



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Thursday 22 January 2026

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**Thursday 22 January 2026**

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# Scottish Parliament

Thursday 22 January 2026

*[The Presiding Officer opened the meeting at 11:40]*

## General Question Time

### CMutual Family Protection Plan

**1. Clare Haughey (Rutherglen) (SNP):** To ask the Scottish Government whether it will provide an update regarding its engagement with credit unions in relation to CMutual withdrawing its family protection plan. (S6O-05403)

**The Minister for Business and Employment (Richard Lochhead):** Scottish Government ministers and officials are engaging regularly with representatives of Scottish credit unions that are impacted by the withdrawal of the family protection plan, as well as with the Financial Conduct Authority and CMutual. We understand that the independent coalition of credit unions has now met with Lucy Rigby, who is Economic Secretary to the Treasury, and formally with the FCA. Due to the FCA's regulatory independence from Government, we are unable to intervene in regulatory investigation processes.

**Clare Haughey:** I have been regularly meeting the independent coalition of credit unions, which has been working tirelessly to support policyholders who have been impacted by the withdrawal of the family protection plan. However, we need the FCA and the United Kingdom Treasury to compel CMutual and Maiden Life Försäkrings to discuss mitigating, in the form of financial redress, the harm that is now occurring. According to the coalition, around 20 people who were policyholders have died since financial support from the plan was withdrawn, which shows that we need action from the UK authorities as a matter of urgency. Will the minister outline any discussions that the Scottish Government has had in that regard with UK Government counterparts or the FCA?

**Richard Lochhead:** I thank Clare Haughey for bringing the issue to the chamber. Of course, our thoughts will be with the loved ones of those who have lost their lives. I also pay tribute to Clare Haughey for supporting the members of credit unions.

I can tell Clare Haughey that I have written again this week to Lucy Rigby, the Economic Secretary to the Treasury, to highlight the concerns of some of the Scottish credit unions and to offer to meet her to discuss the issue. In my letter, I set out three issues that require the Treasury's urgent attention. The first is support for families who face funeral

costs without adequate cover. The second is a clear determination of whether any kind of misconduct or regulatory breach has occurred in the sale or administration of the policy, including during its closure. The third is consideration of any reforms that are needed to improve consumer protection in relation to closed-book and group insurance products. We continue to engage with stakeholders on that issue.

### Rail Fares (Greenock and Inverclyde)

**2. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government what assessment it has made of what savings there have been to Greenock and Inverclyde constituents since the removal of peak rail fares. (S6O-05404)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The removal of ScotRail peak fares for good is currently equivalent to an average saving of 17 per cent across all ticket types for hundreds of thousands of people. Passengers who travel on average three times a week between Greenock and Glasgow have saved nearly £280 between September and Christmas 2025. As living costs rise, the Scottish National Party Government is reducing costs for commuters.

Work is under way to put in place a robust analytical process to evaluate the permanent removal of peak fares. It will take some time to be able to meaningfully analyse the impact of removing peak fares. It is too early to draw firm conclusions without more data, as patronage and revenue are sensitive to things such as weather and sports events. We anticipate that we will be able to share emerging findings after the policy has been in place for at least six months, with further reporting towards the end of the year.

**Stuart McMillan:** In addition to the removal of the peak rail fares, the Wemyss Bay to Glasgow line, which covers part of my constituency, now has two services per hour. I lobbied for that for quite some time. With those two things alone, many of my constituents are benefiting from an increased service. What further plans does the Scottish Government have to make rail travel more accessible and affordable for passengers in Inverclyde?

**Fiona Hyslop:** I congratulate Stuart McMillan on helping to secure that additional service for his constituents.

The removal for good of peak fares is having a major impact on affordability. ScotRail also has a range of discounts, including flexipasses, season tickets, rail cards, and the kids for a quid and club 50 schemes to make rail travel affordable for passengers while balancing that with the need to

generate revenue and to invest in a reliable and sustainable rail network.

Cheaper rail fares for commuters provide them with more choice about where they might want to work and encourage more people to travel into our cities and to spend money in retail and hospitality, as well as tackling the climate emergency by encouraging new or potential passengers to get on the train and leave the car at home.

### **Town Centres (Abandoned and Derelict Premises)**

**3. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what more can be done to tackle the problem of abandoned and derelict shops and buildings in town centres. (S6O-05405)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** I am aware that that is an issue across many of our towns, which is why we continue to deliver on the long-standing commitment to regeneration with investment of up to £47 million in 2026-27. That includes support for revitalising town centres, encouraging town centre living, addressing the blight caused by vacant and derelict land and supporting community ownership.

**Willie Coffey:** The fact of the matter is that councils such as East Ayrshire and others do not deal with that by serving amenity notices under section 179 of the Town and Country Planning (Scotland) Act 1997, because they feel that there is little hope of success and that there is a risk that the public purse will have to pick up the bill. The result is the continued deterioration of buildings and empty shops, with the negative impact on everyone who has to look at those blights to our towns every day.

Can the Deputy First Minister say whether any alternative approach, legislative or otherwise, might be pursued to look at that problem afresh and to see whether the Government, councils, building owners and retailers can come together to tackle the issue and to improve the look and feel of our towns, for everyone's benefit?

**Kate Forbes:** As Willie Coffey outlined, local authorities have powers to act. I urge councils to work with communities, including landlords, to agree on town centre plans and priorities. We are looking at further options. Last year, we consulted on permitted development rights and on the reform of compulsory purchase, which are key issues that affect town centre regeneration, and on the reuse of vacant buildings. We are analysing the responses to that consultation to inform the next steps, and that analysis will be published in due course.

We can also learn from examples such as Aberdeen's Our Union Street project, where partnership working by the local council and the business improvement district and additional support from the Scottish Government have helped transform the town centre. That project included work with landlords to revitalise units and shopfronts that had fallen into disrepair.

**Mercedes Villalba (North East Scotland) (Lab):** The regeneration of Aberdeen's Union Street has been hindered by poor planning from the start—an issue compounded by the outsourcing of the work by the Scottish National Party-led Aberdeen City Council. That resulted in the closure of numerous shops and small businesses and caused substantial disruption to the city centre, community and nightlife.

What representations has the Deputy First Minister had from Aberdeen's SNP council leaders about any support that could be offered to them to get that city centre regeneration off the ground?

**Kate Forbes:** The member will be aware of the support that we have provided, including financial support. I am a big believer in empowering local government, and any decisions that are taken by local government are for it, rather than for the Scottish Government.

### **Local Government Funding**

**4. Jamie Halcro Johnston (Highlands and Islands) (Con):** To ask the Scottish Government what its position is on whether local authorities should increase council tax, reduce public services, or a mixture of both, to meet any gaps in local government funding as a result of the draft budget. (S6O-05406)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** The draft Scottish budget provides a real-terms increase in the local government settlement, taking it to almost £15.7 billion in 2026-27. Councils have autonomy in how to utilise the vast majority of that funding, which includes £253 million of fully flexible new money, alongside all locally raised income, to respond to local priorities. That should ensure that councils are able to exercise restraint in setting council tax rates, minimising the impact on local people and on household finances.

**Jamie Halcro Johnston:** This budget fails to deliver and is

"a very poor settlement for local government which fails to address the dire financial situation of local government."

Those are not my words but those of the Convention of Scottish Local Authorities resource spokesman and Scottish National Party councillor Ricky Bell, in a letter to Shona Robison.

In that letter, Ricky Bell highlighted council leaders' concerns about the continued deprioritisation of local government and a further real-terms cut in funding over the coming years. I will therefore ask again if, as a result of the latest SNP budget—a budget that fails to deliver—my constituents in Orkney, Shetland, the Western Isles, the Highlands, Moray and Argyll and Bute should expect council tax increases, cuts to their public services or a painful mixture of both?

**Shona Robison:** The key fact is that all commentators agree that the local government settlement is increasing in real terms. There is a 2 per cent real-terms increase compared with the 2025-26 local government settlement—that is all set out in the budget.

The point that I would make to Jamie Halcro Johnston is that, if there were to be £1 billion of unaffordable tax cuts, there would not be a single penny of extra money for local government; instead, there would be a deep cut in local government funding.

I have produced a draft budget, so, if Jamie Halcro Johnston and his colleagues want to suggest a change to it at the next two stages of the Budget (Scotland) (No 5) Bill in order to give more money to local government, they can do so. However, the issue is that they will have to tell us where the money is to come from and how it will be delivered.

**Sandesh Gulhane (Glasgow) (Con):** Answer the question.

**Shona Robison:** I wait in anticipation for Jamie Halcro Johnston to come forward with that proposal.

**The Presiding Officer (Alison Johnstone):** I ask members who have not been invited to speak to refrain from doing so.

#### **International Development Fund (Budget 2026-27)**

**5. Meghan Gallacher (Central Scotland) (Con):** To ask the Scottish Government how the increase in the international development fund that was announced in the draft 2026-27 Scottish budget will be spent. (S6O-05407)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** I am proud to confirm that, as the Cabinet Secretary for Finance and Local Government set out in her statement to Parliament, while others are choosing to reduce commitments to international development, we in Scotland will increase our international development fund by a quarter to £16 million. We have also reaffirmed our commitment to climate justice, with more than £12 million allocated to

support for vulnerable communities in the global south, particularly women and young people.

As the budget is currently in draft, we await final agreement through the parliamentary process before confirming allocations and spending plans for next year that reflect the proposed uplift.

**Meghan Gallacher:** The international development fund will increase by 25 per cent compared with last year. At the same time, the alcohol and drugs budget is being cut by around £1.3 million in real terms, and the health capital budget is being cut by almost £50 million. Our constituents will be wondering why those issues were not as high up the priority list as international development.

Will the Scottish Government simply get on with the priorities of hard-working Scots: building hospitals, improving public services and addressing Scotland's shameful drug deaths crisis, which remains the worst in Europe?

**Angus Robertson:** As the member knows, there has been a significant financial contribution in relation to those issues, particularly in the health and social care budget. I hope that she also recognises that, at the same time, Scotland's charities and humanitarian relief organisations have done and continue to do a fantastic job.

International development has been supported by Scottish Governments for the past 20 years and has enjoyed cross-party support. I assume that I should conclude from the member's question that her party is opposed to international development spending and to that consensus. I am very sorry if that is indeed the case.

**Jamie Greene (West Scotland) (LD):** Presiding Officer,

"The irony is that those who complain about our waning influence on the world are the same ones who complain about our development budget. Our aid commitments give us soft power. We should aspire to lead the world in aid and development."

Those are not my words—they are not even the words of a Liberal Democrat. They are the words of former Tory Prime Minister David Cameron. Does the cabinet secretary agree with him? I do.

**Angus Robertson:** I agree with Jamie Greene, David Cameron and all the political parties in the chamber that have supported international development over the past 20 years. It is simply very disappointing to see the Conservative Party walking away from that consensus.

#### **Social Impact Bonds**

**6. Michael Matheson (Falkirk West) (SNP):** To ask the Scottish Government what discussions the economy secretary has had with ministerial colleagues regarding whether social impact bonds

can be used to improve the employment opportunities for young people, including in Falkirk West. (S6O-05408)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** There is an opportunity for a more considered and consistent approach to philanthropy in Scotland, which has the potential to add value to the Scottish Government's approach to social justice. The Scottish Government remains constrained in terms of borrowing powers and flexibility for new financing arrangements, but we are committed to improving opportunities for young people, including in Falkirk West.

**Michael Matheson:** The Deputy First Minister will be aware that social impact bonds can leverage significant additional investment to support the expansion and delivery of social enterprise and third sector organisation services. They have been successfully used in England for a number of years, securing millions of pounds of additional investment for those sectors. Will the Scottish Government work with stakeholders such as Social Impact Scotland to look at how we could deploy social impact bonds in Scotland across a range of areas in order to secure that additional investment?

**Kate Forbes:** I have followed with interest the launch of the United Kingdom Government's better futures fund and the office for the impact economy. I see the potential opportunities of a social impact bond model to support a wider policy approach to the third sector and social enterprises.

The short answer to Michael Matheson is yes, we are happy to continue to explore all options to deliver on those commitments to support the people of Scotland and a sustainable third sector.

### Arts (Young People)

**7. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Government what measures it is putting in place to encourage young people to engage in the arts. (S6O-05409)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The Scottish Government has a long-standing history of supporting young people to engage in the arts through programmes such as the youth music initiative and Sistema Scotland. We are proud that those programmes will receive an uplift in the 2026-27 budget, taking our annual investment in the programmes to £10 million and £2.787 million. Both programmes demonstrate the transformative power of culture, ensuring that young people of all backgrounds have the opportunity to enjoy music and wider arts.

**Liz Smith:** I am sure that the cabinet secretary followed closely the recent evidence that the Finance and Public Administration Committee took from five performing arts companies. At that session, Alex Reedijk of Scottish Opera said:

"It is interesting that we see a trend and increasing evidence that teachers no longer have the skills to deliver elements of the creative part of the curriculum".—[*Official Report, Finance and Public Administration Committee*, 13 January 2026; c 10.]

What discussions is this cabinet secretary having with the Cabinet Secretary for Education and Skills to address that serious concern?

**Angus Robertson:** I have been in extensive conversations over the years with our national performing companies, and I acknowledge that teaching and the teaching pipeline—the students who come through from our schools into the likes of the Royal Conservatoire of Scotland—are very important.

If Ms Smith will allow me to do so, I will write to her with greater detail, because I acknowledge that it is really important that our young people receive investment and support. That is exactly what is happening through the budget process. I gently suggest to Ms Smith that, if she agrees with me that that is important, she votes for the budget.

### Infrastructure Projects (Finance)

**8. Fergus Ewing (Inverness and Nairn) (Ind):** To ask the Scottish Government what its position is on whether, without the use of private finance to enable construction of key infrastructure projects, there is a risk that Scotland could be seen as less attractive for inward investment and as a location for business, compared with other European countries. (S6O-05410)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** Scotland remains a highly competitive location for inward investment, consistently delivering jobs and economic benefit. EY data shows that, in 2024, Scotland was the United Kingdom's leading destination outside London for inward investment for the 10th consecutive year and is ranked sixth among the top 10 destinations in Europe for foreign direct investment.

We will continue our work with the Scottish Futures Trust to explore revenue funding options for infrastructure investment. This aims to unlock additional private investment while ensuring value for money for the public purse.

**Fergus Ewing:** An analysis of the capital budget for both this year and next shows that the amount that is devoted to trunk roads is 8 per cent. In fact, only half of that relates to improvement as opposed to maintenance and adaptation. That is a paltry amount. Surely the cabinet secretary must

agree that, if we are to see Inverness and Aberdeen connected, to allow those powerhouses for renewables to achieve what they can achieve, they must have dual carriageway links, as must the south of Scotland with regard to the A1 and the A77. How on earth will we achieve all those things unless we change our priorities and find different ways to raise capital for these vital projects?

**Shona Robison:** Of course, Fergus Ewing will be aware that capital funding is constrained. As well as the roads programme, there is the housing investment of £4.9 billion, £4.1 billion of which is public capital money. I assume that Fergus Ewing would support the investment in housing as well as the investment in roads.

The constrained capital position is exactly why we are considering revenue finance options, including all the procurement options that are being looked at for the A96. We will continue to do that to ensure that we can invest in our infrastructure, because we know how important that is to growing our economy.

**The Presiding Officer:** That concludes general question time.

## First Minister's Question Time

12:00

### Queen Elizabeth University Hospital

**1. Russell Findlay (West Scotland) (Con):** Child cancer patients Milly Main and Molly Cuddihy, adult patients Gail Armstrong and Tony Dynes, and two other children whose names and ages are unknown were all patients at the Queen Elizabeth university hospital, where they contracted infections and died. Dozens more child patients also contracted serious infections. For years, families suspected that the infections were caused by the hospital's water supply, but they were lied to and smeared.

National health service staff who raised concerns were bullied and silenced. The people of Scotland were told that there was no problem, but now, after years of lies and deception, NHS bosses admit that it is likely that some infections were caused by the water supply.

John Swinney has so far refused to release all the information that his Government holds about the scandal. Will he now do so?

**The First Minister (John Swinney):** First of all, I express my sympathies to all those who are grieving the loss of a loved one in such circumstances. I recognise the deep pain, the grief and the hurt felt by patients and their families, who have bravely provided testimony throughout all these years on the issues that Russell Findlay raises with me.

The issues emerged in the course of the past few years and, as a consequence of that, the Scottish Government established a public inquiry, led by Lord Brodie, to establish the truth about what has happened. I have every confidence that Lord Brodie, in taking the evidence that he has taken, will provide the open scrutiny and the truth that is required by the families and by everybody else.

The Government has shared all relevant evidence that addresses the terms of reference of the inquiry. Nonetheless, if there is anything further related to the business of Government—whether that is Cabinet minutes or ministerial correspondence—that has not been submitted to the inquiry, I am happy to release it, subject to any appropriate redactions, such as personal information and the respecting of legal professional privilege.

**Russell Findlay:** John Swinney's commitment is welcome, but it should not have taken this long and there can be no backsliding. The families will be watching. I pay tribute to those families—I

cannot begin to imagine the pain that they have suffered. I am in awe of their determination and their dignity.

It is important for Mr Swinney to hear what they are saying. They have said:

“We were all lied to ... We were all disbelieved ... We were all demeaned and smeared ... We have had our families devastated and our lives traumatised ... We cannot overstate the level of deceit and conniving cowardice”

of NHS Greater Glasgow and Clyde.

Those families quite rightly expect accountability. They demand a reckoning for the board's leadership. So will John Swinney sack those who are responsible?

**The First Minister:** First, I acknowledge the pain and suffering that the relatives of those affected by these circumstances have suffered. The pain of the loss of their loved ones has been compounded by their having had to make tenacious efforts to ensure that the truth could be established. That is precisely why the Scottish Government took the decision in 2019 to establish a public inquiry, led by Lord Brodie, which, as I said in my first answer, will be determined to get to the truth.

On a variety of issues, we have to await the outcome of the inquiry by Lord Brodie. However, I say to Russell Findlay that, in all circumstances, the Government will take seriously all Lord Brodie's recommendations in taking forward the issues that must be addressed as a consequence of the commissioning of a public inquiry into the issue.

**Russell Findlay:** We would not need to spend hundreds of millions of pounds on public inquiries if public bodies simply told the truth. It is no wonder that those families are so angry. The health board has not been held to account, but neither has anyone in the Scottish Government.

Nicola Sturgeon was First Minister when the hospital began treating patients on 27 April 2015, which was just 10 days before a general election. During the Scottish National Party election campaign, she kept bragging about the new hospital. For years, Nicola Sturgeon dismissed growing concerns about infections being linked to the water supply, but now the NHS has dropped a bombshell. It has told the public inquiry:

“Pressure was applied to open the hospital on time and on budget, and it is now clear that the hospital opened too early. It was not ready.”

Let me ask John Swinney a straight question. Did Nicola Sturgeon, or anyone else in the SNP Government, apply political pressure to open the hospital before it was ready?

**The First Minister:** The direct answer to that question is no.

**Russell Findlay:** If the Scottish Government did not apply pressure, who did, and why did they do so?

This is one of many serious scandals in recent years involving Scotland's public bodies—from Police Scotland to the Crown Office, the NHS and more. The SNP Government presides over a cynical culture that is defined by arrogance, secrecy and cover-up. It is a culture of zero accountability that misuses taxpayers' money to crush victims and silence concerns, and which treats grieving families with utter contempt.

The families of the hospital infection scandal are not going away. This is not over. They say that the hospital is still unsafe for patients and that the management

“cannot be trusted to make it safe.”

They continue:

“The people of Scotland demand it be made safe.”

How does John Swinney intend to protect patients and rebuild public confidence in Scotland's largest hospital?

**The First Minister:** I reject the characterisation of the Government that Russell Findlay puts to me. I cite as an example the fact that the Government commissioned a public inquiry to look at this very issue. I also draw on the fact that the Government has established public inquiries to look at other major issues where patients have expressed their concerns—for example, the inquiry in NHS Tayside about the conduct of Mr Sam Eljamel in his surgery practice or the issues relating to the death of Sheku Bayoh. I accept Mr Findlay's fundamental point that it would be better if we did not have to have those public inquiries, but when things happen, we have to be prepared to take the steps to investigate and get to the truth.

Mr Findlay raises with me issues of a current nature about the circumstances in the Queen Elizabeth university hospital in relation to the safety of the water system. Lord Brodie, the chair of the hospital's inquiry, commissioned reports and audits on water and ventilation from Andrew Poppett, the inquiry's expert. Mr Poppett's view is that the Queen Elizabeth university hospital's current procedures for managing the water system are suitable and safe. Providing evidence to the inquiry in September 2025, Mr Poppett observed that, after previously raising concerns, which he did, the Queen Elizabeth university hospital's water system is

“currently extremely well managed”

and that

“significant improvement”

had been made. That is independent advice that has been provided to Lord Brodie’s inquiry, which I put on the record today to reassure members of the public that safety considerations in the Queen Elizabeth university hospital are uppermost in the thinking and minds of Greater Glasgow and Clyde NHS Board. Obviously, the Government wants to have that assurance, and the inquiry report provides exactly that.

The last thing that I would say is that it is vital and absolutely fundamental that the patients and families who are using our hospitals are assured of our determination to ensure that we have a safe clinical environment. Scotland has advanced a lot of work on support for patient safety that has attracted international commendation. Patient safety will be one of the key priorities for the Government so that we can ensure that the public can rely on that in our hospitals around the country.

#### **Queen Elizabeth University Hospital**

**2. Anas Sarwar (Glasgow) (Lab):** Much of John Swinney’s answers are simply not credible. This week, NHS Greater Glasgow and Clyde said of the Queen Elizabeth university hospital that

“Pressure was applied to open the hospital on time and on budget, and it is now clear that the hospital opened too early. It was not ready.”

The hospital opened with contaminated water, which infected people and led to the deaths of at least two children. Weeks before the children’s hospital opened, an internal report—I have it here—warned of a high risk of infections and, therefore, a high risk to life for immunocompromised patients. The report was ignored, pressure was applied and the hospital opened anyway, with devastating consequences. Who applied the pressure and why?

