under 6m wide.

The Scotland-wide prohibition on the parking of motor vehicles on the pavement was introduced in part 6 of the Transport (Scotland) Act 2019 and came into force in December 2023. The SPICE briefing explains that exemptions to the prohibition apply to certain categories of vehicle in particular circumstances, and that exemption decisions are a matter for each local authority.

The Scottish Government's response indicates that the option to allow local authorities to only designate specific roads for pavement parking bans was considered when it designed the policy but that that option was ultimately deemed potentially confusing for drivers. Thus, limiting the ban to roads that were constructed after 2019 would fail to provide consistent protection for all pavement users.

The Government also points out that funding and guidance were allocated to local authorities in advance of the ban to support road assessments and identify potential pavement exemptions. The initial consultation was promoted through a number of channels and a nationwide campaign was run ahead of the ban coming into force.

Finally, the Government indicates that the parking standards group, which comprises various stakeholders and includes representatives of the local authorities, can address any concerns or clarify issues that are related to the ban and to any exemptions.

In an additional submission, the petitioner lists several further issues that she believes are having an impact on local authorities and communities following the introduction of the ban.

Do members have any comments or suggestions for action?

Maurice Golden: The ways in which the legislation is applied by local authorities vary considerably. Anecdotally, I have experienced that, in many cases, it is not enforced at all. Nonetheless, the committee should close the petition under rule 15.7 of standing orders, on the basis that, although the Scottish Government had considered designating specific roads for pavement parking bans, as the petition highlights, it decided that that would cause confusion and put pavement users at risk. Furthermore, the decision to allow exemptions for narrower roads is one for local authorities. Finally, the parking standards group can address further concerns and clarify issues that are related to the ban and to any exemptions.

The Convener: Are colleagues content to close the petition on that basis?

Members *indicated agreement.*

Continued Petitions

Specialist Neonatal Units (Centralisation) (PE2099)

10:11

The Convener: We suspend consideration of item 2 and resume item 1, which is continued petitions.

The final continued petition, for which we have been joined by the petitioners, is PE2099, which was lodged by Lynne McRitchie. The petition calls on the Scottish Parliament to urge the Scottish Government to stop the planned downgrading of established and high-performing specialist neonatal intensive care services across NHS Scotland from level 3 to level 2, and to commission an independent review of that decision in the light of contradictory expert opinions on centralising services.

We last considered the petition on 11 September 2024, when we agreed to write to the Minister for Public Health and Women's Health, and to undertake a visit to explore the issues raised in the petition. Since then, members of the committee have visited the neonatal intensive care unit at the University hospital Wishaw and have met the petitioner, families with experience of neonatal intensive care, Wishaw staff and NHS Lanarkshire staff. We thank those individuals who took the time to meet us. A tremendous number of people turned up; those of us in the committee who were present really valued the personal exchanges that we were able to have, not only with people who have been effected but with a considerable cohort of staff who also turned up to speak to us.

Hearing the perspectives and experiences of families with direct experience of neonatal care—some of which had happy outcomes and some less so, so it was a highly charged discussion—helped with our understanding of the issues raised in the petition. We are also grateful to the staff at NHS Lanarkshire and University hospital Wishaw for their work to arrange the visit, which was a first-class operational opportunity for us all. A note summarising the issues raised during the visit is available in the papers for today's meeting and has been published on the petition's website page.

Since we last considered the petition, the Minister for Public Health and Women's Health has provided two written submissions. The first submission reiterates that the recommendation was based on evidence that outcomes, including survival, for the very smallest and sickest babies are best when they are cared for in units with high volume throughout and where there are collocated

specialist services. The response states that the review team visited all 14 health boards and met teams from maternity and neonatal services. The Scottish Health Council led a programme of service user engagement across all national health service territorial boards in Scotland, which was supplemented with bespoke service user events. The submission states that more than 600 staff and 500 service users contributed to the review process.

The minister's most recent written submission notes that, although the principles underpinning the changes are supported by the Scottish executive nurse directors group—SEND—and by the directors of midwifery, concerns were raised about the implications of the change for maternity services. The submission says:

"The Directors of Midwifery highlighted that additional data and evidence gathering was required for maternity services to inform maternity capacity implementation planning."