**The First Minister (John Swinney):** I will make two points to Mr Sarwar. First, as he correctly says, the hospital opened in 2015. The first that the Scottish Government was advised by NHS Greater Glasgow and Clyde of a water contamination problem was on 1 March 2018, which was long after the report that Mr Sarwar has referred to. Secondly, Mr Sarwar has raised a point that is absolutely fundamental to the conduct of the public inquiry, which Lord Brodie is undertaking. I acknowledge the significant public interest in the issue, which is why Lord Brodie must have the opportunity to consider and reflect on the evidence and to set out his conclusions.

**Anas Sarwar:** Again, the answer is not credible. It is either at least negligence or, more likely, criminal incompetence if the Government is suggesting that the internal report was never seen.

When the hospital opened, Nicola Sturgeon was the First Minister, John Swinney was the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy, so he signed the cheques, and Shona Robison was the Cabinet Secretary for Health, Wellbeing and Sport. They received the internal report that warned of high risks of infection weeks before the hospital opened. They ignored it and opened the hospital anyway, and children died as a result. For seven years, families have been lied to; whistleblowers have been bullied, gaslit and punished; and those who raised concerns were dismissed and patronised. Pressure was applied to open the hospital before it was ready, even though there was contaminated water that risked lives. I ask John Swinney again: who applied the pressure and why?

**The First Minister:** Those issues are the substance of the public inquiry that Lord Brodie must undertake. As I have already indicated, the Government expected the hospital to open and preparations were being made to do that. The operational responsibility for that lay with NHS Greater Glasgow and Clyde. Mr Sarwar said that the experience of whistleblowers, staff, and patients and their families has been completely unacceptable. I agree with that wholeheartedly. That is why the Government set up a public inquiry—because we were so concerned about the circumstances, we felt that it was necessary to have a judicially led inquiry to get to the truth and to satisfy the legitimate concerns that exist. That is what Lord Brodie will reflect on in the course of completing his report.

**Anas Sarwar:** If Jeanne Freeman could see a report and stop the opening of a hospital in Edinburgh, why could Nicola Sturgeon, John Swinney and Shona Robison not do that too? That is at the heart of the issue. This is the biggest scandal in the history of the Parliament. I first raised the case seven years ago, when whistleblowers came to me with devastating evidence that children had died due to infections but their parents had never been told the true cause of their deaths.

One of those parents was Kimberly Darroch, the mother of Milly Main. Milly was in remission but died after contracting an infection from the water. She was 10 years old. Milly was forced to fight not only cancer but an unseen danger inside those hospital walls. Every step of the way, the health board and countless SNP ministers closed ranks and denied that there was a problem.

People have died. Their families deserve the truth. A hospital was opened too soon with contaminated water that infected patients and led to deaths. The health board says that “pressure was applied” to open it before it was safe. I

therefore ask the First Minister, for the third time, to tell the truth. The health secretary at the time is sitting right next to the First Minister, who was the Deputy First Minister and finance secretary at the time. They could ask Nicola Sturgeon, too. Tell the truth: who applied the pressure and why?

**The First Minister:** I have already answered that question through the answers that I set out to Mr Findlay. *[Interruption.]*

**Stephen Kerr (Central Scotland) (Con):** No, you did not.

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** What I would say to— *[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** I would say to Mr Sarwar that, when the Government became aware of those issues, which was when the water contamination incident was raised with it on 1 March 2018, a sequence of events followed that led to the establishment of a public inquiry—

**Stephen Kerr:** Answer the question.

**The First Minister:** —to get to the truth of all the issues.

**The Presiding Officer:** First Minister, I am sorry to interrupt, but I am keen to ensure that everyone in the chamber and the gallery can hear what is being said.

**The First Minister:** Once the circumstances were reported to the Government in March 2018, a sequence of events was put in place that resulted in the establishment of the public inquiry, the substance of which involves consideration of all the evidence. That is what the Government has done to make sure that we face up to the issues that are being raised in the chamber and provide answers to the families of Milly Main and others, who have suffered so significantly as a consequence of those circumstances. That is the commitment that the Government has made and that Lord Brodie will fulfil.

### **Football (Ticket Pricing)**

**3. Gillian Mackay (Central Scotland) (Green):** There is often very little that unites football fans. However, in recent weeks, supporters of Celtic, Falkirk and Motherwell have displayed banners backing my calls for a £25 cap on away tickets. Those calls have also been backed by the Scottish supporters collective. Football is meant to be for everyone, but at a time when the cost of living is ever rising, some fans are being priced out of attending. Price caps are in place in England and in many other European countries. We know how

important attending games is for people—it reduces loneliness, and that is not to mention the wonderful work that the clubs do for the wider community. Clubs would be nothing without their fans. Will the First Minister join me in making calls to cap away ticket prices?

**The First Minister (John Swinney):** I am happy to give consideration to that issue. For all the reasons that Gillian Mackay indicated, it is important that individuals are able to watch their football teams, to enjoy that experience and to appreciate the solidarity of being together with fellow football fans. I will certainly give active consideration to her proposal.

**Gillian Mackay:** Some 120,000 people will attend games over the weekend, but we currently have a system in which, other than at a few clubs, fans struggle to have their voices heard. At a national level, that is even more difficult. Whether through ticket prices or fan ownership, we need to bring our sport closer to the people who make it what it is. In the months ahead, I plan to host a summit with supporters groups from across the country to discuss how we democratise Scottish football at every level and make it truly for the fans. Will the First Minister join that summit and help to put fans at the heart of our national game?

**The First Minister:** The Government has held discussions on many of those issues, such as fan ownership and fan engagement in football. There are a number of very good examples around the country of fan ownership and leadership of football clubs that have delivered significant results for participation in sport. I am happy for the Minister for Drugs and Alcohol Policy and Sport to be involved in those discussions. She is actively involved in all those fan engagement matters. If that helps to advance a sense of collective purpose in Scotland, the Government will support that in every way that it can.

### **Electricity Infrastructure (Scottish Borders)**

**4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister, regarding the proposed expansion of wind turbines, battery storage facilities and pylons across the Scottish Borders, whether the Scottish Government has carried out an assessment of the potential cumulative impact on the wildlife and the landscape, in light of the importance of tourism to the area. (S6F-04609)

**The First Minister (John Swinney):** I completely understand the concerns of communities regarding the cumulative impact of energy infrastructure. Where new development proposals come forward, they are subject to site-specific assessments, which should take into consideration the cumulative effects of

developments alongside potential impacts on communities, nature and cultural heritage.

I appreciate the point that Christine Grahame makes on cumulative impact, and I have asked that work is taken forward to consider what further steps we can take as part of our strategic spatial energy plan. Through the plan, we will work to balance the need to deliver net zero with the need to protect our natural environment, tourism and rural communities.

**Christine Grahame:** I thank the First Minister for his answer, and I hope that there is progress. To give some context, I understand that there are 30 sites in the Borders operating more than 440 turbines, with three more being built and others being applied for. To add to that, the SP Energy Networks project—the cross-border connection—will require, as I understand it, 400 pylons to take Borders-generated energy to England. That will, without a doubt, impact on the beautiful landscape and on communities. That application, like the other applications—notwithstanding what the First Minister has said—seems to me to be taking segmented parts of the impact in isolation, and not considering the cumulative impact. That cannot be fair when communities are certainly left getting absolutely nothing out of this but an industrialised landscape.

**The First Minister:** Issues of cumulative impact are a legitimate consideration in the planning process, and it is important that those issues are reflected in decisions. Indeed, there will have been examples of developments that have not been able to proceed because of the concerns about cumulative impact.

I hope that what I have said in my substantive answer to Christine Grahame gives her the reassurance that the issues at stake can be and should be considered in the planning process, and that the consideration that we are giving to the implications for the strategic spatial energy plan will assist in addressing the point that she has raised with me.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** The First Minister says that he understands the concerns of Borders residents, but I do not think that he does. I attended the south of Scotland energy convention on Saturday, where the Scottish Conservatives showed their support for the Highlands and the north-east in calling for urgent action on the uncontrolled spread of energy infrastructure through a unified statement.

Will the First Minister prove that he is supporting Borders communities by backing my amendments to the Natural Environment (Scotland) Bill on a moratorium on new energy applications and a cumulative impact assessment on the natural environment?

**The First Minister:** The Government will look at all the issues that come forward in relation to the Natural Environment (Scotland) Bill and determine its position, but I simply repeat to Rachael Hamilton what I have said to Christine Grahame. Issues of cumulative impact are material issues to be considered in the planning process, and the steps that we are taking on further analysis in relation to the strategic spatial energy plan will be designed to address the points that Rachael Hamilton puts to me on behalf of her constituents, as we find the sensible balances between the protection of our natural environment and the ability to ensure that Scotland benefits from the abundant renewable energy that we will have to develop to provide energy security in the years to come.

**The Presiding Officer:** Craig Hoy—briefly, please.

**Craig Hoy (South Scotland) (Con):** Last year, I wrote to the First Minister asking him to support a moratorium on all battery energy storage systems, pylons and solar and wind farms across the south of Scotland. As Rachael Hamilton just said, this weekend, community councils added their voice to that call. Why is the First Minister not listening to rural Scotland?

**The First Minister:** I assure Craig Hoy that I listen to rural Scotland all the time, since I represent a large part of rural Scotland in my constituency representation. We are trying to work with communities and work to ensure that Scotland is able to have access to sustainable energy that will provide us with energy security in the years to come. That lies at the heart of the Government's policy direction.

#### **Teacher Job Shortages (Temporary Contracts)**

**5. Miles Briggs (Lothian) (Con):** To ask the First Minister what action the Scottish Government is taking to address the reported issues with teacher job shortages, caused by temporary teacher contracts. (S6F-04602)

**The First Minister (John Swinney):** The latest data shows that, for the first time in three years, the number of teachers in our schools has increased. We are also seeing encouraging progress in recruitment. More teacher induction scheme probationers are securing a teaching post, permanent or temporary, in the year following their probation.

This Government understands how essential it is to have great teachers in every classroom and that the challenges in recruitment in some subjects and local areas must be addressed. That is why I am pleased to announce that we are launching a national recruitment campaign to encourage more

people into secondary teaching, particularly in the subjects and areas where recruitment is most challenging.

**Miles Briggs:** The Government's own analysis shows that most newly qualified teachers in Scotland are no longer getting permanent jobs: 2,294 newly qualified teachers completed their probation, but only 25 per cent of them have secured permanent posts. The Educational Institute of Scotland's general secretary, Andrea Bradley, says that the figures that have been released

"confirm that the Scottish Government has absolutely failed in the delivery of their 2021 manifesto commitment".

After 19 years of this Scottish National Party Government, why have ministers spectacularly failed in their workforce planning and in the pledge that they made to parents, professionals and young people? What does the First Minister say to young, qualified teachers in Scotland who are considering leaving our country because of this Government's disastrous education workforce planning?

**The First Minister:** There has been an increase in post-probation employment in this year compared with last year, which demonstrates the progress that has been made. We also have a lower pupil teacher ratio in Scotland compared with the ratio in other parts of the United Kingdom, and a higher number of teachers per 100,000 pupils in Scotland compared with the number in other parts of the United Kingdom.

The Government recognises the importance of investing in teacher education and in education services. That is why we have increased the budget that is available to local authorities through the Government's budget that was announced last week. We will continue to work with our local authority partners to ensure that we strengthen the recruitment of teachers and to encourage and motivate more individuals to join the teaching profession.

**Paul O'Kane (West Scotland) (Lab):** It was this First Minister who, at the beginning of this parliamentary session, promised a focus on recovery from the pandemic in education. He made a pledge that there would be around 3,500 more permanent teachers in this parliamentary session, yet he will fail spectacularly on that pledge.

According to the Cabinet Secretary for Education and Skills, that should not be the responsibility of this Government. Rather, it is the fault of teachers themselves. She said that they are

"opting not to travel to jobs",

and that they are

"much more expensive to employ".

Does the First Minister agree with Jenny Gilruth's analysis of the situation? Does he think that underemployed and unemployed teachers across the country should have to uproot their lives and their families because of his Government's failure to competently put together a workforce plan?

**The First Minister:** The Government has had in place for many years incentives to encourage individuals to move to areas of the country where there are shortages of teachers. There are challenges in some of those locations, which is exactly why the Government has intervened to put in place those incentives, to ensure that that can be achieved.

Mr O'Kane rather skates past the improvements that have been made in Scottish education. As we speak, there are record levels of literacy and numeracy in our schools, with an exam diet that shows the tremendous achievements that have been made by the young people of Scotland. There is tremendous strength in Scottish education and Mr O'Kane should join those of us who are very proud of it.

**Willie Rennie (North East Fife) (LD):** When John Swinney was education secretary, he instructed the recruitment of thousands of extra teachers, but he failed to ensure that there were enough permanent jobs for them. The result is that thousands are on precarious zero-hours contracts. Is it not the case that, despite all the fine rhetoric from this Government about workers' rights, it has the worst workers' rights record in this Parliament? When are those people going to finally get a job?

**The First Minister:** Teachers in Scotland are the best paid in the United Kingdom, as a consequence of the pay deals put in place—*[Interruption.]*

**The Presiding Officer:** The thing that I find really frustrating is that I know how many members wish to put a question in this session, and every time I have to stop business, another member is deprived of that opportunity. Please let us hear one another.

**The First Minister:** The Government has taken steps to improve teachers' pay and conditions. As a consequence—I recounted the figures to Mr Sarwar last week—teachers in Scotland are much better paid and have much better take-home pay than teachers in the rest of the United Kingdom.

Scotland has more teachers per head of population than other parts of the United Kingdom, as well as a lower pupil teacher ratio. That is a result of the Government investing to deliver on our commitments on education, and we intend to continue to do so.

### Scottish Information Commissioner Ruling

**6. Katy Clark (West Scotland) (Lab):** To ask the First Minister whether the Scottish Government will comply with the Scottish Information Commissioner's ruling that files relating to James Hamilton's investigation into whether the former First Minister, Nicola Sturgeon, broke the ministerial code must be published by 22 January 2026. (S6F-04603)

**The First Minister (John Swinney):** The Scottish Government will comply with the commissioner's decision, and it will do so as soon as is practically possible. I do not expect that it will take much longer.

The courts have made it clear that those who complained in relation to allegations of sexual assault must have their identities protected, and there are no circumstances in which I will do anything that risks breaking those court orders. I cannot release information that would breach those court orders and amount to a contempt of court.

**Katy Clark:** The Scottish Government has wasted millions of pounds of taxpayers' money on fighting court cases, with two further appeals relating to the Salmond files coming before the Court of Session later this month.

Will the First Minister ensure full disclosure by releasing all the Salmond files? If he will not commit to that today, will he at least release information that is not being contested through the appeals process? If the Scottish Government loses the appeals, will he commit to not using his veto?

My Freedom of Information Reform (Scotland) Bill would strengthen the powers of the Scottish Information Commissioner, which in turn would prevent the late disclosure of information that happened in this case, introduce proactive disclosure and abolish the First Minister's veto. Will the First Minister look closely at my bill, which is supported by the current Scottish Information Commissioner and all the previous holders of the role, as it would help to deliver openness, accountability and transparency, which were the founding principles of this Parliament?

**The First Minister:** We will, of course, look at the bill and consider its contents, but it is really important that I am clear with Parliament why the Government is acting in the way that it is acting. The Scottish Government has handled nearly 90—nine zero—freedom of information requests and reviews relating to the James Hamilton investigation. In addition, we are responding to 96 per cent of information requests on time, against a backdrop of rising request numbers.

In relation to the particular case that Katy Clark has raised, the Government will comply with the commissioner's decision, but I have to be absolutely satisfied that there is no risk that the identities of individuals who have complained in relation to allegations of sexual assault, which are protected by court orders, would in any way be disclosed as a consequence. I will be clear with Parliament that I will not run that risk. I am very surprised that Katy Clark wants me to release all the information, because, if I did that, I would breach court orders, and I will not do that. The Government is appealing two other cases that we believe would result in our committing contempt of court, and I will not do that.

As I have said, the Government has handled nearly 90 freedom of information requests, but I have a legal responsibility, and a responsibility under the ministerial code, to obey the court orders that are in place. I make it crystal clear to Parliament that I will do nothing to jeopardise that.

**Fergus Ewing (Inverness and Nairn) (Ind):** But what the First Minister has not said is that, when James Hamilton produced his report, he himself, in public, in an unprecedented move, expressed his severe reservations about the redactions that he was required to make. Moreover, the orders that have been made regarding the release of further information have been made by David Hamilton, who is the Scottish Information Commissioner.

The First Minister will accept that both James Hamilton and David Hamilton are individuals of the highest repute and integrity, and they would not invite him to do anything that was illegal. My question is this: is the First Minister not using the excuse of jigsaw identification as a human shield and as a pretext for declining to release information because the real reason is that it will cause extreme embarrassment to several people who are in the Scottish Government now and previously were in that trusted position?

**The First Minister:** I cannot find it in myself to associate myself with Mr Ewing's words "excuse of jigsaw identification", because that question lies at the very heart of the provision of statute in this country. My duty as First Minister at all times is to obey the law, and Mr Ewing is inviting me to be cavalier with the orders that have been passed by a court in this country. I want to be crystal clear with Parliament that I will do not one bit of it.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Does the First Minister appreciate what a bad look it is for his Government to be spending a huge sum of taxpayers' money on contesting rulings from the independent Scottish Information Commissioner?

David Hamilton is an experienced and respected professional who has spent his entire

career in Scotland's justice system. Does the First Minister really think that he would be asking the Scottish Government to do something unlawful?

**The First Minister:** The Government has made it clear that we believe that the Information Commissioner has erred in law in relation to two of the cases that the Government is appealing.

Mr Fraser is a lawyer. He knows full well the obligations that I carry as First Minister to ensure that the Government at all times complies with the law. Where I believe that there is a risk of jeopardy in that respect, I will ensure that the Government acts within the law, and that is exactly what I am doing.

**The Presiding Officer:** We move to constituency and general supplementary questions.

### Energy Market

**Emma Roddick (Highlands and Islands) (SNP):** Developers have warned that the planned West of Orkney wind farm, which will have the potential to power 2 million homes by the end of the decade, will not be built unless unfair United Kingdom transmission charges are overhauled. Under Westminster control, the UK energy market is broken. Communities do not benefit from hosting development, and developers are penalised for being in Scotland. That is taking a toll on jobs, investment and, ultimately, costs, which leads to higher energy bills. Does the First Minister agree that powers over Scotland's energy should be placed in Scotland's hands?

**The First Minister (John Swinney):** Emma Roddick raises significant concerns about the West of Orkney wind farm that have been raised by the developer. It is a development that would bring enormous benefit to the people of Scotland, but it is being put in jeopardy because of the disproportionate transmission charges of the United Kingdom regime. The sooner that we can ensure that control of those issues is in the hands of the people of Scotland, so that we can benefit from the energy wealth of Scotland, the better. That can happen only with independence.

### Childminding (Tax)

**Roz McCall (Mid Scotland and Fife) (Con):** The First Minister will be aware of concerns raised by the Scottish Childminding Association about planned changes by HM Revenue and Customs to making tax digital and the long-standing tax-free wear and tear allowance for childminders. The allowance permitted registered childminders to claim 10 per cent of their income as tax free, given the evident wear and tear that comes from opening their homes to children.

The tax changes are due to the introduction in England and Wales of childminding in non-domestic premises, which does not apply in Scotland. The changes will require childminders to claim on a case-by-case basis should damage occur in their properties as a result of the occupation, thereby adding admin and complexity to a burgeoning sector.

The childminding workforce in Scotland has declined by 48 per cent since 2016, with an increase in paperwork being cited as the main reason for that decline. Childminders are currently considering whether they can make a decision about their future business model based on that. In light of that situation, what assessment has the Government made of the impact on childcare capacity in Scotland of HMRC's decision? What urgent representations can be made to the UK Government to try to halt it?

**The First Minister:** I am not familiar with the issue that Roz McCall has raised, so I will take that away and explore it. It is an issue that has been advanced by HMRC, which is a United Kingdom organisation, but it will have implications for Scotland. I will consider those points and write to Roz McCall about any steps that the Government can take.

### Cumbrae Ferries

**Kenneth Gibson (Cunninghame North) (SNP):** The forthcoming Scottish budget commits a record £513.4 million in the next financial year for ferry services, but Caledonian MacBrayne proposes swingeing cuts to this summer's timetable to and from Cumbrae. It seeks to reduce the number of sailings from four to three per hour, while introducing a disruptive maintenance schedule that will reduce that number even further. Those proposals will impact connectivity and the island economy, make attending hospital appointments more difficult and reduce CalMac's income. There is zero justification for them other than CalMac's own convenience. Will the First Minister ensure that those damaging service reductions do not happen?

**The First Minister (John Swinney):** I understand how significant an issue this is for Mr Gibson and his constituents. The ferry service to Cumbrae is a well-used and busy route, particularly in the summer period. The Cabinet Secretary for Transport will meet CalMac next week to discuss in detail the current proposals on the maintenance of vessels and on loading and unloading activities, alongside other matters. I give Mr Gibson the assurance that the transport secretary will raise with CalMac the issues that he has put to me.

Caledonian MacBrayne is in the process of reviewing options and will continue to work closely

with the Cumbrae community to ensure that any proposals are fully discussed before any final decisions are taken or implemented. The transport secretary has heard these exchanges and will take the issues forward with CalMac.

### **Social Care Pay**

**Jackie Baillie (Dumbarton) (Lab):** I have been contacted by social care organisations, Unite the Union and the GMB union about a gap in the Scottish Government's budget for social care pay. The Convention of Scottish Local Authorities has calculated that there will be a £19 million funding shortfall in meeting the cost of the real living wage for social care staff, on the basis of the use of the wrong baseline. Everyone assumed that that was an accounting mistake, but the Cabinet Secretary for Finance and Local Government confirmed yesterday that the funding gap was deliberate.

The First Minister will be aware that services will be cut and that staff, the majority of whom are low-paid female workers, will lose their jobs if that gap is not addressed. Will he support social care, and will he fill the £19 million gap?

**The First Minister (John Swinney):** The Government is fulfilling its commitments on social care and is supporting investment in social care through provisions in the budget. I look forward to Jackie Baillie's support for the budget to ensure that it delivers for the social care sector.

### **Robert Burns (Ellisland)**

**Oliver Mundell (Dumfriesshire) (Con):** As those at home and around the world, including in our Parliament, raise a dram this week to the continued social, economic and cultural importance of Robert Burns, the campaign to save the home of "Auld Lang Syne", Ellisland—the Dumfriesshire farm that the poet built and called home—is building momentum. Ellisland is where Burns wrote many of his most famous works. Given that the project to restore that nationally significant site is so important to local residents in Dumfriesshire and Burns fans, will the First Minister reaffirm his Government's full support for it, and will he agree to visit Ellisland to join Scots and visitors from around the world in experiencing for himself what Burns called "sweet poetic ground"?

**The First Minister (John Swinney):** I have observed a lot of fantastic work that has been done at Ellisland farm to preserve and enhance the facility and to ensure that it can play its role in the celebration of the outstanding and timeless work of Robert Burns. I am happy to reaffirm to Oliver Mundell the Government's support and encouragement for the work that is under way. That work involves attracting funding from the National Lottery Heritage Fund, South of Scotland

Enterprise and Museums Galleries Scotland. I encourage the Robert Burns Ellisland Trust to continue its engagement with Museums Galleries Scotland in taking forward the trust's plans.

I would be delighted to visit Ellisland farm to see at first hand the plans that are being taken forward and to give my active support. It is a daily experience for me to walk past the Nasmyth portrait of Robert Burns that hangs in the drawing room of Bute house, where it should hang as a tribute and commitment to the timeless work of Robert Burns, which we celebrate at this time of year and which underpins the values of our country.

### **Child Poverty**

**Paul McLennan (East Lothian) (SNP):** The head of Scotland for Save the Children has welcomed the Scottish National Party Government's budget plans for a top-up to the Scottish child payment for families with a baby under one. This week, she said:

"This crucial extra support can't come soon enough for families. We hope it receives cross-party support in Parliament."

Will the First Minister join me in calling on Opposition members to listen to Save the Children and back the SNP Scottish budget so that we can deliver such landmark policies to continue our work to eradicate child poverty?

**The First Minister (John Swinney):** The point that Paul McLennan makes is an important one. The Scottish Government is underpinning its support for the Scottish child payment, which is helping to keep children out of poverty and to deliver a falling level of child poverty in Scotland. From 2027-28, the Government will boost the Scottish child payment to £40 per week for all children under one, which Save the Children has said will

"sow the seeds of a brighter tomorrow."

I encourage members of all parties to support the Government's budget, which makes provision for those aspirations.

### **Edinburgh Central Mosque (Vandalism)**

**Jeremy Balfour (Lothian) (Ind):** The First Minister will be aware of the disgraceful vandalism of the Edinburgh central mosque last week. What is the Scottish Government doing to address the intolerance that was displayed by that action? What assurances can he give to all religious communities in Scotland that do not feel safe following such attacks?

**The First Minister (John Swinney):** I was deeply troubled to hear of the vandalism at the central mosque in Edinburgh and I associate myself entirely with Mr Balfour's points. Nobody

should be on the receiving end of hatred in our society today.

I regularly meet various groups in Scotland, as do the Cabinet Secretary for Social Justice and the Minister for Equalities, to ensure that we are acting together to tackle hate in our society. There are groupings in our society—it was the Muslim community on this occasion, and on other occasions I have had representations from the Jewish community in Scotland—that are on the receiving end of hate. The Government is supporting communities and investing in the cohesive communities work that we undertake to make sure that Scotland is a country free of hatred, as it should be.

**The Presiding Officer:** That concludes First Minister's question time. There will be a short suspension before the next item of business to allow those who are leaving the chamber and the public gallery to do so.

12:47

*Meeting suspended.*

12:49

*On resuming—*

## **Growing2gether**

**The Deputy Presiding Officer (Liam McArthur):** I encourage those who are leaving the chamber and the public gallery to do so as quickly and as quietly as possible.

The next item of business is a members' business debate on motion S6M-18469, in the name of Emma Roddick, on the Growing2gether programme success. The debate will be concluded without any questions being put.

I invite members who wish to participate in the debate to press their request-to-speak buttons, and I invite Emma Roddick to open the debate.

*Motion debated,*

That the Parliament congratulates the charity, Growing2Gether, on what it sees as its successful programme aimed at helping young people who face various challenges by pairing young adults with toddlers to mentor; understands that participants and facilitators have reported a significant shift in young people's confidence and gaining of skills, helping to improve wellbeing; acknowledges the reported overall positive and successful work of this charity in partnering with 15 schools in Scotland, including 12 in the Highlands and Islands region; applauds the over 2,000 young people who have been paired with 2,200 toddlers over a seven-year period across the Highlands on their efforts; considers it important to provide opportunities for children and young people who face challenges with poverty, mental health or trauma to develop skills and confidence in themselves, and notes the view that the Scottish Government should consider how it can best support this kind of work moving forward.

12:50

**Emma Roddick (Highlands and Islands) (SNP):** I am unusually nervous today, only because I am so incredibly glad to have the opportunity to speak about Growing2gether and to share it with colleagues, the Government and anyone else who is listening, and tell them why engaging with this organisation, among the thousands of meetings that MSPs have, is one of those that I will always remember clearly. Colleagues will know the meetings that I mean; the ones that we remember because they make us feel something.

Growing2gether works with young people who are experiencing or are at risk of poverty, mental health issues and adverse childhood experiences. It intervenes to support those young people to mentor nursery children and take on leadership roles in their communities, consult with community members and develop youth-led initiatives. Right now, it is working in and around the Moray Firth and across Aberdeen.

When Gavin Morgan of Growing2gether reached out to me last year, I could tell that there was something special about what the nursery programme is doing. Gavin is so passionate. There is no other way to say it. He loves what he does, and he loves seeing the results of his work.

When I told him that we had finally secured a debate spot for the motion, I asked him whether there was anything new that he wanted to share with me since we last spoke—he sent me 10 bullet points, two PDFs and a video.

I will circulate that video to colleagues after the debate. The reason that the programme works is the willingness of the young people who take part. Their reflections are so special. I could stand here and quote them all, but you really need to hear it from them, so I will share just one that sums it up for me. They said:

“I finally feel that I am okay as a person. I thought that everyone else was better than me.”

Many young people who grow up with trauma or poverty are led to believe that they are not special, that there is nothing more for them in life, that they cannot offer anything to the world but anger and that there is really no point in trying. I know that because I have felt it. It takes a lot of internal work to undo that complex belief system, and a lot of effort from kind adults who want to convince you that it is worth giving it a go.

When I was in school, I was paired with a couple of nursery boys to mentor. I remember being really nervous about that. I did not like boys. I grew up in an all-female household, and to me, boys were mean, they hit you and they cared about Glasgow football teams for some reason. However, answering those wee boys' questions, teaching them about the world of big school and watching them explore everything made me realise what I had learned so far and what I had to give back, and it made me feel more confident and responsible.

That meant that I was already sold on the concept, but I met Gavin online to chat about what he wanted to achieve. He explained that really he only wanted me to tell everybody else about what he was doing.

It was one of those days of back-to-back team meetings, typing up notes and actions for the evening, swapping from my work on rural affairs to healthcare to casework. However, the programme, Gavin and the energy around it stood out, and I had to see it for myself.

I arranged to meet him and some of the young people involved up at Kinmylies primary school. I spoke with a few of the young people, some of whom had left the programme the year before but had taken the opportunity to come to speak to me and be reunited with their mentees. I was taken

aback by that because I was expecting to meet the current cohort. It was a beautiful, sunny day, and those teenagers could have been down the pitches, up at the retail park or just lying in bed playing Fortnite, but instead they had come to Charleston academy to make sure that I knew how good the programme was and to see their old nursery partners.

I was told about how one little girl cried and cried on the last day of the programme because she did not want to say goodbye. I could feel the emotion in the room that day as I heard about them reuniting just before I arrived. Another mentor shared that the parents of his mentee had sought him out and thanked him for whatever it was that he did to make their little girl come out of her shell. The programme leaders explained that one of the quieter girls there would have been too nervous to speak to me before she took part in the programme. She smiled and agreed; she said that it had changed everything. Both age groups bloomed from the belief that the programme leaders had in them and from the knowledge that they can build such relationships, learn from one another and be of value to the world.

What really came across as we sat around the table talking and laughing was that the teachers who helped to lead and organise the programme blended together with the young leaders. They had worked together. There was no top-down instruction; it was a partnership, and I could see that the young people carried themselves differently as a result of that.

At the end of my visit, we posed for a photo, as usual. It was a normal MSP visit photo, with everybody standing with their hands clasped and looking polite. One of the young people then pulled out their phone and took a selfie. That is the photo that I used for my social media post about the visit, because that is the one that captured the energy and joy of the day when they explained to me how special it all is. It shows what a difference it makes when young people do something for themselves.

We know that intergenerational work produces results, and we know that young people with adverse childhood experiences need a push, encouragement and opportunities to discover the amazing things about themselves that the world has told them are not there. We know that Growing2gether's approach works, and it would be a very sensible—and successful—move if the Scottish Government were to seriously consider how it can support, explore and expand Growing2gether's work.

Gavin Morgan is a busy man. He has been down in Westminster sharing his successes, and he is working with even more schools that want to join up and be part of the programme. However, I am

sure that he could find some time in his very busy diary to help out the minister and make sure that Scotland leads the way. If we want to tackle the attainment gap, if we want more young people in positive destinations and if we want them to be genuinely involved in their community and feel a responsibility to it, this is not an opportunity that we can ignore.

I will finish with a question that Gavin shared with me. He said:

"We are continuing to see a positive impact in both our Nursery and Community programmes for children and young people and parents, teachers and young people, ask, why is this not in more schools across Scotland?"

12:57

**Roz McCall (Mid Scotland and Fife) (Con):** I thank Emma Roddick for using her members' business debate slot to bring this issue to the chamber. I feel very passionately about it, as she will know, and I appreciate her doing so.

First, I want to categorically say that we thank Growing2gether for the work that it does to support children to overcome trauma and adversity. The fact that it is working with 15 schools and has paired more than 2,000 young people with more than 2,200 toddlers over the past seven years should be applauded, because that is a monumental amount of work.

We have already heard from Emma Roddick what the Growing2gether programme has done for so many young people. This national initiative in Scotland focuses on improving outcomes for babies and infants who are affected by adversity in their earliest years. As I have stated, anyone who has listened to my speeches over the past four years will know just how important the issue is to me.

I am going to go personal. When I adopted my daughters, I was told about the issues surrounding attachment disorder and the necessity of reaching certain milestones in brain development for on-going cognitive growth and physical health throughout life. It was put to me like this: every milestone met is a brick in the wall of life; if you miss one out, every brick laid on top of that gap is unstable and insecure.

If members will forgive me, I will go back a step from the work that Growing2gether does. When a baby is born, it is amazing just how important every developmental milestone is. Everything that seems minor and insignificant is essential. Something as simple as holding a baby makes a massive difference. A newborn who is not held enough is more likely to have stunted growth, poor weight gain and a weaker immune system. Touch is essential for emotional and physical development. Touch promotes vital brain

connections, growth hormones and the ability to make bonds with other people, so a child who grows up without touch in their early years has a significantly harder life than one who grows up with it.

Most newborns are well versed in hearing, because they hear their mother from inside the womb. However, if they are born into an environment in which they are not spoken to, they are more likely to suffer setbacks in language, communication, social and emotional skills and speech delays.

All that makes sense, but I wonder whether members also know that those children are also less likely to be able to form thoughts and that a child who grows up in a home where they are not spoken to softly is more likely to be unable to learn or to retain knowledge than one who grows up being spoken to in that way. So much of the nurturing that happens in early years is essential for a purposeful and productive life.

The reason I mention all of that is that Growing2gether's programme is rooted in the growing body of evidence that the first 1,000 days of a child's life are critical to their development and that any delay or inconsistency in decision making during that period can have long-lasting consequences. Those 1,000 days add up to just two years and nine months. Decisions must be made fast because, with every week that goes by, valuable development is lost.

I am speaking about that because Growing2gether's programme aims to improve early identification of risk for babies and infants, strengthening multi-agency working across health, social work, justice and the children's hearings system. It aims to reduce delay and drift in decision making, particularly in cases involving care and permanence, to ensure that babies' lived experiences and their development needs are properly understood and represented. That is timely.

I cannot argue with a single one of those requests, which are timely because, with the Children (Care, Care Experience and Services Planning) (Scotland) Bill going through Parliament, we have an opportunity to advance on those asks. I sincerely ask the minister to ensure that we do that.

I will quote one line from Growing2gether:

"Babies are not simply small children."

We only have two years to get it right for them.

13:01

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I congratulate Emma Roddick on bringing

the debate to the chamber. I am absolutely delighted to be able to speak today because this is exactly what members' business is for—it allows us to shine a light on work that genuinely changes lives but often does not get the attention that it deserves.

When I first read the information about what Growing2gether actually does in pairing young people with toddlers in nurseries, so that those young people can become mentors, I thought that it was a simple idea, but it is really brilliant. The programme is not about giving young people the kind of help that adults sometimes talk about, when we step in to help them fix themselves by telling them what to do, what is wrong with them and why they cannot make progress. Instead, it is about actually handing responsibility to young people, saying that we trust them and letting them be needed. That is a lot: it is massive, but it is actually genius.

I say a proper, “Well done,” to everyone involved in making the programme happen, including the staff of Growing2gether and the facilitators on the ground, as well as the school and nursery staff who make space for the work and keep it going week after week, which I know is not easy when people are already juggling everything that they have to do to look after nursery-age children. I should perhaps declare an interest, because I used to chair a local playgroup, so I have a little bit of insight. Most of all, I say, “Well done,” to the young people who have stepped up and given it a go, and to the wee toddlers who have benefited and are at the heart and core of that work.

The motion talks about young people who are dealing with a lot, such as poverty, mental health challenges and trauma, with everything that comes on top of that, including living with the pressures of modern times. None of us can pretend that we do not see that in our own communities. I see it in my Banffshire and Buchan Coast constituency, where we have loads of young folk who have really good hearts and are good kids but are just carrying a bit too much. They may have had a few years of being told what they are doing wrong most of the time. Adults tend to say that we are preparing young folk for the risks that they might face, but we do that and tell them how they are falling behind, instead of being positive and giving them the opportunity to shine, which is exactly what Growing2gether does. I will certainly take that back to my constituency and talk about it.

I also have a little understanding of mentoring toddlers because I have had six children and know exactly what sort of patience that takes. You have to show up and be kind, and you must be consistent. That is a lot to learn at a young age, and—believe you me—toddlers will find any

loophole that they can. Of course, they are also good fun.

The programme is not just good for the wee ones; it is good for all who are involved. It builds confidence in a true, authentic way—not confidence that is put on in order to mask ourselves or to provide us with a way of showing up in society, but a true, authentic transformation within a person. Gaining that real confidence is revolutionary. It is an issue that is pertinent to everybody in the chamber.

I once again thank Emma Roddick for bringing the issue to Parliament, and I hope that the Scottish Government looks seriously at the programme to see how we can roll it out across the rest of Scotland.

13:05

**Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab):** I thank Emma Roddick for bringing the debate to Parliament. I join colleagues in their praise of the programme and hope that we can see it trialled in Lanarkshire at some point, because I think that it is a really good initiative.

Not to harp back to old-fashioned ideals for the sake of it, but it used to be that giving less-than-well-behaved teenagers their first taste of responsibility would often be the making of them. I think that most of us know someone who that applies to. The trouble is that our public services pathways do not do that. Anything short of a path that goes from high school to university and on to a graduate job is seen as sub-par. That is just wrong. Growing2gether really turns that pyramid on its head. It points a finger at every young person and asks, “What are you going to offer the world? What happens if you are forced to think about the wellbeing of someone who is not you?”

As I mentioned in the chamber last week, we have a problem in our economy, with one in six young people aged between 20 and 24 being out of education, employment or training, so I am pleased to join Emma Roddick in congratulating the Growing2gether programme, and I think that the Scottish Government absolutely should consider how it can do more to expand it in the future.

More than that, the Scottish Government should consider how the entire ethos of the programme can be applied to the education-to-employment pathway. The first question should not be what support someone needs, but what someone can offer their community, economy, family or society. If someone is looking after a toddler, that is tremendous.

We must expand the criteria for what is deemed to be a successful education-to-employment

journey. Most importantly, we must fearlessly and unashamedly trust young people with the opportunity to contribute to society. That is what I take away from this debate.

13:08

**The Minister for Children, Young People and The Promise (Natalie Don-Innes):** I thank Ms Roddick for bringing the debate to the chamber and for highlighting the excellent work that is being done in the Growing2gether nursery programme. A lot of what she said resonates with me. I am glad that the programme is helping to eliminate the feeling of not having a place or a purpose, because every child in this country deserves to feel special.

I thank members for their heartfelt contributions in today's debate. It has been terrific to hear about the unique approach that the programme takes and the clear benefits to young people, as the providers of support rather than the recipients. I convey a heartfelt thanks to everyone involved.

Members have already touched on some of the ways in which Growing2gether has helped to support young people. Those who have been supported through the programme have said that it has led to a surge in their confidence, mental health and respect for others, helping them to find skills and qualities that they did not know that they had. It is heartening to hear that feedback, which shows the growth in self-esteem and resilience that the programme is enabling for our young people.

Programmes such as Growing2gether demonstrate the powerful role that positive, supportive relationships play in shaping children and young people's behaviour, wellbeing and engagement with learning. By giving young people the opportunity to take on responsibility, build empathy and form nurturing relationships with younger children, that work helps to deliver the social and emotional skills that underpin positive behaviour in school and beyond.

This strengths-based preventative approach aligns closely with our focus on promoting positive relationships, supporting emotional regulation and addressing the underlying causes of disengagement, rather than responding only when behaviour reaches crisis points. It shows how relational, community-based programmes can complement the work of schools, contribute to calmer, more inclusive learning environments and support our young people to be successful learners, confident individuals, responsible citizens and effective contributors. I am really interested in that point, because—as either someone said, or I read—the programme has been very helpful for young people who were quite disengaged with school, by bringing them back in.

That is really important. We talk a lot in the chamber about attainment and ensuring that children are able to attend their school, and I have spoken a lot about the virtual school network, but I am interested in understanding more about approaches that can help over and above that.

We are pleased to have provided more than £800,000 to support the nursery programme through our place-based, community-led regeneration funding over a number of years.

There has been some talk about disadvantaged young people and, before I touch on a couple of other points in the debate, it is important to highlight some of the steps that we are taking to provide wider support to children and young people. We are continuing to invest more than £1 billion every year in 1,140 hours of high-quality funded early learning and childcare for all three and four-year-olds and eligible two-year-olds. In last week's budget, we announced a universal breakfast club offer for primary school children in Scotland, to be delivered by August 2027. We also announced new investment to expand after-school and holiday clubs for primary school children, which will support parents with wraparound care options and provide an important range of activities for children.

I absolutely agree with Ms McCall's points. Sometimes we talk about extremely emotive subjects in this Parliament, and this is one of them. We want to ensure that our youngest children get the support that they need to reach those developmental milestones and that the families get the support that they need to deliver that. We are taking a number of actions through whole-family support, whole-family wellbeing and all the preventative work that I regularly talk about with Ms McCall and any other member who will listen to me.

On top of that, there are a number of other actions. In December, we published our "Early Years Speech, Language and Communication Action Plan", which sets out our preventative, strategic approach—to build on existing strengths, address gaps in support, and place families and communities at the heart of that work.

We are also delivering the game-changing Scottish child payment, which is forecast to support the families of around 330,000 children next year. Since the benefit launched, we have paid out more than £3 billion and, of course, we have just expanded it to £40 for children under one.

In relation to the Children (Care, Care Experience and Services Planning) (Scotland) Bill, making provisions to support babies is an absolute priority. There are already provisions for that in the bill, but I am hoping to extend them further at stage

2 and I will meet Ms McCall to discuss some of that very soon.

As I have said, I am very interested in the programme and the points that have been made. I am a big believer in intergenerational work and I believe in it for all age groups. Generally speaking, I think that that work has been done more by pairing younger people with elderly people, so I am interested in it for this age group. To take a slightly personal slant, my two children do not have much access to teens or older children, and I can see how that intergenerational work would benefit even them.

As I said to Ms Roddick earlier in the debate, I would be grateful if she could send me more information on the programme. In looking at the future of the programme, I will certainly take into consideration the points that members have raised.

I will finish by congratulating everyone involved in Growing2gether, which is enabling our children and young people to develop the skills, values and resilience that are needed to build a brighter future. I am sure that Growing2gether will continue to build on the superb work that has been done so far, and I wish the programme every success in the future. Again, I thank Ms Roddick for bringing the debate to the chamber.

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

13:15

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Social Justice and Housing

**The Deputy Presiding Officer (Liam McArthur):** The first item of business this afternoon is portfolio question time, and the portfolio is social justice and housing.

#### Short-term Lets

**1. Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how it supports local authorities to investigate short-term lets that are operating without planning permission or registration. (S6O-05411)

**The Cabinet Secretary for Housing (Màiri McAllan):** Planning authorities are responsible for investigating breaches of planning control and deciding whether to take enforcement action. Planning circular 10/2009 sets out guidance on enforcement matters, and all planning authorities publish an enforcement charter setting out their procedures. To support local authorities in fulfilling their responsibilities for enforcement, the Government requires them to publish a public register of licensed accommodation. That, together with information on the Government website, assists neighbours in identifying and reporting unlicensed operators to their council.

**Bob Doris:** Constituents have contacted me regarding issues with securing timely and effective enforcement on short-term lets that are operating either with no licence or with no planning permission—or, sometimes, with neither. It is frustrating that such short-term lets are often advertised on online booking platforms and that the profits from them far outweigh eventual fines. What powers does the Scottish Government have, or what additional powers might it seek in the future, to target and take action against online operators that repeatedly offer platforms for such adverts?

**Màiri McAllan:** Authorities already have a range of enforcement tools at their disposal. It is worth noting that failure to comply with a planning enforcement notice is an offence that can incur strong penalties. It remains the Government's intention to increase the maximum fine for some short-term let licensing-related offences.

We have also worked with online booking platforms, which Bob Doris is quite right to mention. We are currently working with them to promote reporting processes for licensing authorities, to ensure that short-term lets that are

confirmed to be operating without a licence can be delisted.

### Scottish Child Payment

**2. Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government how many people in 2024-25 no longer received the Scottish child payment because they moved off benefits. (S6O-05412)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Social Security Scotland does not publish figures on why people stop receiving the Scottish child payment. However, statistics show that the payment continues to provide vital and stable support to low-income families across Scotland. The Scottish Government remains firmly committed to tackling child poverty, and the Scottish child payment provides direct support to families that need it most. Take-up is exceptionally high, at an estimated 94 per cent in 2024-25, and the latest statistics show that the families of more than 322,000 children across Scotland are benefiting from that support.