It states that a national-level data collection is under way to understand the impact of the neonatal care remodelling on maternity services.

10:15

Bliss Scotland has provided a written submission that details its support for the new model of care and shares its view that the volume of babies born needing intensive care in Scotland is

"far too low to sustain more than three NICUs in Scotland."

The submission shares concerns that

"progress is stalling",

with a lack of clear communication about the task and finish groups' priorities, work plan and progress to date. Bliss believes that

"Ongoing concerns regarding resourcing have not been addressed, including adequate staffing at the designated three intensive care units."

I should say that there were issues raised in regard to Bliss by those who attended the visit that the committee held at the hospital.

Monica Lennon MSP is unable to attend the meeting this morning and has instead provided a written submission. The submission states that a

"truncated process amounts to tokenism, leaving families, clinicians, and local representatives feeling betrayed."

Ms Lennon's submission calls on the committee to consider recommending that an

"independent, multidisciplinary review be undertaken before Scottish Ministers reach a final decision"

regarding the future of neonatal intensive care services.

It is important to remember that the recommendation was not necessarily to have three NICUs; it was for a reduction in the number of service centres, and that it would have been perfectly possible for the award-winning unit to have been retained.

Meghan Gallacher had hoped to join us this morning for the consideration of the petition but was unable to do so. Jackie Baillie is still with us, and she would like to address the committee.

Jackie Baillie: I am going to attempt the impossible, which is to try to get the committee to keep the petition open. As you rightly pointed out, the Wishaw neonatal unit was the best neonatal unit in the country—not Scotland, but the whole of the United Kingdom—in 2022. For some reason, the Scottish Government then decided that it should close.

You are quite right to reference an earlier report that was presented to the Scottish Government, which recommended that there should be three to five neonatal units to cover Scotland, instead of the seven or eight that we have now. Nobody disagrees with that. What we disagree with is that the Scottish Government opted to go for three units—one in Glasgow, one in Edinburgh and one in Aberdeen—and that Lanarkshire, the third-largest health board, which covers a population of 655,000 people, would have its neonatal unit removed. I have to say, in contradiction to what the minister contends, that the evidence was partial. There was no voice from NHS Lanarkshire sitting around the decision-making table, but there were representatives from Glasgow and Lothian.

The thing that we need to hold on to is that the Wishaw neonatal unit does not only deal with mums and babies from Lanarkshire; it deals with those covered by Greater Glasgow and Clyde, because the two Glasgow units that are currently there do not have enough capacity to cope with the mums and babies from Glasgow. Lanarkshire plays a key role for the whole of Scotland. It has been said that when the Wishaw neonatal unit closes and mums and babies cannot go to there, to Glasgow or, potentially, to Edinburgh, Aberdeen could be the default.

We think that there is not enough capacity in Glasgow to cope, so you would be putting the sickest babies in ambulances to make the two-and-a-half to three-hour journey to Aberdeen to be seen. It is entirely ridiculous, not just because of the risk, but because the sickest babies are likely to be in hospital for long periods. What happens to the mums and families who are rooted in their community in Lanarkshire? How do they spend time with the baby up in Aberdeen? That would be impossible and impractical.

It is not only the families who are very pragmatic in resisting these changes; it is the clinicians as well. The committee saw that very powerfully in its visit to the unit.

The solution, if I can posit one, is that we should have four units. It is common sense—it is not rocket science. I wonder whether we could invite the committee to write to the Government to suggest that it pauses any changes, that there should be a fully independent review and that it should consult the clinicians and the families affected in more than just a tokenistic way. Perhaps the committee could even invite the minister to come before the committee.

That would be a valuable conclusion to the committee's visit. To be frank, if we do not keep the petition open, the Government will downgrade the neonatal unit between now and May, and that will not benefit anybody.

The Convener: I am sure that when you said “you” would be putting people in ambulances, you were using “you” in the most general sense.

Jackie Baillie: Absolutely. Not you, convener—the Government.

The Convener: Not me personally. You make a number of salient and relevant points.

One of the parents whom we heard from in relation to the prospect of their baby being in Aberdeen said that the mother was left in a critical condition and was not going to be transferred with the baby, so what was he supposed to do? Was he supposed to stay with his wife, who was in a critical condition in Wishaw, or was he supposed to travel to Aberdeen, where the baby would be? He said that it would be a dreadful choice for any husband and father to have to make in those circumstances.