**Stephen Kerr:** I did not ask about anything in that very long answer. What is clear is that the Government does not know or, if it does know, is not prepared to say.

Yesterday, at the Economy and Fair Work Committee, the Deputy First Minister acknowledged concerns about the cliff-edge nature of the Scottish child payment. There is growing evidence that people are reluctant to take on extra hours, overtime, promotion or better-paid work because doing so can push them over the threshold and lead to them losing their benefits. That reluctance is entirely understandable, but it amounts to a benefits trap.

Given that we know that the most effective route out of poverty is good work, what steps is the Government taking to remove that cliff edge, so that work, progression and higher earnings are incentivised rather than penalised?

**Shirley-Anne Somerville:** I am sorry if Mr Kerr is not interested in the number of children who have been lifted out of poverty by the Scottish child payment. In relation to his question, analysis published by the Scottish Government in July 2024 concluded that the payment is not negatively affecting labour market outcomes at scale at its current rates. Research by the London School of Economics found that there is no evidence that it creates meaningful work disincentives. Research published by the Centre for Analysis of Social Exclusion concludes that

“the evidence suggests that concerns that the SCP creates work disincentives are overplayed.”

Many people who receive the Scottish child

payment are in work, and the payment is an important way in which we can impact both those who are in work and those who are out of work. I hope that, now that I have detailed the research and evidence, Mr Kerr will accept that and move on.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I welcome the Scottish child payment. I also welcome the boost to the Scottish child payment for families with a baby under one from 2027, which is set out in the 2026-27 Scottish budget. The cabinet secretary will know that UNICEF has said that the Scottish National Party Government's decision

“recognises how crucial a child's early years are for their development, life chances and future wellbeing.”

Will the cabinet secretary tell us more about how the additional support that we give to children can contribute to their best possible start in life?

**Shirley-Anne Somerville:** Keith Brown raises an important point about the impact of the Scottish child payment and the specific impact that a premium for children under the age of one will have. By April this year, the Scottish child payment will have increased by more than 180 per cent since it was launched. The payment being raised to £40 a week for every eligible child under one during 2027-28 will benefit 12,000 children. Once again, it will provide support when families need it the most.

Scotland is delivering the strongest package of financial support for families anywhere in the United Kingdom. Our budget proposals include wide-ranging action to tackle the root causes of poverty, whether that is through the Scottish child payment or our work on affordable homes.

**Claire Baker (Mid Scotland and Fife) (Lab):** As the cabinet secretary recognised, the LSE has carried out a piece of work on the Scottish child payment. Last week, at the Social Justice and Social Security Committee, One Parent Families spoke about the cliff edge of eligibility. It cited the example of a parent who had turned down a promotion at work because it would have meant losing their Scottish child payment. Is the Scottish Government mindful that those kinds of situations can arise, particularly for women? What is being done to support families to make the shift when immediate financial support could be lost but the long-term impact could be an increase in household income?

**Shirley-Anne Somerville:** One of the reasons that we have taken forward work in the past few years is to give future Governments the ability to change the statutory and legal footing of the Scottish child payment. To ensure that we delivered the Scottish child payment as fast as we did, we based it on the eligibility for universal

credit. That link means that, if people fall off UC, they will also fall off the Scottish child payment. Powers have been introduced to ensure that future Governments can look at the legislative footing of the Scottish child payment should a Government wish to change the way in which the Scottish child payment is delivered.

### **Housing Emergency (Fife)**

**3. Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government how it plans to respond to the housing emergency in Fife. (S6O-05413)

**The Cabinet Secretary for Housing (Màiri McAllan):** Since declaring the housing emergency, the Scottish Government has worked intensively—*[Interruption.]*

**The Deputy Presiding Officer:** Please resume your seat, cabinet secretary.

Mr Kerr, I have allowed a little latitude in the exchanges that have been going on between you and members on the front bench, but could you please desist?

**Màiri McAllan:** We have been working very closely with Fife Council to address the acute pressures that it is facing. In 2025-26, Fife Council received £4.4m from the national acquisitions programme. The council has a plan to eliminate statutory breaches by June 2026 and to return to sustainable rapid rehousing, which I discuss regularly with it. There is a downward trend in children living in temporary accommodation, and the council is close to launching a revised pilot private sector leasing scheme that we think will provide between 100 and 300 properties. Most recently, my quarterly meeting with Fife Council was on 7 January, and I met representatives of the council at the housing to 2040 strategic board on 14 January, when all those matters were discussed.

**Annabelle Ewing:** I note the cabinet secretary's contact with Fife Council, which I welcome. I also welcome the Scottish Government's new commitments to increase housing, which it has made in recent weeks. However, I have to say that, in the here and now, my constituents are living in overcrowded houses and unsuitable temporary accommodation. A young couple in Lochgelly whom I was contacted by this week are living in damp and mouldy accommodation such that their one-year-old child now cannot sleep and suffers from constant colds. Can the cabinet secretary say what the Scottish Government will do to show that it is, in fact, on my constituents' side?

**Màiri McAllan:** I recognise Annabelle Ewing's call for action in the here and now while that underlying work is on-going to increase supply, including through the new agency that the First

Minister announced this morning, which will be called "More Homes Scotland". In terms of the here and now, I have mentioned the acquisitions fund, which is supporting Fife Council and others to buy homes now to relieve pressure, and, just yesterday, I laid draft secondary legislation in the Parliament that will introduce duties on private and social landlords to investigate reports of damp and mould and to commence any required repairs within a set timescale.

That legislation is named after Awaab Ishak, whose death in Rochdale, in England, was linked to exposure to black mould. Although around 90 per cent of properties in Scotland are substantially free from damp and mould, we are determined that everyone should be protected. I hope that the introduction of Awaab's law, among others, is evidence to Annabelle Ewing's constituents that we are on their side.

**Willie Rennie (North East Fife) (LD):** I am keen for new build-to-rent and mid-market rent properties to be built in Fife in order to help with the housing emergency there. However, I am hearing reports that the Government is considering putting in place time limits on the exemptions that were proposed as part of the Housing (Scotland) Bill. That would potentially deter investment, which I am sure the cabinet secretary does not want to happen. What reassurances can she give the housing sector to make sure that damaging time limits are not introduced on build-to-rent and mid-market rent exemptions?

**Màiri McAllan:** The purpose of carving out the exemptions from rent controls for mid-market rent and build-to-rent properties was exactly to provide the right circumstances for investment. As I draft the regulations that will put those exemptions in place, I am mindful of the need to retain that encouragement to invest, including in relation to how we define build-to-rent and mid-market rent in those regulations and the conditions that will be set around that. We are discussing that matter with industry, among others, and I will update the Parliament with the final details on that when I am able to.

**The Deputy Presiding Officer :** Question 4 is in the name of Tim Eagle. Tim Eagle is not online, which is more than disappointing. We would expect an apology and an explanation for that.

### **Household Food Insecurity**

**5. Maurice Golden (North East Scotland) (Con):** To ask the Scottish Government what measures it has taken to address household food insecurity. (S6O-05415)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** No one should have

to compromise on food or other essentials. That is why Scotland was the first nation in the United Kingdom to publish a cash-first plan to work towards ending the need for food banks. Food insecurity is caused by insecure or insufficient income. Building on the on-going investment of more than £3 billion per year in policies that tackle poverty and the cost of living crisis, in 2026-27 we will continue to offer the most comprehensive cost of living support package in the UK, providing vital support for those who face cost of living pressures and strengthening our public services.

**Maurice Golden:** Although debt is clearly a significant driver of food insecurity, access to affordable, healthy food and the skills to prepare it are also critical factors. Will the cabinet secretary confirm whether local access to nutritious food, levels of food and cooking skills are routinely monitored? If they are not, will she consider putting such monitoring in place, in order to better inform future policy decisions?

**Shirley-Anne Somerville:** In a number of our funding streams, an aspect that we look at is how we can support local communities with what they deem to be their priorities. Some of those priorities will relate to access to healthy food or skills for cooking healthy food. Those priorities are best served by the funding streams being open to local community groups and by community groups making bids for funding if they feel that that is the most important way to deal with the issue. The Government is alive to the issue, which is exactly why, alongside the work that is set out in the cash-first plan, we are doing wider work on child poverty that looks at the types of drivers of poverty and what we can do to take away some of those challenges.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I welcome the measures that the cabinet secretary has set out. I am proud that, as food inflation continues to soar under the Labour Party, the SNP Government is expanding the most comprehensive cost of living support package anywhere in the UK. Will the cabinet secretary tell us more about the measures that were announced in the Scottish budget and how they are expected to help households to afford the essentials?

**Shirley-Anne Somerville:** There is work in the draft budget that will take forward support. That includes £7.2 billion in social security assistance in 2026-27, which supports around 2 million people—one in three people in Scotland. It shows that the Scottish Government is there to support not just people on low incomes, but disabled people, unpaid carers and young people who are getting their first job, for example. That shows our determination to support people through the cost of living crisis and to ensure that we have that assistance. Social security is but one of the

examples in the budget of how we are trying to deliver that for the people of Scotland.

### **Housing Support Services (Integration)**

**6. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government what action it is taking to co-ordinate housing support services more effectively with health, social care and justice services, so that housing is fully integrated within wider public services, and no one is left behind when accessing support. (S6O-05416)

**The Cabinet Secretary for Housing (Màiri McAllan):** Our approach to integrated planning and partnership working aims to improve outcomes for people, particularly those with complex needs. Our fairer futures partnership ensures collaboration to identify the right support to meet the needs of every family.

Other co-ordinated approaches to housing support include our housing contribution statements, which set out how housing provision can improve health, social care and wellbeing. Our SHORE—sustainable housing for everyone on release—standards ensure that housing support is available for people on release from custody. As part of the Housing (Scotland) Act 2025, which the Parliament recently passed, the gold-standard ask and act duties require somebody to be asked, very early on in their journey, about their housing situation and action to be taken when it is needed.

**Clare Adamson:** In my work in local food banks, I meet people who have been released from court, people who have been on remand and discharged from court and people who have been released from hospital with nowhere to go. The Scottish Government is joining up housing services with justice and health services. Will it use lived experience to shape that work and support local authorities and the third sector to consider co-location in the justice service and in hospitals?

**Màiri McAllan:** Yes. That is all being tested in the context of ensuring that the ask and act duties that the Parliament passed can come into force and be effective. Ultimately, the underpinning principle is that we prevent homelessness by introducing joined-up, person-centred care as early as possible when someone's housing situation is precarious. For example, the consortium approach that is being taken by 15 homelessness prevention pilots, as part of developing that ask and act work, exemplifies the partnership that is needed with the justice and health sectors. Two of the pilots—the ones in Glasgow and Forth Valley—focus specifically on preventing homelessness when people are discharged from hospital, and the pilot in the Wester Hailes area of Edinburgh involves a range of partners, including the Scottish Prison Service.

**Carol Mochan (South Scotland) (Lab):** If we truly hope to co-ordinate housing support services with wider public services, including health services, we must recognise the vital role that occupational therapists play in assessing housing needs. However, that workforce faces growing demand, a lack of financial stability and very high vacancy rates. What is the Government doing to improve OT numbers across Scotland? Does it recognise that additional recruitment will improve not only health outcomes but the links with housing support for constituents?

**Màiri McAllan:** I absolutely echo the importance of occupational health as part of determining somebody's needs and advocating for them. As MSPs, we all know how often that issue crosses our desks, and I am equally conscious of that in my role as Cabinet Secretary for Housing.

On the question about joined-up support, as we consider how the ask and act duties will be implemented, the work of occupational therapists and others will be critical. They are one of the cornerstone touch points at which people come into contact with our systems, and the ask and act duties are about understanding the contacts that are made with people and using them better to recognise housing precarity and the risk of homelessness, so that we act as early as possible to avoid it.

**Pam Duncan-Glancy (Glasgow) (Lab):** I have a constituent who has asked for a social care assessment, but the health and social care partnership has advised that an assessment cannot be progressed while he is living at home with his parents. However, he is unable to secure suitable housing for himself. When I raised the case with the HSCP, I was told that housing is a private matter. Does the cabinet secretary agree that that illustrates why joined-up working between housing services and HSCPs is essential? What steps could my constituent take to ensure that his housing needs are married with his social care needs, so that they can be met in a joined-up and person-centred way?

**Màiri McAllan:** Housing is not a private matter; it involves us all. It is the responsibility of local government, as the statutory provider of housing in a local area, and of central Government to be interested in and involved with it.

I recommend to Pam Duncan-Glancy that her constituent—through her and through his constituency MSP—make representations to the local authority about the housing situation and the need for, I presume, adaptations to be made or the right things to be provided, so that support can be offered in that way. If she wants to write to me with more details, I will happily take a look at the case.

### **Pension-age Disability Payment**

**7. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government what it is doing to promote the take-up of pension-age disability payment. (S6O-05417)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government is committed to increasing the take-up of pension-age disability payment. In September 2025, Social Security Scotland promoted the benefit through a marketing campaign that ran across television, radio and digital media, with stakeholder events held and materials provided in community spaces. That generated a 140 per cent increase in the number of visits to the application web page and a 78 per cent rise in the number of application starts. The promotion continues across social media and through partnership work with, for example, Age Scotland, local authorities, the national health service and community groups. Accessible application routes encourage uptake among older people nationwide and ensure that tailored assistance is available across Scotland.

**Marie McNair:** Despite the Labour and Tory attacks on our social security budget, it is clear that the pension-age disability payment is making a difference to those of pension age with a disability in Scotland. Take-up of the payment must be encouraged.

Will the cabinet secretary join me in praising the work of the Clydebank Asbestos Group in my constituency? In a joint project with the retired members branch of Unite the Union, that group has put more than £800,000 in pension-age disability payments and benefits into the pockets of the pensioners in greatest need.

**Shirley-Anne Somerville:** Scotland is the only country in the United Kingdom that has a benefits take-up strategy. The Scottish Government is proud of the fact that we encourage people to apply for what they are entitled to. Ensuring that older people receive the support that they are entitled to, by providing access to financial assistance such as the pension-age disability payment, makes a real difference.

I am proud to confirm that the Government has committed £926 million in the 2026-27 budget to safeguard the delivery of that vital support. I join Marie McNair in congratulating the Clydebank Asbestos Group—which was founded by David Colrairie and supported by his wife, Jean—and the retired members branch of Unite for their valuable, long-standing and exceptional work in helping people to secure the support that they deserve and are entitled to.

### **Social Security (Budget 2026-27)**

**8. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what impact the draft Scottish budget 2026-27 will have on social security in Scotland. (S6O-05418)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Through the investment of £7.2 billion in social security assistance in 2026-27, the budget will deliver essential continued support for low-income families and unpaid carers, help older people to heat their homes and enable disabled people to live independent lives.

As a result of deliberate policy choices, the budget increases the total spending on devolved social security and maintains the value of all benefits by uprating them in line with inflation. On top of that, it lays the groundwork to raise our transformational Scottish child payment even further, to £40 per week for every eligible child aged under one, during 2027-28. That will benefit the families of 12,000 children, and it reaffirms the Government's commitment to the eradication of child poverty.

**Rachael Hamilton:** The Scottish National Party's most recent budget increases the benefits bill by a further £650 million, while the rural affairs portfolio, for example, faces a real-terms cut of £40 million.

Social security spending is projected to rise to more than £9 billion by 2029. It is clear that that trajectory is unsustainable. Given that just under a million working-age people are economically active and that 100,000 people are unemployed, rather than continuing to allocate huge sums of taxpayers' money to a spiralling benefits bill, will the cabinet secretary commit to funding measures that give, and restore, dignity and pride to people by getting Scotland working again?

**Shirley-Anne Somerville:** Of course we encourage and support people to get into work—that is exactly why funding for employability packages is included in the budget.

I can tell Rachael Hamilton that the funding that we expect to receive through the social security block grant adjustments now covers about 87 per cent of the forecast expenditure in 2026-27.

It is important to stress once again that, if Rachael Hamilton wants to cut the social security budget, she needs to say from whom she would take funding away. Is she planning to take it away from older people of pensionable age who receive disability benefits, whom the previous question was about, or people on low incomes who receive the Scottish child payment? We never hear about where the Tories would make cuts, but it is

inevitable that they would have to be made in order to decrease the budget.

In addition, £1 billion of cuts in public expenditure would need to be made if the Tory tax cuts were introduced. Once again, we have had no coherence from the Tories in relation to their budget proposals. We have had more headlines—that is all.

**The Deputy Presiding Officer:** That concludes portfolio question time. There will be a brief pause before we move on to the next item of business to allow front-bench teams to change over.

## Wellbeing and Sustainable Development (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-20414, in the name of Sarah Boyack, on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible, and I call Sarah Boyack, the member in charge of the bill, to speak to and move the motion.

14:27

**Sarah Boyack (Lothian) (Lab):** This has been a long journey. I thank the Social Justice and Social Security Committee, the clerks and all the stakeholders who contributed to the consultation that the committee conducted in advance of today's debate. I also thank those who have worked with me over the past few years to enable me to get to this point, and the fantastic non-Government bills unit team, without whose support I would not be here today.

I started work on my bill in 2021. Support for legislation on wellbeing and sustainable development, with clear definitions, a public duty and a commissioner who could deliver accountability, guidance and advice and hold the Government and public sector bodies to account was included not only in the Scottish Labour manifesto; other parties signed up to a wellbeing and sustainable development bill, too.

I held several round-table sessions with key stakeholders to ensure that I understood their views. In response to my consultation, there was overwhelmingly positive support for a public duty, a clear definition and the establishment of a commissioner who could provide advice and guidance and who, critically, would have investigatory powers, the need for which is referenced in the committee's report.

When the Scottish Government announced its intention to lodge a bill of its own and initiated its consultation, I was disappointed, because I thought that if the Scottish Government progressed its bill, my bill would have to fall. However, I remembered the Climate Change (Scotland) Act 2009 and the fact that I was able to persuade the then Deputy First Minister to include the proposal in my draft member's bill that all new housing developments would have to include some form of renewables. That was successful.

I also thought that I would be able to feed in the incredibly valuable insights on issues that people

had raised with me, such as procurement, which was not covered in my draft bill, and how to achieve a joined-up approach that would link wellbeing and sustainable development directly to the national performance framework, on which the Government could be held to account to ensure that it was effectively implemented. I also wanted clarity to be provided on the definitions of wellbeing and sustainable development, which are mentioned in a number of pieces of legislation.

**Martin Whitfield (South Scotland) (Lab):** Will the member take an intervention?

**Sarah Boyack:** If it is brief. Will I get the time back?

**The Deputy Presiding Officer:** You will get the time back.

**Martin Whitfield:** The proposals that are contained in Sarah Boyack's bill are the final frame—I had been going to say “jigsaw piece”—that sits around so many important strategies that are being sought and pursued in Scotland. Indeed, her previous achievement, which she commented on, is reflected in all the new housing that has solar panels on the roof.

**Sarah Boyack:** I thank the member for that acknowledgement. It is definitely a practical way to create jobs, lower bills and deliver on climate ambitions.

What I was going to say was that I did not anticipate the Scottish Parliamentary Corporate Body-appointed commissioners review and the conclusions that it came to. I have been absolutely clear from the start that my proposals for a commissioner were not about appointing an advocacy commissioner. In the responses to my consultation and to that of the Scottish Government, there was strong support for having someone who is independent, who can provide guidance to help to implement wellbeing and sustainable development principles and, crucially, who will have the investigatory powers that would be used to hold public sector bodies to account. In the view of many stakeholders, our Parliament needs the capacity to make sure that that happens.

The work of our committees is vital, but colleagues need to reflect on the challenge that we face in the capacity of our committees to carry out the work that was called for in the 2021 election. It also begs the question whether the Scottish Government has been performing that oversight role effectively to date, especially given the failure of the national performance framework to deliver as intended.

The sustainable development goals are meant to be delivered by 2030. There is a real danger that short-termism and the lack of the joined-up

thinking that is needed to push wellbeing and sustainable development up the agenda will mean that we miss out on the investment that we need to make now to support future generations. We have the experience of Wales, where the legislation was passed a decade ago and which is now being served by its second future generations commissioner. It is inspiring to hear about the success of its work, the culture shift that it has delivered and its five ways of working.

When the Scottish Government decided not to proceed with its bill, although I was absolutely delighted that the Deputy First Minister said that she would be prepared to work with me constructively on my bill, I did not anticipate that the minister would say that he was not going to support it. I was deeply disappointed by that. We are here today after the Social Justice and Social Security Committee's extensive consideration of the proposals in my bill. Notwithstanding my disappointment, there are some incredibly helpful recommendations in its report, and I hope that the Scottish Government will respond to them positively and with clarity.

The committee recognises the importance of policy coherence, and my view is that guidance is needed to embed wellbeing and sustainable development in policy making. The committee also questions the Scottish Government on oversight and the measurement of the implementation of national outcomes. I thought that it was significant that the committee specifically asked the Scottish Government to clarify, if there was not to be a commissioner, who would provide guidance, support and oversight, but there was no clear answer in the minister's response to the committee.

The committee noted the evidence that, in the absence of clear statutory directives linked to a shared long-term national vision, there is no accountability. If the Scottish Government will not back my bill, will it consider strengthening the duties in the Community Empowerment (Scotland) Act 2015?

As Carnegie UK also stressed, a point was raised in extensive evidence to the Finance and Public Administration Committee about the need to reform the national performance framework so that it works. Will the Scottish Government commit to that, as well as to the committee's recommendation that it should set a time period to evaluate the impact of a revised national performance framework on the delivery of wellbeing and sustainable development outcomes? The national performance framework is being reviewed, so we do not have the answers in front of us.

I hope that the issues raised in the committee report, which the Scottish Government has not yet given clear commitments to act on, will be reflected in the legacy papers that committees prepare in the final few weeks of the current parliamentary session. What can be done now, without waiting for future legislation? Which committee in the next session of Parliament will be responsible for delivering the wellbeing and sustainable development goals? How will the SPCB deliver the accountability and oversight that we have, for years, consulted on, supported and campaigned for? We urgently need answers to those questions, because we cannot let Scotland fall behind.

I move,

That the Parliament agrees to the general principles of the Wellbeing and Sustainable Development (Scotland) Bill.