Davy Russell: I have an interest in this matter, as it is a constituency matter. I agree with everything that Jackie Baillie said. It is about not only the parents but the clinicians and the public. It is an emotive subject for citizens in Lanarkshire. My inbox is full every time there is mention of the unit closing. It is an emotive subject and needs to be looked into further. At minimum, the information needs to be reviewed.

The Convener: I do not think that there is any question but that the committee wants to keep the petition open. Before we make any further recommendations, I think that we need to take some evidence. I suggest that we invite the Minister for Public Health and Women's Health to give evidence on the matter, and that we invite the British Association of Perinatal Medicine's best start perinatal sub-group to the committee so that we can interrogate the process that led to the recommendation for three rather than four or five

units. That seems to be the critical issue, as far as I can see. It would have been wholly consistent with the original report and recommendation for a fourth unit to be retained.

As Jackie Baillie said, this is an award-winning facility that provides support to such a large health board. Given all the issues that have been identified, those of us who visited the facility thought that the petition ought to be considered, and we are very sympathetic to its aims.

Fergus Ewing: I entirely agree that the petition should be kept open and that evidence should be taken from the minister, so I am entirely satisfied with that suggestion.

I want to make two points. First, if there are to be three units, that means that the whole of the Highlands, including Morayshire, Argyll and the isles will not have such a facility. We should reflect on that, because there are very strong feelings in hospitals there that face potential closure. That has been a very live issue, particularly in Wick and Elgin, over the years. My late wife was involved in saving the maternity unit in Moray many decades ago.

Secondly, I ask Jackie Baillie to clarify something, either now or, if she needs to get more information, later. You indicated that the performance of the Wishaw unit was the best, not just in Scotland but in the whole of the UK. I am interested to know, either now or later, but certainly before we take evidence from the minister, what the statistical evidential basis is for that judgment.

Jackie Baillie: I am capable of many things, convener, but that level of detail is not in my gift. I will be happy to provide the information later.

The Convener: That would be great—it may have been one of the issues that was raised when we were on the visit. I cannot specifically remember whether we were given detailed information in support of that position, but perhaps, together with the clerks, we can establish what the situation is.

It is also important that we make it clear that the petition is about the downgrading of facilities, not the closure of facilities. That could cause additional alarm to people, but the core aspect of the ask of the petition is about sustaining the specialist units.

We are content to keep the petition open. There is some further information that we want and, in the time that is left to us, we will seek to hold a further evidence session with the minister and those who have been involved in the consideration of the recommendations, so that the committee can interrogate them and, potentially, make

recommendations for the future. Is the committee content to proceed on that basis?

Members *indicated agreement.*

New Petitions

Legal Aid (Death or Serious Injury Incidents) (PE2168)

10:25

The Convener: We go back to item 2, which is consideration of new petitions.

PE2168, which was lodged by Steven McNally, calls on the Scottish Parliament to urge the Scottish Government to grant legal aid to all victims and their families when medical evidence confirms that a death or serious injury incident occurred during an interaction with Police Scotland personnel.

Mandatory fatal accident inquiries are held for all deaths that occur in legal custody, which includes police and prison custody. The Scottish Government's response to the committee states that it is committed to introducing primary legislation that would provide for non-means-tested legal aid for families participating in FAIs on deaths in custody—including non-means-tested advice and assistance from day 1. That will be provided as part of a programme of wider reform in relation to legal aid in Scotland, which the Scottish Government intends to introduce through a bill in the next parliamentary session.

Do members have any comments or suggestions for action?

Davy Russell: I suggest that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government intends to introduce a bill in the next parliamentary session to initiate a programme of legal aid reform. The committee could make only limited progress on the petition in the time remaining in this session.

Maurice Golden: I agree with Mr Russell. However, we should highlight to the petitioner that the Scottish Government intending to introduce a bill in the next Parliament should not be grounds for any solace. There are instances in which the Scottish Government has said that it would introduce a bill in the same session, while it is in government, and has not done so. A commitment for a future Government, when we do not know the make-up of it, should not be grounds for such consideration. Nevertheless, the wider issue of legal aid is incredibly challenging and it needs to be looked at by the next Scottish Government.

The Convener: Are colleagues content with the proposal to close the petition on the basis that Mr Russell has suggested?

Members *indicated agreement.*

The Convener: I briefly suspend the meeting.

10:27

Meeting suspended.

10:28

On resuming—

Teaching Resources (Palestine and Israel) (PE2169)

The Convener: Welcome back. The next petition is PE2169, on facilitating a review and upgrade of the teaching resource “Palestine and Israel, understanding the conflict”.

Before we proceed, I indicate that parliamentary rules are clear that, if the convener is present at a meeting, the convener must convene that meeting. I declare my interests: I am the convener of the Scottish Parliament’s cross-party group on building bridges with Israel and, in 2018, I undertook a visit to Israel that was funded by the Israeli embassy. I maintain regular contact with the Israeli embassy; indeed, we spoke earlier this week in relation to the release of a constituent who was part of a flotilla that got itself into some bother.

Fergus Ewing: I also declare an interest: I am the deputy convener of the cross-party group on building bridges with Israel. Although I think that I am capable of coming to a balanced view on the very sensitive issues that are involved, I nonetheless decline to do so on this matter in case it is seen that I am partial and have an interest. That is perhaps the appropriate thing for me to do in this case.

10:30

Maurice Golden: I highlight to the committee and to anyone else who is watching that in my voluntary declaration of interests there is an entry that highlights a trip by Conservative Friends of Israel to Israel in 2016.

The Convener: PE2169, which was lodged by Hugh Mitchell Humphries on behalf of Scottish Friends of Palestine, calls on the Scottish Parliament to urge the Scottish Government to facilitate a review and upgrade of the teaching resource “Palestine and Israel, understanding the conflict” to assist understanding and debate in the security of classrooms.

The response from the Cabinet Secretary for Education and Skills states that the teaching resource is not a Scottish Government or Education Scotland resource. The submission states that it is owned by the EIS and is therefore a matter for the EIS to consider if, when and how it wishes to update the resource.

The petitioner states in his written submission:

“to use the issue of ownership of the resource as an excuse for rejecting the Petition is a red herring and untenable. When the Scottish Government gave the go-ahead for the formation of the original working group to

produce a resource, in 2015, no contract of ownership was drawn up.”

The petitioner believes that with the current situation and political sensitivities around the topic of Israel-Palestine, local authorities and schools should be supported with a balanced resource.

Do members have any comments or suggestions for action?

Davy Russell: Although it is a very emotive issue, I propose that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has been clear in its view that it is for the EIS to decide whether to update the teaching resource. Given the clear view that has been expressed by the Government, the committee is limited in the action that it can take on the petition, as the matter is more appropriately addressed at an operational level by the EIS.

The Convener: I shall decline to take a view, but are those colleagues able to express a view content to support the proposal?

Members *indicated agreement.*

The Convener: That means that the petition will be closed.

General Teaching Council for Scotland (Abolition) (PE2170)

The Convener: PE2170, which was lodged by Paul Blaker on behalf of Accountability Scotland, calls on the Scottish Parliament to urge the Scottish Government to abolish the General Teaching Council for Scotland and replace it with a Government agency. The petitioner believes that the General Teaching Council for Scotland is not supporting teachers’ professional development, nor helping children to experience improved quality learning and teaching.

The statutory functions of the GTCS are set out in a 2011 order, the purpose of which was to establish it as an independent self-regulating professional body for teachers working in Scotland. Some of its main functions are to keep a public register, set standards for the teaching profession, investigate individuals’ fitness to teach and provide advice to the Scottish Government.

The Scottish Government does not see the ask of the petition as practical or achievable, as it considers the GTCS to be effective in its statutory role. The Government states that it cannot intervene in processes or decisions made by fitness-to-teach panels, and that panel members are independent and not GTCS employees.

The GTCS commissioned the Professional Standards Authority for Health and Social Care to undertake an independent review of its fitness-to-teach process. The PSA’s findings highlighted

some improvements that could be made, such as reducing the time that the GTCS takes to resolve cases, supporting vulnerable participants, simplifying public-facing guidance and documentation, and enhancing case management. The GTCS has committed to presenting an action plan to its professional regulatory assurance committee in the light of those recommendations.