14:34

**Collette Stevenson (East Kilbride) (SNP):** It is my pleasure to open the debate on behalf of the Social Justice and Social Security Committee. I thank Sarah Boyack for introducing the bill. I also thank all those who provided evidence, as well as my fellow committee members for their thoughtful consideration of the provisions in the bill. I thank the minister, too, for providing a response to our report ahead of the debate. A majority of the committee concluded that the bill should not proceed to stage 2, while a minority felt that there is a strong argument for the bill to proceed.

There are three key components to the bill's policy objectives: to establish statutory definitions of the terms "sustainable development" and "wellbeing"; to impose a statutory duty on public bodies to consider wellbeing and sustainable development in the exercise of their functions; and to create the office of the future generations commissioner for Scotland. Sarah Boyack told us that all three are necessary to achieve the bill's policy objectives.

We heard convincing arguments about the positive role that statutory duties could play in assisting public bodies to meet sustainable development and wellbeing objectives. However, a key concern was the potential for the new duty to duplicate rather than complement existing public sector duties—in particular, the duty to have regard to the national outcomes in the Community Empowerment (Scotland) Act 2015. We asked the Scottish Government to be open to amending legislation by exploring what could be achieved by strengthening the duties in the 2015 act. The minister indicated in his response that the focus at the moment is on improving implementation of the duty. However, the Scottish Government is open

to considering legislative improvements or changes in future. That is very much welcome.

The bill would establish a future generations commissioner for Scotland. The intention is for the commissioner to champion the issues underpinning the bill, ensure its successful implementation and build policy coherence for sustainable development throughout Scotland's public sector. The committee does not disagree with the need for effective oversight to ensure implementation of the bill's provisions. However, issues were raised in evidence about the overlap of commissioner's remit with the remits of existing commissioners and oversight bodies. Compared to other options, the cost of that approach and that of establishing a commissioner do not meet the criteria agreed by Parliament.

**Sarah Boyack:** Does the member accept that it would be possible to establish memorandums of understanding with existing commissioners so that there is no overlap? For example, I discussed with the Auditor General that overlap and a waste of public money can be avoided by having constructive conversations at the start, just as took place in the case of the Welsh commissioner.

**Collette Stevenson:** On the issue of overlap, I hope that the evidence from the Scottish Parliamentary Corporate Body will feed back into the Scottish Government's review of the national performance framework, future development and sustainability.

The Scottish Government told the committee that its review of the national performance framework and the national outcomes provides an opportunity to achieve the policy objectives of the bill. Given the timing of the review coinciding with the introduction of the bill, it was not possible for the committee to come to a view on that.

During our scrutiny of the bill, we received suggestions for improving the NPF and the national outcomes. Witnesses told us that there needs to be a more effective way for public bodies to demonstrate compliance, so that it is not a tick-box exercise. We asked the Scottish Government to take into consideration, as part of its review, the evidence that we received.

I welcome the minister's confirmation that the review will focus on areas that are identified in our report, such as strengthening accountability and oversight mechanisms, alignment with the United Nations sustainable development goals and consideration of the investment that is required to improve the embedding of wellbeing and sustainable development to achieve policy coherence across public bodies.

In conclusion, although the committee supports the policy objectives of the bill, we also recognise

the significant doubts that have been raised about its likely impact, cost and effectiveness.

14:40

**The Minister for Business and Employment (Richard Lochhead):** I welcome the opportunity to speak in this stage 1 debate on the Wellbeing and Sustainable Development (Scotland) Bill, which was brought to the Parliament by Sarah Boyack. I thank her for lodging the bill and for her constructive contribution to what is a very important debate in relation to Scotland's future.

I also extend my thanks to Collette Stevenson and her Social Justice and Social Security Committee for their detailed scrutiny and all the engagement that they have carried out. Their work has certainly helped to shine a light on many important issues.

I recognise the positive intentions behind the bill. The Scottish Government shares its core objectives of embedding wellbeing and sustainable development across public sector decision making, strengthening accountability, and planning for the longer term. Those aims certainly reflect the values of fairness, sustainability and collective wellbeing that underpin our national performance framework, which in turn aligns with the United Nations sustainable development goals and sets out the kind of Scotland that we want to build.

This debate comes at a key moment. In January 2025, the Government committed to reforming the national performance framework and, since then, officials have undertaken substantial work to strengthen the framework as a long-term strategic goal.

We welcome the committee's stage 1 report, which recognises the importance of embedding wellbeing and sustainable development in public policy and welcomes our commitment to reforming the national performance framework. We also acknowledge the constructive conclusions and recommendations in the report. As Collette Stevenson said, we responded to that report in advance of this debate. We share the committee's view on the importance of enhancing policy coherence across the public sector and ensuring that the national performance framework is implemented consistently, and we are committed to doing that through a reformed framework.

The committee concluded that, on balance, the bill should not proceed to stage 2, citing, among other reasons, the issues of duplication, cost and complexity, and the Government shares that view. We can achieve the bill's aims more effectively and efficiently through a strengthened national performance framework, so we believe that legislation is not required at this time.

**Sarah Boyack:** Will the reformed national performance framework enable measurement against national outcomes, wellbeing principles and sustainable development goals? Will it include best-value audits so that there are ways to monitor implementation and ensure that the reformed NPF does not fail as the previous one has failed?

**The Deputy Presiding Officer:** I can give you the time back for the intervention, minister.

**Richard Lochhead:** The new model for the national performance framework will be concluded shortly and it will come forward for consultation in the current session of Parliament. The member will have an opportunity to give her views on that, and we will take her views and those of other members seriously. There will be an opportunity to reflect on the consultation at that point.

There are three main reasons for our position. First, the bill would lead to duplication. We already have a statutory basis for the national performance framework through the Community Empowerment (Scotland) Act 2015, which requires public bodies to have regard to the national outcomes. Introducing parallel duties would risk creating confusion rather than more clarity.

Secondly, costs would attach to the duties. The bill proposes the establishment of a future generations commissioner with a broad remit, which would require significant resources at a time of real fiscal pressures. We have to consider whether that would be proportionate and whether alternative approaches have been fully explored in line with the SPCB-supported bodies landscape review, which previous speakers have mentioned.

Thirdly, there are issues to do with timing and priorities. The committee notes that the national performance framework is the right route to achieve the aims and it recommends that a timeframe be set to evaluate its impact. We agree with that.

We believe that strengthening accountability through the framework is the most coherent and cost-effective way forward. Legislation is not the only route to cultural change. Many countries with strong wellbeing frameworks, such as Canada, Finland and the Netherlands, do not legislate to create definitions or commissioners but achieve impact through clear vision, shared purpose and effective implementation. We believe that Scotland can do the same.

Building on the proposals that were developed in the reform programme, we will soon invite a wider conversation—as I referred to—to help to shape a stronger proposition for the next Government and the next Parliament. Our aim is to embed wellbeing and sustainable development

in a way that drives real change and does not create additional bureaucracy.

Reforming the national performance framework is a core objective of the public reform strategy, to ensure a clear connection between the national outcomes and achieving new ways of working and accountability across Scotland. Our ambition is for the refreshed national performance framework to sit at the apex of decision making, which would ensure that there is a clear and visible link between strategy delivery and national outcomes, regardless of the Government of the day.

I believe that our shared goal is a Scotland that is prosperous and fair, and one that plans for the longer term and delivers for future generations. We are intent on achieving that, but we do not believe that Sarah Boyack's bill is the best way to do so at this time.

14:45

**Roz McCall (Mid Scotland and Fife) (Con):** I recognise Sarah Boyack's long-standing commitment to the issues that sit behind the bill. She has campaigned on questions of sustainable development and long-term thinking for many years, and that dedication is acknowledged by members across the chamber. On a personal level, I have a lot of respect for Ms Boyack, and I greatly admire her passion and determination.

I also agree with much of the content that the member in charge of the bill has set out. There is widespread concern that policy making can be approached in a way that is too short term. There is frustration that public bodies are often constrained by annual budgets. There is shared understanding that scarce public resources must be used more efficiently and effectively. There are legitimate questions about how well the national performance framework is working in practice. Those points came through clearly in the evidence that the committee took on the bill.

However, agreeing on the problem does not automatically mean that the bill is the right solution. At stage 1, the Scottish Conservatives remain unconvinced that new primary legislation is either necessary or proportionate, and we do not believe that the bill would deliver the system-wide change that is promised. The bill places a new statutory duty on public bodies to have "due regard" for the need to promote wellbeing and sustainable development, and introduces statutory definitions for both concepts.

Credit is due to the member for attempting to grapple with undeniably complex ideas, but that complexity is precisely the challenge. Wellbeing is a highly subjective and multifaceted concept. It means different things to different people at different stages of their lives and in different

circumstances. It encompasses physical and mental health, economic security, social connection, environmental quality and personal autonomy. Is it realistic—or even wise—to attempt to fix such a concept in statute in a way that will stand the test of time?

The committee heard clear evidence that such definitions could add confusion rather than clarity. Public bodies already operate in a dense landscape of strategies, frameworks, impact assessments and reporting requirements, and the committee was not persuaded that the bill would simplify that landscape—nor am I. There is a risk that it would instead add another layer of process without improving outcomes.

That brings me to the proposal to create a future generations commissioner. I understand the intention behind that, and I do not doubt the sincerity of those who support it. However, the Parliament has already agreed clear criteria for the creation of new commissioners, following the supported bodies landscape review. Those criteria include clarity of remit, complementarity, simplicity and accountability. At stage 1, the committee was not convinced that the criteria had been met, and I share that view. There has been a steady expansion in the number and cost of commissioners over the years, and I am yet to be convinced that such an increase creates an exponential change in outcomes.

There is also a constitutional point. Commissioners can unintentionally dilute ministerial responsibility and blur lines of accountability. Ministers should be accountable to Parliament for delivering outcomes, and parliamentary scrutiny should not be outsourced.

The committee recognised that there is support for the bill's broad ambitions, but the majority of its members concluded that the bill should not proceed to stage 2. The committee cited doubts about effectiveness, cost, overlap and delivery, which have already been mentioned. I believe that its conclusions were well founded.

The bill has undoubtedly promoted valuable discussion about how we think for the long term and how we can improve policy coherence, but discussion alone is not a sufficient justification for legislation. For those reasons, although we respect the intentions behind the bill and the work that has gone into it, the Scottish Conservatives will not support it at stage 1.

14:49

**Carol Mochan (South Scotland) (Lab):** As other members have done, I thank my colleague Sarah Boyack for her ambition in and commitment to introducing the bill. A great deal of work has gone into the bill, and I commend her for her on-

going dedication to protecting the environment, tackling poverty and promoting collective wellbeing. Scottish Labour agrees with the general principles of the bill and will support it at stage 1.

The integration into legislation of definitions of “wellbeing” and “sustainable development” will not only improve policy coherence and guidance for public bodies but provide structure and accountability that will contribute to Scotland's progress towards achieving the United Nations sustainable development goals. More must be done to further embed wellbeing and sustainable development principles into public bodies' decision making. It is clear that, too often, short-term priorities drive decision making over long-term sustainability.

The committee's evidence sessions supported the value of creating statutory definitions and assisting public bodies to meet their wellbeing and sustainable development obligations. Evidence to the committee overwhelmingly supported the aims and ambitions of the bill. Indeed, organisations such as Oxfam have long backed calls for the bill and see it as a way of enhancing the national outcomes with decision making and delivery. They remain sceptical about whether non-legislative approaches will be sufficient to achieve sustainable development and wellbeing goals.

The Scottish Government has dismissed the bill, because it believes that its aims can already be achieved in the current policy landscape and that additional legislation would be unnecessary. However, despite what the minister said in his speech today, the Scottish Government has been promising a reformed and strengthened national performance framework for years. I believe that those promises were first made back in 2021, but we have yet to see them come to fruition. Instead, we are left with an outdated structure and legislation that is not delivering.

The current approach is clearly not working—that is our position—and the committee's report found that the proposed legislation is not incompatible with any of the planned reforms to the national performance framework, yet the Government still will not support the bill.

Scottish Labour welcomes the ambition of the bill and the clear structure, guidance and accountability mechanisms that it would give to public bodies and other organisations. The fact that it complements the national performance framework should be welcomed, and the Government should view the bill as something that strengthens existing ambitions instead of something that is unnecessary.

The world has entered precarious times, with some world leaders denouncing the UN's sustainable development goals. Setting out a clear

framework that embeds the principles of sustainability and wellbeing into the heart of public bodies' decision making can only help to ensure that poverty and inequality, the climate and the wellbeing of future generations are consistently at the forefront of decision making instead of being an afterthought. That can only be a good thing, which is why Scottish Labour will support the bill at decision time.

14:53

**Maggie Chapman (North East Scotland)**

**(Green):** I am grateful to Sarah Boyack for all the work that she has done on this important bill.

The bill makes me wonder where we would be had we not waited until now to formally recognise in law the wellbeing of future generations. If we had not left it so late to think about decarbonising, would we be experiencing the intensity and frequency of extreme weather events that we see now? If planning law had been written with nature in mind, would as many as one in nine of our native species be under threat of extinction?

So much destruction was and is done knowingly. As early as 1954, the fossil fuel and car industries had clear evidence that their activities would cause global warming in the future, yet they drilled and burned like there was no tomorrow. Indeed, there might not be a tomorrow if we do not take radical climate action today. The wealthy few's greed for profit in the present was put ahead of the wellbeing of future generations and of the poorest. For too long, politics has been trapped in the short term—the next headline, the next budget line and the next election cycle. Meanwhile, the planet burns, nature collapses and inequality deepens—by design and not by accident. It is no wonder that we have young people going on climate strikes from school, protesting that their futures have been sacrificed and struggling daily with existential dread.

The bill is a start, but I believe that we must go further. When climate scientists are saying that we are likely to breach 1.5°C of warming within a few years, we cannot just have regard for sustainable development and the wellbeing of future generations. The duty could be strengthened so that public bodies must, as Oxfam and Stop Climate Chaos have suggested,

"promote and deliver sustainable development while protecting the wellbeing of current and future generations".

That comes closer to the definition in the Welsh act, which is now approaching its 10th birthday. Public bodies there are under a duty to carry out sustainable development. We are starting 10 years behind other parts of the United Kingdom, so we should be doing more, faster.

I would like the definitions of sustainable development and some other terms that we use to be broadened. No less than radical climate action will do, and in everything, everywhere and by everyone. The definitions of wellbeing and of sustainable development are entirely anthropocentric, but that must change to reflect the nature emergency faced by the animal, plant and insect life that we share our planet with and by the habitats and ecosystems that sustain all life.

Also, as shown by the thousands of tonnes of waste still being exported to low and middle-income countries, we must recognise that the actions that we take here have an impact far beyond Scotland. Further, because we must all take climate action, the duty should be expanded to all public organisations and to any other organisations or businesses that carry out public functions on their behalf.

**Sarah Boyack:** Stakeholders have made some helpful, proportionate and well-crafted comments about the issue of procurement. There is the capacity to amend the bill as it goes from stage 1 to stages 2 and 3. I am keen to engage with stakeholders between stages 1 and 2 because I think that we could resolve some of those issues. Does the member agree?

**Maggie Chapman:** If the bill progresses, there is ample opportunity to look at exactly how we can use all the levers at our disposal to get ourselves into as strong a position as possible.

We must also make clear that the duty to act should be prioritised over all other duties, especially when there is a conflict. For example, Scottish Enterprise is under a duty to promote industrial growth, but such growth without any reference to sustainability and wellbeing is a recipe for climate breakdown and social injustice.

The climate crisis that we face means that we must take radical climate action, not just here and there, not just a little bit and not just by some while others are left out. We need nothing less than radical—some might say revolutionary—climate action. To do that, we need a system that ensures that everything that we do makes our future more sustainable and liveable and that ensures that climate and social justice are done now and in the future.

The bill is a really good start and could be strengthened, as I outlined in my response to Sarah Boyack. Those who do not support the bill today will have to answer to their younger constituents when they are asked why, given that time is so badly running out, they did not take every opportunity to create a sustainable future for them and for future generations.

14:58

**Marie McNair (Clydebank and Milngavie) (SNP):** I speak as a member of the Social Justice and Social Security Committee. I thank the clerks for their assistance with our report and thank everyone who responded to our call for views.

The bill would create a new duty requiring public bodies

“to have due regard for the need to promote wellbeing and sustainable development”

in the exercise of their functions.

The committee received a substantial amount of evidence in response to our call for views, with those who were supportive of the bill highlighting a number of reasons for strengthening the integration of sustainable development and wellbeing into public policy. Those included the climate and biodiversity crises, rapid societal and industrial change and the increased use of artificial intelligence. On the other hand, those who were not supportive indicated that those objectives could be delivered through existing policy and legislation. It is my view, and that of the majority of the committee, that the latter position is correct. Although the committee supports the policy intention of the bill, the majority concluded that it should not proceed to stage 2, for reasons that I will now set out.

The central concern that was raised throughout our consideration was the potential for the bill to duplicate existing public sector duties, such as in the Community Empowerment (Scotland) Act 2015, the Climate Change (Scotland) Act 2009, the Procurement Reform (Scotland) Act 2014 and the Child Poverty (Scotland) Act 2017. That concern was highlighted by many, including Aberdeenshire Council, which described much of what is outlined in the bill as a potential duplication of work. Historic Environment Scotland raised a similar concern about overlaps and similarities between the bill and other legislation and policy initiatives. That was pointed out by the minister, who confirmed that public bodies already have wellbeing and sustainable development reporting duties through the national performance framework and their accountable officers.

On part 2 of the bill, regarding the future generations commissioner for Scotland, although the majority of the respondents to the committee's call for views indicated support for the establishment of a commissioner, concerns were raised that that could result in an overlap between the duties and responsibilities of other commissioners and oversight bodies. That point was highlighted by Scottish Environment LINK, which stated that that could be a key challenge, and by the Children and Young People's Commissioner Scotland, which did not support the

establishment of a commissioner due to the risk of overlap with its office and that of the Scottish Human Rights Commission.

Although I agree that improving public policy coherence and embedding long-term policy making across the public sector is essential, it is vital that that is done in such a way that it does not burden public bodies with overlapping duties. Indeed, it does not seem appropriate, given the Scottish Government's on-going review of the national performance framework, which will play a significant role in strengthening accountability and embedding wellbeing and sustainable development in all that we do. It would therefore seem more sensible to focus on and complete the NPF reform process, rather than to create new legislation at this time.

To conclude, although the committee supports the policy objective of the bill to embed sustainable development and wellbeing as primary considerations in public policy making, the majority of the committee concluded that the bill should not proceed at this time to stage 2, due to the potential for overlap, duplication and confusion.

15:02

**Claire Baker (Mid Scotland and Fife) (Lab):** I became a member of the Social Justice and Social Security Committee just before Christmas, so, although I was a member when the report was agreed, I was not involved in the committee's evidence sessions. Thankfully, the stage 1 report provides an exploration of the arguments and the views expressed, so I feel that I can provide comments on the member's bill and the committee's work.

Sarah Boyack has outlined the twisty tale that has brought us to this point. Her description of false starts, assurances given but not delivered, and the Government's rollback on legislation in this area encapsulates her frustration at the likely outcome today. She has shown commitment to the proposal in the bill, outlining forcefully why it is the right course of action, and she has been tenacious in her pursuit of it.

The summary of consultation responses shows that 92 per cent supported the proposals, with 78 per cent of those expressing full support. Many respondents stated that the key reason for support was the establishment of a commissioner post, and Wales was often given as a positive example of what can be achieved through the creation of such a post.

The bill has an ambitious aim. It recognises that, although progress has been made towards Scotland meeting its climate change targets, much more needs to be done in embedding sustainable development and wellbeing at its heart. That is for

the benefit of all communities that will be impacted by the journey to net zero, to increase the positive impact of that change and to shift the focus away from short-termism to embedding a direction and policies that go beyond the electoral cycle and focus on future generations.

Public Health Scotland described the bill as a golden opportunity to place wellbeing and sustainable development at the centre of everything that the public sector does, saying that it would assist the necessary move away from short-termism to long-term thinking.

Once the committee got into the detail, several issues were raised and explored. Definitions became a thorny issue. There was a discussion about the definition of a public body, the definition of “due regard” and whether it was strong enough, how the outcomes would be measured and how the statutory definitions of wellbeing and sustainable development could be agreed and understood.

Sarah Boyack argued that some of those definitions were already in use and understood, that the role of the commissioner would support those definitions, and that they would have investigative powers that could be used to improve accountability and compliance. There was a lot of discussion about how the bill would relate to a host of existing public sector duties and whether it would complement or duplicate them.

The Scottish Government argued that the national performance framework, which is currently under review, will deliver similar aims to the bill, and shared the view of other witnesses that the bill did not add value to existing plans.

However, alternative views returned to the frustration at the lack of

“clear statutory duties linked to a shared long-term vision”,

as described by Dr Max French, co-author of the Carnegie UK options paper for Scotland, which was co-commissioned by Oxfam Scotland, Scotland’s International Development Alliance and the Wellbeing Economy Alliance Scotland.

Although the majority of the committee members did not support the bill, they did, throughout the report, recognise the weaknesses in the current policy framework and call for the duty in the Community Empowerment (Scotland) Act 2015 to be strengthened.

The committee also recognised the lack of policy coherence across public bodies. Although the majority of the committee members were not convinced that the bill is the answer, they did say that it is unclear how the Scottish Government intends to address the issue. There was a general lack of confidence in the national policy framework,

and the need was expressed for a review of the framework to provide clarity and drive forward the agenda.

With regard to the creation of the role of a commissioner, Sarah Boyack could hardly have chosen a worse time to reach stage 1 with this bill. There was widespread support from witnesses for the idea that a commissioner would be a positive addition, with the role being described as an opportunity to drive forward the aims of the bill, shift institutional behaviours and foster joined-up thinking. However, following the SPCB Supported Bodies Landscape Review Committee’s report, the majority of the committee members were not convinced that the criteria had been met.

In conclusion, I support the progress of the bill to stage 2 and believe that the issues that have been raised can be addressed through amendments and further discussion. However, if that is not to happen, what is the alternative? Weaknesses have been identified. I am not confident that the committee as a whole is convinced that any alternatives that are on offer at the moment will meet the bill’s admirable aims.

15:07

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** As other members have done, I commend Sarah Boyack for her diligence and dedication to the bill and her commitment to the general policy area over many years in the Parliament. I also commend all those who gave evidence for our committee’s scrutiny of the bill.