The petitioner’s additional submission brings forth further examples to illustrate his concerns that the GTCS is not meeting its core mission to uphold professional standards and protect pupils. It is a very determined representation, but the Government clearly takes an alternative view.

Fergus Ewing: This petition is similar to one of the previous petitions, in that we have received a substantive supplementary written submission from the petitioner commenting on the Scottish Government’s response. In that submission, dated 5 September, which is fairly recent, the petitioner makes some fairly fundamental criticisms of the Scottish Government’s response. For example, the petitioner suggests that there is perhaps an inappropriate closeness between the Scottish Government and the GTCS, as evidenced by the fact that, within 24 hours of the petition’s publication, Scottish Government staff had emailed senior figures at the GTCS, which raises questions about the independence of the GTCS.

What is more significant is that the Scottish Government’s response referred to the PSA criticism, and the PSA has, as you said, convener, made a very detailed report. It added other criticisms, incidentally. For example, it said that the five-year rule is entirely arbitrary, which is absolutely correct. However, the Scottish Government did not actually mention the fact that the PSA report was fairly critical with regard to how these reports are normally shaped. In fact, it was very critical indeed. The Scottish Government also did not say that the equivalent of the GTCS in England was abolished in 2012—it just does not mention that at all. Therefore, plainly, that is something that could be done. I am not advocating for that—I am not taking a side on this—but, to give voice to the petitioner, we should go back to the Scottish Government to ask for a specific response on the points that the petitioner has made, and to ask what exactly is going to be done to address those criticisms, in the light of the fact that the report from the professional standards authority, which, as I understand it, is an independent body, was critical in numerous aspects.

It all looks to me as though there is potential substance to the petitioner’s claim that there is a very cosy relationship between all these bodies and that their leaders pass between them, so that the independence is theoretical, not real. I am not

suggesting that we call on the minister to give evidence, because I am aware of the timetable pressure. I would have called for that had we been earlier in the parliamentary session. However, I think that we should make those requests of the Scottish Government for a specific response to the petitioner and to hear what it feels must be done in relation to pursuing the PSA recommendations, rather than it just drifting away and nothing happening, which is often the case.

The Convener: Thank you. Mr Ewing recommends keeping the petition open and pursuing the points of interest with the Scottish Government. Are colleagues content to do so?

Members indicated agreement.

Prisons (PE2171)

The Convener: That brings us to PE2171, lodged by Robert Macdonald, which calls on the Scottish Parliament to urge the Scottish Government to stop the use of prisons for punishment and deterrence and use them only for public protection purposes, in order to reduce the pressure on the Scottish Prison Service and allow more focus on rehabilitation, thereby ensuring that those who pose the greatest risk are jailed, whilst allowing those who pose less of a risk to be given community orders, fines and potentially lifelong driving bans.

The SPICe briefing explains that prisons hold remand prisoners and sentenced prisoners. Remand prisoners are awaiting trial or sentencing following conviction, while those in the second category are serving a custodial sentence. A Scottish Government paper published earlier this year concludes that there is

“no single reason for the increase in the prison population, and therefore no simple solution to manage and tackle the issue”.

The Scottish Government’s view on the ask of the petition is that, due to the complexity of the matter, it is not practical or achievable in the short term. However, the Government reiterates its long-term ambition to use prisons only for those who pose a risk of serious harm.

The response also pointed to various pieces of work that are aimed at shifting the balance between the use of custody and justice in the community. Most significantly, the sentencing and penal policy commission was established this year to establish the use and effectiveness of custodial sentences and community interventions. The commission is expected to make recommendations for dealing with offending behaviours in a way that is effective and proportionate, with the ultimate aim of ensuring the

long-term sustainability of Scotland’s prison population.

Finally, the Government reiterated that courts continue to have discretion in determining the appropriate sentence for any given case, which may include a custodial sentence if that is deemed necessary.

Do members have any comments or suggestions for action?

Maurice Golden: I recommend that the committee closes the petition under rule 15.7 of standing orders on the basis that, although the Scottish Government supports the broad aims of the petition, it considers that they can be achieved only in the long term. Furthermore, sentencing is a matter for the courts. Finally, the sentencing and penal policy commission is currently examining the effectiveness of sentencing and community interventions.

Fergus Ewing: I agree with those comments, but I also reflect on the fact that imprisonment serves various necessary purposes. Those include incapacitation to protect the public, deterrence against future crime, rehabilitation—which is important and challenging—and punishment. Punishment is the price that people pay in losing their liberty for committing a very serious crime. It cannot be morally justifiable to somehow elide punishment as a justification for imprisonment. The public would find it difficult to agree that punishment is not appropriate where someone commits a rape or a murder. Punishment is a necessary—though not the sole—function of imprisonment, and, in my humble opinion, it must always be so.

The Convener: So, you support Mr Golden’s recommendations, Mr Ewing.

Fergus Ewing: Yes, I do.

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

Members indicated agreement.

The Convener: We thank the petitioner for raising the issue and note that the Scottish Government supports the broad aims of the petition, and we also note the comments of colleagues. However, at this point, there is not anything that the petitions committee would be able to do to further advance the aims of the petition in the light of the submissions that we have received.

School Meals (Ultra-processed Food Ban) (PE2173)

The Convener: Our final new petition for consideration today is PE2173, which was lodged by Lauren Houstoun. It calls on the Scottish

Parliament to urge the Scottish Government to ban the use of ultra-processed food in school meals across Scotland in order to give our children healthier options.

The SPICe briefing explains that there is no single, universally agreed definition for “ultra-processed food”. Examples of ultra-processed foods might include sweetened breakfast cereals, carbonated soft drinks or confectionery. They might also include low-fat spreads or some flavoured yogurts.

The Scottish Government’s response to the petition states that all food and drink that is served in education authority and grant-aided schools in Scotland are under a statutory duty to comply with the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020. Compliance with the regulations is monitored by Education Scotland’s health and nutrition inspectors as part of the school inspection programme.

The Scottish Government’s response also states that current scientific evidence does not support a change to dietary advice in relation to the consumption of ultra-processed foods and notes that the evidence base remains of insufficient quality to propose changes at this time. The submission highlights that not all ultra-processed foods are unhealthy, with many playing an important part in ensuring food safety and standards. The issue of processed and ultra-processed foods is kept under review by the scientific advisory committee on nutrition.

The Government’s submission notes that an outright ban of ultra-processed products would mean that products such as bread, yoghurts and breakfast cereals would no longer be provided in schools. That could have a significant impact on the nutritional content of school meals, including fibre, calcium and vitamins, some of which would be difficult to get in sufficient quantities from other food sources that are available. As such, the Scottish Government does not currently consider that a ban on ultra-processed products in schools would be in the best interests of child nutrition in the light of current scientific evidence and dietary advice.

10:45

Maurice Golden: The aim of the petition, which is to ban ultra-processed food in school meals, is quite a big ask. Nonetheless, the response from the Scottish Government is extremely disappointing. As you have highlighted, convener, the Scottish Government says that an outright ban on ultra-processed food would mean that products such as bread, yoghurts and breakfast cereals would no longer be provided in schools. I cannot fathom how that would be the case, and I am

happy to provide the Scottish Government with examples of bread, yoghurts and breakfast cereals that are not ultra-processed and that can be provided.

It would be helpful for the committee to write to the Scottish Government to ask for a percentage of school meals to be provided that are fresh, which is one of the Scottish Government’s priorities. I know what I would consider to be sustainable, but it would be useful for the Scottish Government to define “sustainable produce”. We should, as I have highlighted, ask the Scottish Government whether it believes that there are no alternatives to bread, yoghurt and breakfast cereals that are not ultra-processed. Finally, if the Scottish Government could highlight and put in the public domain the data on how it monitors the local authority provision of school menus, that would at least help to inform consideration of the petition.

In addition, we might want to consider writing to the providers of school meals, given the position that we are in and our need to progress quickly. For example, in my region, Tayside Contracts would be one such provider that we could ask for similar information. It is important that the Scottish Government and the Scottish Parliament have an overview of school meal provision across Scotland.

The Convener: That is a comprehensive set of suggestions, Mr Golden. As no other colleagues have any thoughts on the matter, do we agree to those suggestions?

Members indicated agreement.

The Convener: We will keep the petition open and seek information from the Scottish Government, as expressed by Mr Golden.

That brings us to the end of our consideration of new petitions today and to the end today’s proceedings. We will meet again on Wednesday 29 October.

Meeting closed at 10:47.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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