At the heart of this member’s bill is a hugely ambitious and important policy aim, which is to further embed wellbeing and sustainable development into the work of Scotland’s public sector. Indeed, the Scottish Government has been considering its own legislation on the matters that we have heard about, but ultimately decided that a refreshed national performance framework was a better way of successfully pursuing the policy aim.

On balance—and it is on balance—I agree with the Government. The bill gives a statutory definition of wellbeing, whereas the national performance framework is, by definition, a far broader wellbeing framework and sets the vision for the kind of Scotland that we all want to live in, with 11 national outcomes and 81 associated indicators, which is a broader suite of indicators for achieving wellbeing and sustainable development. As set out in the 2015 act, public bodies have a duty “to have regard to” those outcomes and indicators, so there is already a statutory obligation. The bill’s statutory definition of sustainable development is intended to align with the UN sustainable development goals, as are the indicators and outcomes within the national

performance framework, so there is a match-up with legislation that already exists.

The policy memorandum for the bill states that the policy and objectives include that it will

“foster a joined-up approach to sustainable development across the public sector, which will complement and enhance the existing national frameworks for tackling the challenges faced by society, including climate change.”

That is very important and commendable. However, I believe that, if existing frameworks need to be enhanced, that is just what we should do, rather than add another layer of statutory duties on public bodies. Our committee heard concerns about such an overlap.

Sarah Boyack wishes to achieve policy coherence. Again, that is absolutely right, but there could be a risk of the opposite happening. Our committee did not think that the evidence was sufficiently clear that the bill would deliver policy coherence.

The issue that needs to be addressed is how we ensure that public bodies are meeting existing duties regarding sustainable development and wellbeing. For me, a key recommendation in our report is that

“public bodies must have the tools, guidance, support and accountability mechanisms to ensure a consistent approach to delivery of the wellbeing and sustainable development goals.”

That is a truism, with or without the bill.

The Scottish Government must be clear about how its review of the national performance framework will deliver that. There is still work to be done in that regard. Our committee suggested that any review of the NPF could also include consideration of how public bodies use impact assessments and asked whether the requirement to “have due regard” is strong enough.

The bill seeks to deliver such aspirations through the creation of a future generations commissioner for Scotland. There are benefits to establishing such a commissioner, but given the potential costs involved and the overlap with other commissioners and public bodies, and other potential options for accountability mechanisms, I agree that there should not be a new commissioner.

Our committee is clear that accountability, monitoring and transparency absolutely must be secured with any refreshed national performance framework. Carnegie UK set out other models for doing that. One of our committee’s recommendations is that a new committee of the Parliament, or a cross-committee approach, must be created in the next session of Parliament to ensure that there is absolute parliamentary focus on that.

We also have existing commissioners, such as the Children and Young People’s Commissioner Scotland and the human rights commissioner, and public bodies, such as Environmental Standards Scotland, which could all play a role, rather than creating a new commissioner. I agree with the policy intent, but—

**Sarah Boyack:** Will the member take an intervention?

**The Deputy Presiding Officer (Annabelle Ewing):** There is time in hand, Mr Doris.

**Sarah Boyack:** Does the member agree that additional resources would be required? If he read the evidence from Audit Scotland, he will remember that it said that having extra duties to implement some of the measures in my bill would require more resources and could divert Audit Scotland from its existing work.

**Bob Doris:** That is a very helpful intervention from Sarah Boyack. I put on the record that, when the refreshed national performance framework is ready for delivery, the Scottish Government should be clear about the resources that are required to ensure that it is monitored and implemented appropriately, whether by Audit Scotland or any other body that has that role.

I agree with the policy intent. Unfortunately, through no fault of Sarah Boyack, the bill came at the wrong time. We should await the outcome of the national performance framework review.

**The Deputy Presiding Officer:** I call Clare Adamson, who is joining us remotely.

15:12

**Clare Adamson (Motherwell and Wishaw) (SNP):** I commend Sarah Boyack for her work and her commitment in this area. The proposals to define “sustainable development” and “wellbeing” in law, and to have oversight by the proposed commissioner, are reasonable asks. However, I note the work that the Social Justice and Social Security Committee has done and that it has rejected the proposals for a number of reasons.

I worked with Sarah Boyack on the Constitution, Europe, External Affairs and Culture Committee, which I convene, and we looked at culture as being a key part of wellbeing in our society. Only last week, I hosted an event in the Parliament with Art27 Scotland, which brought together artists, practitioners and communities to discuss cultural rights and how access to culture embeds wellbeing, equality and participation in our communities. Participation in the arts, heritage, language and community life improves mental health, reduces isolation, strengthens social cohesion and supports lifelong learning. Such

participation is also a preventative measure. We have been talking about taking preventative measures to ensure that people are helped and that interventions happen well before they get to crisis point. In doing that, we are supporting our health service and other public services in our area.

Given the work that has been done and the Government's response, it is important that we act in this area. It is 10 years since the UN sustainability goals were first established and 15 years since the Christie commission published its proposals. I think that we would all agree that the implementation of those proposals, which would have led to the embedding of wellbeing and sustainability in our decision making, has not occurred to the extent that we would have expected or, indeed, to the extent that we are capable of. That is why I welcome the Social Justice and Social Security Committee's work on that proposal in the bill. I welcome the fact that wellbeing is regarded as important. In the budget report that the Constitution, Europe, External Affairs and Culture Committee has produced, we are looking at the ways in which wellbeing is being embedded across portfolios in the Government.

This is a pivotal time—a really important time. We are at the end of a parliamentary session and are moving to new objectives. The Government is reviewing its own sustainability goals in light of developments. I think that this is an opportunity to start to act in this area to embed wellbeing and sustainability into our policy making and decision making, and that will indeed require a cultural change across Scotland. We need to stop talking about it and get on and do it. This is the opportunity that presents itself to all of us, now and in the future.

It will take co-operation. It will take every single local authority getting on board with the ambition that Sarah Boyack has put in her proposals and getting on board with the work that the Government is doing to implement those proposals. We need that cohesion in order to fully engage and achieve the ambitions of these proposals.

**The Deputy Presiding Officer :** We now move to closing speeches. I call Patrick Harvie to close on behalf of the Scottish Greens.

15:16

**Patrick Harvie (Glasgow) (Green):** I congratulate and thank Sarah Boyack for her work on the bill. I regret that today looks like it will be a missed opportunity. We need to begin with a recognition that long-term thinking is not, in fact, happening. We are not collectively taking into account the interests of future generations in our

decision making in the way that we should. Right-wing opposition to sustainable development and wellbeing economics is not anything new. It is sad that the minister is relying on support from the Conservatives' side of the chamber to find a majority to block the bill.

Differences between the Green and SNP positions are not news, either. The Green manifesto supported the creation of a future generations commissioner, and the SNP manifesto did not. When we sat down to negotiate the Bute house agreement, we said that we would keep the issue open in the hope that we might reach agreement as the issue developed. I regret that that opportunity was ended when the SNP broke that agreement, but there was still an opportunity for the Government to find a way to make progress, even if it meant reaching a compromise with the member behind the bill, instead of acting as a block. The Government has chosen not to do that. That stands in contrast to the SNP having never been reluctant to impose new statutory duties on public bodies to prioritise economic growth, and I can therefore see no principled reason for the Government not to support duties regarding sustainable development.

**Bob Doris:** Will the member give way?

**Patrick Harvie:** I am afraid that I do not have time.

As for the commissioner proposal, Sarah Boyack has recognised the new context of the Parliament's changed approach to the general issue of the landscape of commissioners and Scottish Parliamentary Corporate Body-supported bodies. That is a serious issue, and I agree that the principles that we have all agreed ought to be applied. However, has the last resort test been met on this occasion? Maybe not.

There are alternative ways in which the policy objectives might be met, but in evidence to the committee, a very strong case was made that having a commissioner would be the most effective way of meeting those objectives. The point is that, for Parliament to be able to reach a genuine, fully informed judgment on that question, we should be able to consider the option of a commissioner alongside the Government's preferred alternative of the NPF review, with both those options fully formed. If the bill were to pass at stage 1, and we simply amended the commencement date for the commissioner provisions until the NPF review had been progressed and we could see the detail, Parliament would be in a stronger position to make that judgment properly. That approach would be consistent with the agreed principles on the creation of new bodies.

Personally, I still take the view that the option of a commissioner would be the most effective approach. It would lock in the long-term vision of sustainability in the interests of future generations. Even if the Scottish Government is right that the NPF can include those principles, the NPF is a statement of current Government policy that lacks key features. It does not bind any future Government in the way that legislation can and it does not bring an impartial, independent challenge in the way that a commissioner can.

Even if the Parliament decided, in the fullness of time, that the NPF review was the better approach and that I am wrong, it would at least be making the decision in a fully informed way, with both options having been fully fleshed out. It would be far better to do that than to kill off the bill at decision time. Sarah Boyack's proposal should proceed, even if there could be amendments at stage 2 to make the changes that I have suggested.

I find the Government's reasons for blocking the bill unconvincing at best. The Government's choice not to seek a compromise so that the bill could go forward stands in stark contrast to its repeated willingness over the years to place other duties on public bodies that directly conflict with sustainability and wellbeing.

In closing, I once again recognise the work that Sarah Boyack has done and I commend the bill. The Greens will be voting for it at decision time.

15:21

**Carol Mochan:** In closing for Labour, I thank members for an important and interesting debate. There is real enthusiasm across the chamber for the work that Sarah Boyack has undertaken, which I thank her for. That enthusiasm is why I am confused as to why we cannot get the bill over the line at stage 1, as Patrick Harvie has mentioned.

Every member agrees that Sarah Boyack has been consistent in her approach, from the very early days following her election to the Parliament. Like others, I thank my Social Justice and Social Security Committee colleagues, who I am sure will allow me to say that we appreciated Sarah Boyack's work and her passion for the bill. I thank the clerks and the witnesses who put in the hours and allowed us to understand and scrutinise the bill when it was presented to the committee.

As I set out in my opening remarks, Scottish Labour agrees with the general principles of the bill and will be supporting it at decision time. During the debate, we wanted to hear whether we could achieve some agreement to allow the bill to be passed at stage 1. I think that everyone agrees that setting out the definitions of wellbeing and sustainable development in legislation would not only improve policy coherence and public body

guidance, but provide the structure and accountability that would help Scotland to contribute to the achieving of the UN sustainable development goals.

**Bob Doris:** Does the member recognise that the power of the national performance framework is set out in statute under the Community Empowerment (Scotland) Act 2015? Creating new legislation that would provide a different set of powers with other definitions of sustainability and wellbeing could lead to a lack of policy coherence. Therefore, does the member agree that including new definitions in a revised community empowerment act might be the way to go, once the NPF has been revised?

**Carol Mochan:** The critical point is that Sarah Boyack's bill could give us the opportunity to action something—there has been very little action to date. We are talking about the fact that the policy landscape is incoherent. Sarah Boyack's bill brought focus to the committee's discussion on the issue. If she worked with the Government, we could reach a focused outcome.

The member is willing to work with the Government. She was disappointed about the lack of support for her bill but, when the Government said that it would lodge a similar bill, she could see that some joint work could be done. We can understand why she is so disappointed by the committee not agreeing to support her bill at stage 1 and by the fact that the Government will not be supporting the bill or even working with her to support it at decision time today.

I am aware of the time, so, in my remaining minutes, I will turn to the member in charge of the bill, Sarah Boyack, to say thank you from Scottish Labour. Members will know that she will be standing down at the next election. I thank her not just for her work on the bill but for her contribution to the Parliament over the many years that she has been here. From what we have heard today, colleagues agree with that sentiment, and there have been many kind words for Sarah Boyack in their contributions.

Sarah Boyack was elected to the new Scottish Parliament in 1999. She was Minister for Transport and the Environment in the Scottish Executive and went on to be Minister for Transport and Planning. She should be very proud that, during that time, she introduced one of Scottish Labour's flagship policies, which was the free bus pass for people over 60 and disabled people. It is safe to say that Scottish Labour is proud to have had Sarah Boyack on our benches, whether in government or in opposition. I hope that, across the chamber, we can agree that the Parliament has benefited greatly from her ability to work cross-party with determination and a can-do attitude. *[Applause.]*

This is an important bill. Sarah Boyack has made important contributions on it in the chamber, and it will be unfortunate if it falls tonight. The important message is that this work must go on.

15:26

**Liz Smith (Mid Scotland and Fife) (Con):** On behalf of the Scottish Conservatives, I concur with everything that Carol Mochan has just said. Sarah Boyack is not only a long-standing member of the Scottish Parliament but someone who has served her constituents—and the stakeholders whom she has represented, particularly on the issues that are before us today—extremely well.

On a personal basis, I understand exactly what it is like to take a member's bill through the Scottish Parliament, especially one that runs for a very long time. You get knocked back, you try something else, and you get knocked back again. I have a great deal of sympathy for some of the difficulties that Sarah Boyack has encountered. I put on record again, having said it when bringing forward my own bill, that the non-Government bills unit is outstanding. I am sure that Sarah Boyack has gained a great deal from its expertise.

I agree with Sarah Boyack on the background context of her bill. There has been a long-standing need for a much more holistic approach to policy making—she is absolutely right on that. I also agree that public bodies have often operated under short-termism, which Mr Harvie also referred to, because of the constraints of one-year budgets. It is essential that we make much better use of scarce resources, and there are definitely concerns about the national performance framework.

I took the trouble to read some of the submissions in response to the call for views on the bill. I think that most people agree with that background context, and I very much understand where Sarah Boyack is coming from with her bill. However, I am sceptical about various aspects of it, and I want to sound those out.

On section 3, I think that Sarah Boyack made a valiant attempt to define the terms “wellbeing” and “sustainable development”. I give credit to her for that, because it has made us think. However, as my colleague Roz McCall said, it is extremely difficult to put such terms into legislation with definitive and comprehensive meanings for them, because they are multifaceted concepts that touch on emotional, cultural, mental and physical health, as well as social and environmental safeguards. It is therefore difficult to find a balance of those complexities that would suit all individuals, whether now or in the future.

There has been much discussion about the recommendation to establish a commissioner. I

am a member of the Finance and Public Administration Committee, which looked at the issue of commissioners in considerable detail. It was one of the most interesting aspects of parliamentary business that I have participated in. We were very conscious not just of the increasing number of commissioners, but of the associated costs—as one would expect of a finance committee. As somebody who has been representing patients on the Eljamel inquiry, I have heard a lot of discussion about the absence of commissioners when public bodies fail.

I understand where Sarah Boyack is coming from, because there has been failure, but I do not think that that means that there is a need for new legislation. However, there is a need for the Government and public bodies to take responsibility for decision making. If they get things wrong, they should be held accountable. I do not think that we are seeing enough of that, which is why I am very sceptical about the need for another commissioner.

I will finish on the basis that it is always difficult when we are contemplating new legislation. It takes a great deal of effort and time to go through all the relevant evidence, and when there are differences of opinion, it is not always about the different parts of the evidence but about the process, and Sarah Boyack has perhaps run into a bit of difficulty on that basis. There should be processes that are workable. The fact that they are not workable and have not been doing their job is not a fault of the legislation but a fault of the people who are in charge of that.

On that basis, I will finish my remarks.

15:31

**Richard Lochhead:** I begin by paying tribute to Sarah Boyack, as others have done. Back in 1999, Sarah Boyack and I were elected to Parliament. At that time, I was a young whippersnapper on the back benches, probably giving the minister at that time a hard time. Things have changed over the years, but one thing that has been consistent is Sarah Boyack's contribution to Parliament. I can testify personally to the fact that she has promoted the sustainability and wider environmental agenda in Parliament over many years and has made a real difference. She will leave a strong legacy behind in that regard, despite the fact that we are not on the same side of today's particular issue.

I assure Sarah Boyack and others that, as we reform the national planning framework, we will continue to listen to her and others and to reflect on and value their input in the coming couple of months. I recall that when we came into government in 2007 and adopted the national planning framework and all the national outcomes

and indicators that go alongside it, it was seen as trailblazing. Here we are a number of years later, and the Government accepts that the past few years have shown that it is not perfect and that there is room for quite considerable improvement, which is why we are undertaking the reform of the national planning framework.

Let us consider the principles on which we can agree. First, we all agree that Scotland should embed wellbeing and sustainable development in our decision making. We all agree that accountability has to be strengthened, and we all agree that planning for future generations is absolutely essential. Where some of us differ today is on whether the bill is the right way to achieve those aims. The committee's report concluded that reforming the national performance framework is the right route to achieve that.

That work is well under way, as I said, and we hope to deliver the improvements that Parliament has called for. Our position is clear: we do not believe that legislation is necessary at this time. The future may be different, but with the on-going review of the national performance framework that is well under way, and in the light of all the issues that the committee and others have highlighted, this is not the right time for legislation. However, we are not ruling that out for the future if things change.

We believe that the objectives of the bill that we are discussing can and should be delivered through the reform of the national performance framework. That will close the implementation gap that many people, including here in Parliament, have identified, and will embed wellbeing and sustainable development principles across the public sector without creating new statutory duties.

The committee's report makes it clear that although the policy aims are supported, legislation is not the appropriate route for change. It highlighted the risk of duplication with existing duties, as we have heard from members of the committee and from submissions from stakeholders to the committee, and recommended strengthening accountability through national performance framework reform. We are already acting on that recommendation as part of the overall public service reform strategy.

On accountability, which has been a key theme throughout the concerns that have been expressed about the national performance framework in past years, the committee and stakeholders have rightly highlighted that there are weaknesses in the current system. That is why the reform proposals include stronger governance and clearer reporting, and there will also be enhanced accountability.

In relation to international comparisons, which several members mentioned, the committee also noted the lessons from Wales, where legislation was passed in 2015 to create a commissioner and statutory duties. Although the Well-being of Future Generations (Wales) Act 2015 raised awareness, Audit Wales reported that system-wide change remains incomplete and enforcement is costly.

As I said in my opening remarks, other countries, such as Canada, Finland and the Netherlands, have achieved strong wellbeing frameworks without legislation, and Scotland should learn from those examples.

In relation to timing, we have been developing proposals for reform in collaboration with experts, including our reform advisory group. In early 2026—in the next few weeks, I hope—we plan to invite a wider discussion on the proposed model, prioritising key stakeholders including members of this Parliament and those who have a legislative duty to have regard to national outcomes, such as public bodies and local authorities. They will all be consulted and invited to be part of that wider discussion.

Creating new statutory duties or a new commissioner would only add cost and complexity without clear evidence that it would add value. In this time of financial pressures that we all know about, we must avoid unnecessary burdens on public bodies. In the light of all that, we believe that the Government's approach is pragmatic, proportionate and focused on outcomes. It is about delivering change through a reform of the national performance framework.

I welcome today's discussion of important issues for Scotland's future. I believe that Scotland has made progress in recent years on sustainability and environmental outcomes, but we all know that there are lots of challenges and a long way to go. Therefore, we have to get the reform right. Although the Government cannot support taking the bill beyond stage 1, we welcome many of the objectives that people have outlined and the aims that they want to achieve. We want to support those going forward.

15:36

**Sarah Boyack:** Other countries are implementing future generations legislation and there is a danger that we will fall behind. The School of International Futures has been sharing best practice globally, and it is time for us to act. As Clare Adamson correctly observed, the Christie commission recommended action—to prevent, not cure; to invest now, to save; and to keep people well and healthy.

However, we are still not delivering the joined-up thinking and action needed. It is not just about

climate change; it is about broad, intersectional issues such as poverty and inequality and how those issues interact. Fifteen years on from the Christie commission, we are not getting that joined-up thinking to address wellbeing and sustainable development goals. As I said in my opening speech, we should be delivering the SDGs by 2030—that is less than five years away. We need on-going leadership and accountability, which are not happening. We cannot keep kicking the can down the road.

During the periods of consultation for my bill and for the Government's proposed bill, I met several ministers, but they have all moved on, either to different responsibilities in the Parliament or from being ministers. Professor Colin Reid noted in his briefing to the committee that before our Parliament was established, it was recommended that there should be action on sustainable development. When I was appointed to Donald Dewar's Cabinet, I set up a cross-ministerial working group on sustainable development—but I cannot tell you how long it lasted, because I did not last very long as a minister.

I reflect on the fact that, when ministers change, when there are reshuffles and when people move around the committees, we do not get on-going scrutiny. That is one reason why a full-time commissioner would be important: to be accountable to the Parliament and to our committees, and to have that head space and on-going responsibility. We need to make sure that future Parliaments continue to prioritise the issue. That needs strong leadership and accountability.

We need to think about how we hold the Scottish Government to account on the issue. Our public sector bodies need effective guidance and advice. They are under huge pressure, and they need clarity on how to translate wellbeing and sustainable development into culture change, new priorities and the investment that we need.

The national performance framework was established in 2009 and was refreshed in 2018. In his follow-up evidence to the committee, Max French noted that, in his research, he

"could not locate a single national policy in Scotland that the NPF has significantly impacted".

He also noted that the evidence from Wales was that the Welsh wellbeing framework

"was far more systematically integrated in decision making than the NPF was in Scotland."

There are lessons to be learned in that regard.

The need for action that generated support for my member's bill and the Scottish Government's initial bill proposal will not go away. I am very grateful to the committee for coming up with so

many constructive recommendations. We need to get on and implement them.

One observation that the committee made was that it did not want to create

"confusion, duplication and additional complexity",

but given the number of times sustainable development has been referred to in various pieces of legislation that have been passed since the Parliament was established, I think that the definition in my bill would provide clarity and guidance.

Patrick Harvie made a clever and constructive set of comments about the establishment of a future generations commissioner. He said that we could agree to the bill at stage 1 and then include in it a commencement date for the provisions on a commissioner that would enable us to link that with the review of the national performance framework. However, I do not think that that is going to happen this evening.

Comments have been made about the situation in Wales. It has been evidenced that a change of culture has been delivered in Welsh public bodies as a result of the ability of the Future Generations Commissioner for Wales to hold people to account.

We are coming to the end of the parliamentary session, and we need to think about not only the current population of Scotland but our legacy to future generations. That is a key ambition of the stakeholders that I have been working with, such as Carnegie, Scotland's International Development Alliance, Oxfam and the Wellbeing Economy Alliance, as well as a host of other organisations and individuals.

I still strongly believe that my bill should be progressed to stage 2. It is not long, and it could be strengthened to pick up on the points that have been made in the chamber and in the evidence. We do not want to fall behind other legislatures.

I know that there will not be enough support across the chamber for my bill to be agreed to at stage 1, so I will finish on this point. I strongly support the committee's recommendation that consideration be given to a session 7 committee that would have responsibility for future generations, sustainable development and intergenerational equity. That is really important. The question of how the SPCB will deliver the accountability and oversight that those who were consulted supported also needs to be considered. We need answers to those questions.

I will finish by thanking colleagues for their positive comments. I am not standing for election again in May, but I can tell members now that I will not stop campaigning. If the bill is not agreed to at

stage 1 tonight, I will still give my views when we finally get the national performance framework consultation, and, in doing so, I will pick up on the fantastic contributions that we have had in support of my bill. The issues are not going away.

**The Deputy Presiding Officer:** That concludes the debate on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1. There will be a short pause before we move on to the next item of business.

## Digital Assets (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-20485, in the name of Richard Lochhead, on the Digital Assets (Scotland) Bill at stage 1. I invite members who wish to speak in the debate to press their request-to-speak button.

15:45

**The Minister for Business and Employment (Richard Lochhead):** The Digital Assets (Scotland) Bill is about the fast-changing world in which we live and the fact that our world is becoming a lot more digital. The bill will implement key recommendations made by the digital assets in Scots private law expert reference group, which was chaired by the Rt Hon Lord Hodge.

In 2023, the expert reference group reported to Scottish ministers that primary legislation was necessary to clarify the status of digital assets as objects of property in Scots law and for that legislation to set out basic provisions on how ownership of digital assets can be acquired. Legislation was deemed to be necessary because of a lack of substantive case law from the Scottish courts to provide the legal answers that are required on ownership of digital assets, and that remains the case. Emerging technologies and innovations, such as distributed ledger technologies, have given rise to those assets, which are not readily incorporated by existing classifications of property under Scots law.

The identified need for primary legislation has been supported by respondents to the Scottish Government's public consultation, as well as by witnesses providing evidence to the Economy and Fair Work Committee. The bill addresses the current lack of clarity around the legal status of digital assets by providing a necessary legislative foundation in Scots law. Scots law will therefore be better equipped to accommodate the modern business practices that are already in existence in our country.

Digital assets are used for a wide range of purposes, from payments and investments to innovative financial products and services by businesses and individuals. With those assets becoming ever more integrated into our financial markets, providing greater legal certainty for those who choose to engage with them is becoming increasingly important. With estimates that the value of the blockchain technology market in Scotland is likely to reach £4.48 billion by 2030—to give one big example—the Scottish Government is focused on building an environment in which businesses can flourish,

encourage innovation and help economic growth. It is not just businesses that embrace digital assets. The crypto asset market, which is the largest category of digital assets, is currently worth around £2.42 trillion.

We are already seeing increasing uptake of all that among the public. I was pretty astonished, as I am sure others were, including those on the committee, to learn that around 12 per cent of United Kingdom adults now hold crypto assets. That is around half a million adult Scots. It is therefore important to be clear at the outset that the bill has a deliberately narrow scope of application. It is a short piece of legislation with just nine sections that is restricted to clarifying that certain digital assets have property status in Scots law. It achieves that by confirming what is meant by a digital asset for the purposes of the bill; by categorising those digital assets as incorporeal moveable property; and by weaving how digital assets are acquired and transferred into well-established common-law rules—and, in doing so, reflecting existing commercial practices in relation to the acquisition and transfer of digital assets.

The bill includes a provision that will extend protections to good-faith acquirers who have obtained a digital asset in exchange for value from a person who, unbeknown to the good-faith acquirer, held a defective title to the asset.

I am aware that stakeholders identified other areas of law that could benefit from reform—areas where there is likely to be engagement with digital assets, such as diligence and insolvency. However, most stated that the bill was not the place to deliver any such reform; in any case, insolvency is largely a reserved matter. Ministers agree. We are of the view that, where further changes may be beneficial, it is appropriate for them to be developed and formed by consultation that is specific to the relevant devolved areas of law and by engagement with all key stakeholders in each area.

Although some may have wanted the bill to go further, I am aware of the view expressed during committee evidence sessions that consideration should be given to the exclusion of certain digital things from the application of the bill, such as electronic trade documents and voluntary carbon credits.

The Scottish Government will reflect on all the views that we hear today, as well as on the committee's recommendations. Where appropriate, we will keep an open mind to amendments at stage 2, but we will see how, over the next few days, the issues develop in response to the debate. We are committed to working with Parliament and stakeholders to ensure that the legislation is effective and fit for purpose, and that

it is as technologically neutral as possible, to help to keep it up to date and to keep pace with emerging innovations.

Overall, having listened to the stage 1 evidence and considered the committee's stage 1 report, I am pleased that there is broad consensus on the approach that has been taken in the bill. I welcome the committee's recommendation that Parliament agrees to the general principles of the bill.

Finally, I put on record my thanks to the expert reference group for its considerable work in analysing the legal landscape and formulating the recommendations for primary legislation. I thank the group's chair, the Rt Hon Lord Hodge, and Professor Fox of the University of Edinburgh, for the time and effort that they gave to the group, the Scottish Government and everyone else with whom they interacted during the development of the bill. I also thank those who gave evidence to the Economy and Fair Work Committee, committee members, clerks and anyone else involved, for all their hard work in scrutinising the bill.

I move,

That the Parliament agrees to the general principles of the Digital Assets (Scotland) Bill.

**The Deputy Presiding Officer:** I call Daniel Johnson to speak on behalf of the Economy and Fair Work Committee. You have a generous six minutes.

15:52

**Daniel Johnson (Edinburgh Southern) (Lab):** Thank you, Presiding Officer. I am delighted that we have such a packed chamber this afternoon to debate this important topic. I emphasise that it is important for many of the reasons that the minister just set out.

Just as the minister expressed his thanks in his speech, I would like to offer mine as well. I thank my fellow committee members. We all agree that this has been an interesting topic, and although we had to get our heads around a great deal of terminology and avoid going down rabbit holes, we all concluded that this was an important piece of legislation. I thank our clerks for their diligent assistance in that work, and I thank everyone who responded to our call for evidence and, indeed, those who provided oral evidence to the committee. I also, somewhat unusually, thank the Scottish Government's bill team—who are seated at the back of the chamber—for the considerable interest that they took as we gathered evidence. We are very appreciative of that.

I do not intend to cover every recommendation in the committee's report; instead, I will focus on

the purpose of the bill, its definitions and the committee's key observations.

As the minister pointed out, the Digital Assets (Scotland) Bill is a technical but necessary piece of legislation. It arises from a gap identified by the expert reference group: the need to ensure that Scots law keeps pace with digital technology, given the significant increases in such technology, and because, unlike other jurisdictions, Scotland does not have the body of case law that might enable it to keep pace. Further, the UK Government has legislated in England, Wales and Northern Ireland through the Property (Digital Assets etc) Act 2025, and we do not wish to see gaps emerge between the different jurisdictions in the United Kingdom.

The bill sets out a definition of digital assets, how they are to be treated in Scots law and how they can be acquired and transferred. It is worth taking time to go through that definition. Section 1 defines a digital asset as something that

"arises from an electronic system that makes it rivalrous, and ... exists independently from the legal system."

We spent a bit of time interrogating the concept of rivalrousness, which is clearly understood among the legal community even though it is only now being introduced into Scots law. Critical to the concept of something being rivalrous is the understanding that it is discrete, that it cannot be used more than once and that there is clear control over it. A car or an apple can be rivalrous in that only one person can be in control of the car or consuming the apple at a time. That is unlike electronic things such as PDF and JPEG files, which can be reproduced without the initial person's consent or awareness.

Another critical element is that, for something to be counted as a digital asset, there must be a reliable and immutable record of transactions that prevents someone else from using or transferring the asset more than once. We debated the nature of immutability and whether, for something to be included, it has to be absolutely immutable or whether, because of the electronic nature of these assets, there is some ambiguity. We want the Government to note that and address it in guidance.

Finally on this point, for something to be considered a digital asset, it must be independent of the legal system, in that it would still exist even if the legal system disappeared. Some witnesses questioned whether anything in Scotland can truly exist independently of the law, but the committee accepts that the bill's definition provides a workable framework for lawyers and the industry.

A number of witnesses stated that there should be explicit exclusions so that we do not create digital assets inadvertently. Carbon credits are an

example that could fall into that category, and we heard that uncertificated securities that are traded through the certificateless registry for electronic share transfer—CREST—system might be excluded for those reasons. The committee recognises that risk and we have called on the Scottish Government to consider whether exclusions are necessary and to lodge amendments at stage 2, as appropriate.

A further area of scrutiny was the treatment of ownership and exclusive control. Section 3 seeks to create a presumption that the person with exclusive control of a digital asset owns it, and section 5 explains that control means being able to initiate, transfer or divest an asset entirely. In that way, the bill classifies digital assets as incorporeal moveable property but treats them like corporeal property for the purposes of acquisition and transfer. We heard that that could be confusing and jarring.

We note the Scottish Government's explanation that it is necessary to allow concepts such as possession and delivery to operate in a digital context. However, there are practical challenges, such as the fact that some digital assets have shared key arrangements and the fact that someone might have exclusive control of an asset but not own it due to workplace settings or other practical considerations. We note that the bill defines "control" and "exclusive control", but we draw attention to the evidence that we heard that that might be at odds with what happens in practice. Again, we suggest that clear guidance is important in that area.

The bill seeks to introduce an important departure from traditional Scots law in that it would allow a person who acquires a digital asset in good faith and for value to become its owner even if the seller acted improperly. That is a departure from the long-standing principle that no one can give what they do not have. We heard that protecting good-faith acquirers could undermine consumer confidence in a sector that is already vulnerable to fraud. We have asked the Scottish Government to review protections and remedies to those affected.

I will briefly mention some other critical elements that the committee heard evidence on. There is concern that there has not been greater consideration of the wider environmental impacts that the increasing use of technology can bring about. In addition, there have been calls for the establishment of a separate panel of experts to advise on Scots law and to ensure that there is representation on the United Kingdom jurisdiction task force for Scots law.

We heard about international examples such as Australia, Liechtenstein and the United States, which have a much more specific focus on issues

such as tokenisation. We recommend that the Scottish Government maintains a watching brief on such measures and initiatives.

I note that witnesses called for a digital trust strategy to maximise the benefits between academia and industry as technology progresses. We also heard about uncertainties to do with insolvency, debt enforcement and court procedures, as noted by the minister, and using digital assets as loan security. We recommend that the Scottish Government reviews those areas with a view to future reform.

The Economy and Fair Work Committee supports the general principles of the Digital Assets (Scotland) Bill and looks forward to stages 2 and 3, should Parliament approve the bill at decision time today.

16:00

**Murdo Fraser (Mid Scotland and Fife) (Con):**

I join the convener, whom we have just heard from, in thanking all those who gave evidence to the committee, the Scottish Parliament information centre for its advice to our clerking team, and my fellow committee members for agreeing unanimously on what was a very consensual report.

As the only lawyer on the committee, I was occasionally turned to for advice, which I was ill equipped to provide. *[Laughter.]* In that respect, I declare my interest as a member of the Law Society of Scotland, although I am not currently practising.

It was a particular privilege to be able to take evidence in committee from Lord Patrick Hodge, who is the deputy president of the Supreme Court and one of the most able Scots lawyers of the current generation. We are very grateful for his insights. My colleague Michelle Thomson, who I do not think is in the chamber this afternoon, joined me in admiring Lord Hodge's contribution.

We have heard from the convener a fair summary of the key issues that are addressed in the bill. We start by asking what exactly a digital asset is. Section 1 of the bill describes it as

“a thing that ... arises from an electronic system that makes it rivalrous, and ... exists independently from the legal system.”

I am not sure that that provides a great deal of clarity for the person in the street, so it might be easier to give some examples. A cryptocurrency is a digital asset—it does not exist in any physical form, but it exists nonetheless, has value and is tradable. It is also supported by an electronic system. Into the same category might fit non-fungible tokens, which members of the gaming community will be very familiar with. What does it

mean to be “rivalrous”? Something is rivalrous if only one person can use or consume it at one time, so a digital asset is deemed rivalrous because only one person can possess it at once.

The bill is necessary simply because Scots law, as it exists currently, does not properly recognise digital assets as property, or at least it does not properly define them. As the minister said, it is important that the law of Scotland keeps up to date with changes in technology and provides an appropriate legal framework for those who own, possess and trade in digital assets. As we have heard, the bill classifies digital assets as incorporeal movable property—that is, property that is not attached to land and that does not have a physical existence.

Section 1 of the bill goes on to state that, in order to make a digital asset rivalrous, there must be an “immutable record of transactions”,

which means that there must be a system of recording who owns that asset at any particular time.

Sections 3 and 5 of the bill deal with the presumption of ownership. It is presumed that somebody who has exclusive control of a digital asset owns it. In that respect, as Professor David Fox said in his evidence to the committee, the bill goes further than the existing UK legislation in providing a definition of control. That is necessary because it is not expected that there will be a high level of litigation in the Scottish courts, and therefore there is a need to be more prescriptive for the benefit of the Scottish judiciary.

An important aspect of the bill is that it provides a legal framework for transacting with digital assets, classifying them as incorporeal movables generally but treating them as corporeal for the purposes of acquisition and transfer.

That leads us to one of the most interesting aspects of the bill—at least for me—which is the question of protection for the acquirer of a digital asset in good faith. The bill sets out that somebody who acquires a digital asset

“in good faith and for value”

becomes the owner of that asset even if the person selling to them was acting dishonestly.

**Martin Whitfield (South Scotland) (Lab):** In a sense, this casts us back to medieval England and the market overt, whereby, if somebody bought during the daytime with everyone watching them, they got the title even if the good was stolen. Does Murdo Fraser consider that this is a throwback that might cause problems?

**Murdo Fraser:** I am fascinated by Mr Whitfield's reference to medieval England. Sadly, that did not form part of the committee's evidence, but I am

sure that the convener would be happy to reconvene evidence sessions so that we can take evidence from Mr Whitfield on that particular point. It is an interesting illustration.

I was going to illustrate this quite important point in a different way. Let us say, for example, that the committee's convener owns extensive wealth in cryptocurrency—I do not know whether that is the case in actuality—and I am an international cybercriminal who manages to hack into his systems and seize control of his cryptocurrency. I then sell it on to, say, the minister, who acquires the cryptocurrency in good faith and pays me value for it. In that case, the minister is deemed to be the true owner, and he acquires good title to the cryptocurrency.

Choosing that approach is not uncontroversial, and some people who gave evidence to the committee feel that that is unfair—in the circumstances of my example, it would be unfair to the committee's convener, who has been deprived of his asset and done nothing wrong. He has been the victim of a cybercriminal. In theory, the true owner of the property—in this case, the convener—has a claim against me for recovery of his value. However, I am an international cybercriminal hiding behind the worldwide web and I am untraceable, so the true owner has been deprived of his asset and there is no effective remedy.

The reason why the bill takes the approach that it does was explained by Lord Hodge as being a means to ensure that digital assets can be traded and that there is no undue requirement on the purchaser—in this case, the minister—to conduct due diligence as to the validity of the seller's title. The committee accepted that argument, but we observed that it is a controversial matter and that the definition of good faith is potentially troublesome. We felt that the Scottish Government should keep the issue under review, as it also should the question of a remedy to somebody who has been deprived of their assets unlawfully. The Faculty of Advocates expressed the view that the drafting of the good faith provision is ineffective and that it should be reconsidered.

The committee accepted that the bill is limited in its reach and that there are a number of issues that will need to be considered in the future by the Parliament. One of those is private international law, which is where there is an international dimension to the question of ownership and the law of which country should apply to a transaction between individuals based in different jurisdictions is in question. What should happen when a person dies holding digital assets? What is deemed to be the location of those assets, and what laws of succession should apply? As we have heard, there are also issues around insolvency that have not

been resolved in the bill and will be required to be addressed at some future point.

The bill is not the final word when it comes to the legislation on digital assets. It is a useful starting point, and I very much look forward to future bills that we can get into on this important topic. The Scottish Conservatives will be happy to support the bill at stage 1.

16:08

**Martin Whitfield (South Scotland) (Lab):** It is a privilege to open the debate on behalf of Scottish Labour and to echo the previous speaker—we, too, will support the bill at stage 1.

It is right that we address the issue, because the law has not kept pace with the rapid evolution of digital technology, and Scotland now faces a level of legal uncertainty that is neither sustainable nor acceptable for individuals, businesses or the wider economy. The expert reference group has already been mentioned in the debate, as have submissions from those—including the Law Society of Scotland—who have stressed that we cannot rely on the slow, case-by-case development of Scots common law to resolve complex novel questions about digital property. That also means that we lose the opportunity for timely and considered views on what the answer should be and that we are moving forward at a pace that means we must rely on those who sat on, and guided, the expert reference group if we are to avoid the risk of incoherence in the future.

The overarching purpose of the bill is clear: to confirm that certain digital assets are, in Scots law, capable of being owned and to establish the rules governing their recognition, control and transfer. However, if we are to legislate with clarity and foresight, we must also grapple honestly with the conceptual foundations of the bill. I would say that we have already delved into the undergrowth, but that is perhaps unfair, so I will say that we have circled the roundabout of understanding the characteristics of rivalrous goods and independent existence, grounded in work done by the Law Commission. That is reflected in recent case law from *R v Lakeman* in the Court of Appeal, which more understandably explains what rivalrous means. In that case, there was a discussion about virtual in-game currency, which was recognised as being an asset because its use by one person necessarily prevented its use by another.

That is an essential distinction between mere data—which was referred to by the convener as the PDF—and true digital assets. The Law Society of Scotland made the important point that the requirement for an “immutable record of transactions” risks being too closely tied to one technological model—the standard block chain,

which I think people have a growing understanding of—and that that may inadvertently exclude other systems being developed that allow authorised modifications in order to correct a genuine error, for example. That is why the bill must safeguard technological neutrality as we progress.

The bill seeks to offer clarity about ownership, control and transfer, and much of that is welcome. The Law Society of Scotland rightly cautions that treating digital assets as corporeal movables for the purpose of acquisition could cause future uncertainty. It would be unfortunate if a device intended to simplify ownership were actually to complicate the situation, particularly, as we have already heard, with regard to insolvency, property doctrines and the existing rules governing incorporeal rights. A more direct approach that links transfer to the intention to transfer ownership and to the transfer of exclusive control might warrant reflection at stage 2. That is not an argument against the bill but a reminder that precision matters, particularly with regard to our private law system.

There is a strong case for some specific carve-outs, as has been mentioned by the committee, SPICe and the Law Society of Scotland. Those might be for assets such as the electronic trade documents dealt with in the Electronic Trade Documents Act 2023, uncertified securities dealt with by existing UK regulations, and financial collateral under the movable transactions regime. All of those are already governed by detailed statutory frameworks, and bringing them within the scope of the bill threatens to create conflict, uncertainty and unintended consequences. The Government should therefore confirm whether it intends to pursue explicit exclusions or statutory instrument powers to clarify the scope of the bill as technology develops.

I will have the great pleasure of closing on behalf of Scottish Labour later, when I will revisit the market overt and the question of ownership. I reaffirm that we will be supporting the bill.

**The Deputy Presiding Officer (Liam McArthur):** I detect a frisson of excitement in the chamber.

16:13

**Lorna Slater (Lothian) (Green):** The Digital Assets (Scotland) Bill is a narrow bill that will define the existence of digital assets in Scots law. It is clearly needed. Like it or not, digital assets, from cryptocurrencies to tokenised records, are now part of how some individuals and businesses operate. However, until now, their status in Scots private law has remained uncertain. The bill clarifies that digital assets are capable of being

treated as property within our legal framework and of being owned.

By establishing clear definitions, including the requirement that digital assets be rivalrous and capable of being recorded immutably within an electronic system, the bill attempts to provide a foundation for legal certainty and investor confidence. As colleagues have mentioned, that is necessary because of the lack of a body of case law in Scotland to cover the matter.

The bill responds to recommendations from the expert reference group on digital assets in Scots private law and from others. Their work has highlighted the gaps, risks and practical challenges that arise in attempting to categorise digital assets within our long-standing legal framework. The bill draws directly on several of the expert group's recommendations, especially with regard to defining digital assets and clarifying the principles of ownership and control, and their expertise has shaped much of the bill's structure and rationale.

The bill seeks to be technology neutral and future proof, establishing a legal baseline that will then need to have frameworks of regulation and guidance built on top of it. Digital assets are evolving rapidly, and our legislative response will need to be sufficiently dynamic to manage the risks arising from the increased use and legitimacy of digital assets, such as blockchain-based currencies. I believe that such currencies, if unregulated, present significant risks to individual investors and to the structure of our banking system, and that robust regulation will be required to mitigate those risks. The Scottish Government, like other Governments around the world, will need to be informed and proactive to keep ahead of those risks. They are too great and too closely linked with fundamental elements of our economy for us to wait for a crisis to happen before regulations are brought in.

I also recognise that "digital assets" is a very broad category of what this bill allows us to legally consider as "things" that can have positive and constructive impacts on our society. I am sure that my colleagues share my distress at, for example, the energy-intensive nature of bitcoin mining. At a time when we are racing to electrify our industry and transport to try to keep ahead of a collapsing climate, it is horrifying that a great deal of energy is being used to generate speculative assets that can be used to avoid taxation, bypass legislative safeguards and otherwise undermine the reliable and transparent operation of our economy. It would be useful to understand from the Scottish Government what devolved powers, if any, it has in this space to bring in regulations and to diverge from the rest of the UK. I look forward to asking questions about that at stage 2.

The Scottish Greens intend to support the bill at stage 1, but we expect the Scottish Government to move quickly in providing guidance and further legislation in this space to address the broader risks that digital assets present.

16:16

**Kevin Stewart (Aberdeen Central) (SNP):** I thank everyone who has been involved in the scrutiny of the bill. Like the convener, I thank in particular the bill team—a very assiduous team, in my opinion.

I am pleased to speak in support of the general principles of the Digital Assets (Scotland) Bill. It recognises the simple but crucial reality that value today is increasingly held, transferred and secured digitally. Whether that value exists as a crypto asset in a public blockchain, a tokenised security or a digital representation of a real-world asset, Scots law must be able to recognise it as property.

Digital assets are sometimes spoken about as if they exist only in theory, but in practice they are secured by cryptography, recorded in distributed ledgers and controlled through private keys. Ownership, in functional terms, is exercised by the ability to control and transfer an asset on a blockchain network. Millions of transactions occur daily on decentralised systems that operate continuously, without intermediaries and across borders. The law cannot afford to treat those assets as intangible curiosities when they are already functioning as stores of value and mediums of exchange.

Blockchain and digital asset infrastructure underpin not only cryptocurrencies but decentralised finance, tokenised assets and programmable financial instruments. With estimates suggesting that the blockchain technology market could be worth £4.48 billion to Scotland by 2030, legal certainty becomes a competitive advantage. Jurisdictions that provide clarity on ownership, custody and transfer will attract developers, financial technology start-ups, asset managers and institutional capital. The bill positions Scotland to compete on that basis.

However, Scots property law was developed for a world of physical possession, and paper-based rights and digital assets do not fit neatly into existing categories such as corporeal movables or traditional incorporeal rights. A crypto asset is not a physical thing, and nor is it simply a contractual right against another party. That mismatch creates uncertainty that the bill seeks to resolve. Without clear recognition of assets as property, parties face risk in areas such as custody, lending and succession. As such, businesses may avoid Scots law altogether, while individuals may be left without clear legal remedies.

By confirming digital assets as property, the bill supports critical market functions, such as custody arrangements, asset management and secure transfer. It provides the legal underpinning for regulated custodians, institutional investors and fintech firms operating in areas such as tokenisation and decentralised finance. Importantly, it also provides reassurance to individuals who hold digital assets directly, often through self-custody, that the law recognises those assets as something that they can own and protect.

The bill is about future proofing Scots law without overlegislating. It provides certainty without rigidity and clarity without constraining innovation. By confirming that digital assets are capable of ownership, we ensure that long-standing legal principles continue to apply in a digital context. As a member of the Economy and Fair Work Committee, I believe that the bill represents a sensible, informed and necessary step forward, and I support the motion that is before Parliament.

16:21

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I thought that I had seen the shortest bill in my time in Parliament when I saw the Community Wealth Building (Scotland) Bill, but this one is even shorter—it is set out in only three pages and nine sections. However, its implications are far-reaching, and it is perhaps no surprise that the committee managed to write a 38-page report about it. That is a testament to the thoroughness of committee members' consideration of all the related issues.

For the first time, private law in Scotland will establish that digital assets are “objects of property” and can be treated as such and are capable of being owned. That is it, basically.

I will probably not get the chance to do this again, so I can say that, for me, the opening section of the bill is a joy to behold. It was pretty daunting to read—at least for me. It says:

“a digital asset is a thing that ... arises from an electronic system that makes it rivalrous”,

which means that it cannot be used more than once. It goes on to say:

“An electronic system makes a thing rivalrous if ... the system maintains an immutable record of transactions in relation to the thing, and ... that record is used to ensure that when, within the system, a person transacts in relation to the thing”,

for example, by spending or transferring it,

“the person loses the ability to transact in relation to the thing in that way again.”

I love that definition. In other words, a digital asset

is unique and, once a transaction is done, it is done.

As I said, the implications of all of that are far reaching and will mean that Scotland's legal system can provide legal certainty when managing digital assets in the future.

Digital assets are becoming an increasingly important and established part of global financial services. They are digitally recorded, traded and transferred by means of digital ledgers, which are usually called blockchain, and their increasing use and value is evident.

We have a very strong fintech sector in Scotland, including specialist digital asset trading businesses that are worth around £2 billion to the economy at the moment and employ more than 11,000 people across 260-odd companies. The minister reminded us that it is estimated that the value to Scotland of the blockchain technology market will reach about £4.5 billion by 2030. Therefore, the need for the bill is pretty clear, and it also gives Scotland the ability to adapt to future emerging trends in the digital space—a point that was acknowledged early in the report.

Our committee was extremely forensic in scrutinising the bill, and so, too, were our witnesses, who tried their best to help us through some of the complexities that arose. Some members mentioned the concept of immutability, which means that a digital asset cannot be changed. That got quite a bit of attention, and there was some contrasting opinion from our learned professors. Some thought that absolute immutability was not helpful, and that in cases of potential fraud, there had to be an ability to correct a digital record from unauthorised or distorted changes. Others suggested that absolute immutability was, in fact, essential and that systems that permitted changes to be made should be excluded. Others preferred to describe the term in terms of the integrity of the records, whereby a degree of flexibility is enabled but, at the same time, the records are secure from unauthorised alteration.

Members can see that we were grappling with some fairly complex and technical issues in the bill. In the time-honoured manner and in a masterstroke of wisdom, the committee recommended that the Government should monitor developments in this area, working with industry, academia and the like to develop the guidance on and interpretation of those important issues as they apply to digital assets.

Section 3 of the bill defines ownership of a digital asset as having “exclusive control” of it. Section 5 says:

“A person has control of a digital asset”

if he or she has the ability to transfer it, and that exclusive control rests with a person who has sole control of the asset. There was quite a bit of discussion around that, too, touching on what was meant by control—exclusive or not. An example was offered in which a person could have exclusive control of something but not actually own it—for example, in a work context; and in the opposite situation, a person could own a digital asset but did not have exclusive control of it, such as in the case of a shared private key. Again, the committee opted to draw the Government's attention to those issues and recommend that they be addressed in the accompanying guidance to the bill.

The bill is very short but incredibly significant for Scotland in moving forward in the digital assets space. In this brief glimpse of that space, I have mentioned a couple of issues—of immutability and ownership and control—which were given considerable attention by all my committee colleagues. I hope that, in taking the bill through stages 2 and 3, the Government will be able to clarify those important matters and that the bill will be strengthened as a result.

**The Deputy Presiding Officer:** We now move to winding-up speeches.

16:27

**Lorna Slater:** I would like to indicate my support for the Economy and Fair Work Committee's stage 1 report, which notes the potential for digital technology to have wide-ranging impacts across society. There are economic benefits and opportunities, but there are also risks for Scotland.

The committee calls on the Scottish Government to maintain a proactive approach, to engage with changes and to adopt approaches that ensure that benefits are maximised and risks are mitigated as technology changes.

The committee recommends that

“the Scottish Government works with stakeholders to ensure Scottish interests are represented on the UK Jurisdiction Taskforce, as well as any other relevant expert group which may be established.”

In addition, the committee

“calls for the Scottish Government to establish a Scottish panel of experts to advise the courts, businesses and the legal sector on emerging digital technology issues in Scotland.”

The committee acknowledges

“that further legislation is inevitable, given the pace of change in the digital world.”

The committee also believes that the

“important issues of definition and application should not be left to subordinate legislation”,

so it does not recommend the inclusion of additional regulation-making powers in the bill. The committee acknowledges the Scottish Government's stated intention and the bill's narrow purpose, and it supports that approach to ensure legal recognition of digital assets in Scots law.

16:28

**Martin Whitfield:** I echo my thanks to all those who have been involved—including those who submitted evidence to the committee, those who support the committee and the Government and the bill's drafters—in what is possibly one of the shortest bills that has made its way through the Parliament. No matter how short a bill is, it still needs the right level of scrutiny. It is important that, as we increasingly move into a digital age, scrutiny takes place.

The debate allows me to contemporise the discussion about market overt. I am doing so for a practical reason. If we cast our minds back to medieval times, when people travelled by foot or horse, we know that there were nefarious individuals who stole from people and sought to profit by selling to others. The challenge was that it was very hard for the purchaser to know whether something was stolen and who was selling it. What developed was a legal fiction in which, if something was bought in public in a certain market during the hours of daylight, ownership would transfer.

I reference that because of the challenge that we are talking about in relation to the bill: the need to have transparency in the passage of ownership and the need to have commerce that works. The medieval answer was that, if there was a certain market, there would be good ownership. The answer in the bill that is in front of us today is, "Oh, you'll be all right." Evidence has been submitted to the committee about the authority for doing that. The committee's report makes reference to it, and it is an important element for the Government to consider at stage 2. That problem sits at the heart of a number of areas in which there have been requests for guidance and understanding, so it is important that we know the view that the Government intends to take. Other areas must be considered, too.

I seek the Government's assurance that it will reach out, provide guidance and do the thinking, particularly about the wider questions that surround digital assets. We have talked about the situation with regard to insolvency and the reserved nature of much of that, but there are also questions of international law, diligence, security, borrowing, civil procedure and taxation with regard to digital assets.

I welcome the committee's call for a programme of future reform, and I echo the calls for Scotland

to remain aligned with developments across the UK and internationally. I confirm that Scottish Labour will support the general principles of the bill, but I urge the Scottish Government to act on the concerns that have been set out by the Law Society of Scotland, the committee and others, to ensure that the bill not only is workable on paper but is effective, fair and future proofed.

16:31

**Stephen Kerr (Central Scotland) (Con):** This has actually been quite an enjoyable debate in many ways.

**Murdo Fraser:** Until now.

**Stephen Kerr:** I am being told that I have gone too far already.

Daniel Johnson started off by warning us about the danger of going down rabbit holes, and then Martin Whitfield got up and took us to medieval England—that was a rabbit hole, if I have ever heard one. He continued down that rabbit hole when he got a second chance to speak, which is remarkable.

I remember having to stand up in the Parliament to announce that

"I am not a potato".—[*Official Report*, 8 November 2022; c 79.]

That might be the only thing that anyone will remember about my time in the Scottish Parliament—I do not know. However, I never thought that I would see the day when a member would get up and say, "I'm an international cybercriminal," but that is what Murdo Fraser announced this afternoon. Given that that will appear in the *Official Report*, I think that that can probably be used as court evidence—in case anyone is listening. [*Interruption.*] "Guilty, guilty—I'm an international cybercriminal," he says.

In all seriousness, I support the general principles of the bill, and I do so having been directly involved as a committee member in most, although not all, of the stage 1 committee scrutiny sessions.

This is a complex and highly specialised area, and it is probably obvious to all my colleagues—it is certainly obvious to me—that I am not an expert in digital assets. When Martin Whitfield announced that there is a growing understanding of blockchain, I confess that I shrank a little in my seat. I do not have a growing understanding of blockchain, but I am open to tutorials. If anyone is willing to sit down and take me through the dummy's guide to blockchain—

**Martin Whitfield:** [*Made a request to intervene.*]

**Daniel Johnson:** [*Made a request to intervene.*]

**Stephen Kerr:** Oh, a number of members wish to intervene. I am happy to give way to Martin Whitfield.

**Martin Whitfield:** I will not give Stephen Kerr a tutorial, but I note that blockchain is referred to a lot and is used as a basis expectation. However, there are changes in technology that are making even blockchain antiquated, and the bill needs to address that.

**Stephen Kerr:** That is cold comfort. Just when I thought that I was going to get a tutorial on blockchain, Martin Whitfield tells me that it is now out of date.

Daniel Johnson also wanted to come in.

**Daniel Johnson:** I suspect that Stephen Kerr might just be trying to fill his time by encouraging others to do it for him. However, I wonder whether he is demonstrating the need for the bill. Most people are probably unaware of how these things operate, but there will be people in Scotland who are holding such assets who might well end up in disputes. That might happen to businesses, and it might happen in divorce cases, so, in those situations, we will need Scots law to be able to understand and incorporate digital assets so that we can settle such cases fairly. Does Stephen Kerr agree that that is fundamentally what we are here to do?

**Stephen Kerr:** I agree with Daniel Johnson on everything that he said, except for the bit when he said that I was inviting people to contribute in order to fill my time. I think that the Parliament knows that I am more than capable of filling up any of the speaking time that I am generously permitted.

Nevertheless, I agree with Daniel Johnson that we are dealing with unfamiliar concepts and unfamiliar legal language, so it is good that the committee includes a learned colleague.

We are living in a technologically accelerating world. Willie Coffey was right when he said that the witnesses did their best to help us to understand things, which they did. The evidence sessions were very helpful, and the quality of the evidence was superlative.

I pay tribute to my committee colleagues for the quality of the scrutiny. Frankly, under the convenership of Daniel Johnson and the deputy convenership of Michelle Thomson, I felt that there was a seriousness, a discipline and an intellectual rigour to our scrutiny. Kevin Stewart was right to mention the quality of the committee's scrutiny.

The committee heard a wide range of evidence, some of which was contested. The committee's report reflects that there were different points of view, which were refreshing to hear. As Willie Coffey said, the report is 38 pages long, and I have

to confess that it is not a leisurely read—it is pretty difficult to read. When complimenting the report, I said to Murdo Fraser that I thought that it was 100 pages long, but, when I checked, I realised that it was 38 pages. It must have felt as though it was that long because of the density of the information that it contains. I place on record my thanks to the clerks for their expert work.

As a number of members have said, the bill is deliberately narrow. It focuses on providing legal certainty in Scots law by recognising that certain digital assets are capable of being property, of having ownership and of being lawfully transferred. Given our existing property categories predate digital technology, the clarification in law is necessary and overdue. As a committee, we accepted that concepts such as rivalrousness and immutability, although not everyday language, are sufficiently clear to provide a workable legal framework.

We also accept that this is a framework bill. It sets foundations, rather than answering every downstream question. Not only do we not know the answers; we do not know what questions we might face in times to come. Issues such as tokenisation, environmental impact, insolvency, jurisdiction and enforcement are all flagged by the committee's report as areas in which further work will be needed.

That leads me to strike a note of caution. The pace of technological change in this area is not slowing down; it is accelerating. The committee was clear that complacency would be a mistake. As colleagues have said, if Scotland is to remain a credible and competitive legal jurisdiction for this kind of activity, which will be a task in and of itself, given the nature of the market and where it is centred, the Parliament and the Government will need to stay properly advised, properly resourced and alert to what the legislation will set in train. Further legislation will be inevitable. The capacity of the Parliament and we, as parliamentarians, to scrutinise it properly will be tested. As a current member of the committee, I have no doubt about that.

Compliments have been paid to the Government's bill team. I also point out that this bill might well be the last one that Richard Lochhead is in charge of as the minister. If that proves to be the case, it is hard to imagine a more intricate and demanding subject on which to legislate. I am sure that the minister longs for a return to the UEFA European Championship (Scotland) Bill. It would be churlish of me not to say that I recognise the work that the Government and Government officials have done on the bill.

For all the reasons that I have outlined in my short contribution, as well as the contributions of

colleagues across the chamber, I am happy to say that the Conservatives will support the general principles of the bill. I encourage other members to do the same.

16:40

**Richard Lochhead:** I thank everyone who has contributed to the debate. I also repeat my thanks to the expert reference group for the work that it has undertaken to inform the development of the bill, and to the Economy and Fair Work Committee for its work in scrutinising the bill. Daniel Johnson, who is chair of that committee, gave an easy-to-understand explanation of many of the concepts in the bill. I was grateful for that to be put on the record.

Like others, I also thank the bill team. I assure members that, as a business minister dealing with quite a legalistic bill, I was often reliant on my bill team to explain many of the concepts behind it to me. As recently as yesterday, we were discussing bored apes. If someone had said to me that I would ever discuss the concept of bored apes with a bill team, I would not have believed them. Bored apes are non-fungible tokens—NFTs—which are digital tokens that are generally considered not to be exchangeable for a similar type of token. They are unique pieces of art, there are thousands of them and they are very valuable and can be worth thousands of pounds each.

That is what bored apes are: collections of those unique pieces of art. That is the changing world in which we live, and that is why this bill is before us today; we have to make sure that our legislation is catching up with what is happening out there and that we can give legal certainty in the sense of identifying property, which is what the bill is all about.

Digital assets are an increasingly important component of a range of areas, including financial services and the daily economic life of our citizens. By providing the greater legal certainty that is required on the property status of digital assets, the bill provides a significant legislative foundation for Scots law. As I said, it will enable Scotland not only to keep pace with legislative developments in other jurisdictions but to take better advantage of all the economic benefits and opportunities that digital asset technologies and innovations can offer. It is clear from today's debate that there is widespread support for the general principles of the bill, which I very much welcome.

I will quickly address a couple of issues. On carve-outs, as Daniel Johnson and other members of the committee have said, many recommendations from the committee deliver good guidance on a number of issues. We will reflect on those, take them forward and respond to the committee in due course on all of them.

One of the issues that were raised was the prospect of carve-outs on things such as voluntary carbon credits. Voluntary carbon credits will be confirmed as objects of property if they meet the criteria in the definition of a digital asset that is contained in the bill, as would any other token. As objects of property, digital assets enjoy the protection of the right to the peaceful enjoyment of possessions under article 1 of protocol 1 of the European convention on human rights. However, we should all remember that the right to the peaceful enjoyment of possessions is not an absolute right. Therefore, should voluntary carbon credits meet the definition of a digital asset in the bill, they can be confirmed as objects of property. However, as we go into stage 2, we will reflect on the concerns that were expressed to the committee by some witnesses about what that would mean for the voluntary carbon credits that may arise from the ownership of land and so on.

**Daniel Johnson:** The point that was made by witnesses in relation to carbon credits—and I understand that that issue was provided as an example—was that there may well be things that exist, either in Government or in other organisations, which, given the point about rivalrousness arising from an electronic system and there being an immutable record, may inadvertently satisfy the criteria yet are merely means of recording certain things or of regulating certain elements. Does the minister accept that point, and will the Government undertake work to identify any regimes that might fall into that category?

**Richard Lochhead:** Yes, we will look at that point and reflect on it.

Other issues, such as electronic trade documents, were also mentioned, and some academics from the University of Aberdeen raised concerns to the committee about whether they should be recognised as digital assets. We will also reflect on that issue in relation to potential carve-outs.

As many members have said, there is a need for legislation. The committee heard from a range of witnesses that there is a lack of legal certainty on the status of digital assets as objects of property in Scots law. The overwhelming majority agreed that greater certainty is necessary and that that should be provided for in primary legislation. That was reflective of the views shared by respondents to the Scottish Government's consultation and from members speaking in today's stage 1 debate, so the need for a bill is not in doubt.

The bill will put beyond doubt that certain digital things can be owned if they meet the definition of a digital asset in the bill. However, given the rapid proliferation of digital assets, we should not wait

until an appropriate case is brought before the Scottish courts to confirm their legal status as objects of property. Therefore, the bill will have the opportunity to make the law clearer, and we want to take that forward as a Parliament.

I am pleased that the committee supports the general principles of the bill. I could talk for a long time, but I will bring my remarks to a close. There are many other issues in the committee's report, but we understand that the bill is required. It is a short, sharp bill that is necessary to recognise digital assets as property in law.

Without further ado, I say that Scotland's independent legal system—I know that we heard about medieval England earlier—and legal heritage are something that we are committed to preserving, while ensuring that Scots law remains a forward-looking and enabling environment for the technologies of tomorrow. That is what the bill is all about, and it will help us to achieve that. Therefore, I urge Parliament to support the general principles of the bill.

## Point of Order

16:46

**Douglas Ross (Highlands and Islands) (Con):** On a point of order, Presiding Officer. On Tuesday, I asked whether you would suspend standing orders to allow an urgent question to be taken in the chamber on the Scottish Government's legal arguments that it had published earlier that day on its case to continue to allow biological men to be housed in the female prison estate. In responding to that point of order, you said:

"Thank you, Mr Ross, and I appreciate advance notice of your intention to raise the matter. I am not minded today to accept a motion without notice. I think that my determination to ensure that all members have an opportunity to scrutinise the Government fully and regularly, whether that be through urgent questions or the selection of other questions, is very clear to the Parliament."

You finished by saying:

"I remind Mr Ross of the other opportunities that exist, and which are available to him this week."—[*Official Report*, 20 January 2026; c 16-17.]

The next day, I submitted the same question as an urgent question, which you rejected, saying that it was not of sufficient urgency. However, you wished for me to know that, should I press my request-to-speak button at First Minister's question time, that would be an option for this to be raised.

I then submitted the urgent question for a third time today, which you rejected for a third time, but, based on your advice and the advice given by the Deputy Presiding Officer yesterday in the chair, I pressed my button again during First Minister's questions, and I was not called.

My question is—[*Interruption.*] I know that Scottish National Party members do not want to hear this—[*Interruption.*] Sorry, I cannot hear, Presiding Officer.

**The Presiding Officer (Alison Johnstone):** Yes, that can often happen in the chamber, but please continue, Mr Ross.

**Douglas Ross:** I am grateful for that, Presiding Officer.

You have rejected three urgent questions, and you have not selected the question, despite having advance notice, at First Minister's questions. We have now sat for many hours over—

**The Presiding Officer:** Thank you, Mr Ross. I will address the points that you have made.

**Douglas Ross:** Could I finish my point of order, Presiding Officer?

**The Presiding Officer:** Please finish briefly, Mr Ross.

**Douglas Ross:** I appreciate the opportunity to at least finish my point of order. Given that we have sat for—

**The Presiding Officer:** Please identify the relevant procedure that you have an issue with.

**Douglas Ross:** First of all, I am asking whether you were correct in what you said on Tuesday, which was that there would be other opportunities to raise the matter this week, when those opportunities have now been missed—

**The Presiding Officer:** Thank you, Mr Ross—

**Douglas Ross:** —and why—

**The Presiding Officer:** Thank you, Mr Ross.

**Douglas Ross:** If I can finish—

**The Presiding Officer:** I am still not clear that you are addressing a particular procedure.

**Douglas Ross:** The procedure is this: did you incorrectly state to Parliament that there would be opportunities this week that have now not materialised, and why have we sat as a Parliament for many hours over three days and not a single minister has been able to answer a single question, because no one has been able to put questions on such an important issue?

**The Presiding Officer:** Thank you, Mr Ross.

**Douglas Ross:** —and this is an issue that must be addressed by this Parliament, so when will we be able to do so?

**The Presiding Officer:** Thank you very much.

I am not wholly clear that we ever got to what the point of order was, Mr Ross. You have had considerable time to put your point.

I appreciate that the member considers that it is an urgent matter. The member will also understand and appreciate that the chair is required to be fair to all members in the chamber. Today, and throughout this week, I have selected many matters that other members also consider to be urgent and pressing.

The member will also note that pressing the request-to-speak button does not guarantee that they will be called. Even the intention to do so being confirmed in advance does not mean that the request-to-speak button is not required to be pressed. Obviously, the chair at the time will be considering a variety of factors in relation to who they are able to call, not least of which is the length of the session.

I point the member to the fact that an opportunity is not the same as a guarantee. Where there are opportunities, the chair will always strive—I will

always strive—to include as many members as possible. However, I cannot guarantee, Mr Ross, that it will always be possible to prioritise your question in any one week over that of any other member.

We will move on at this point, Mr Ross. Further to that point of order—

**Douglas Ross:** On a point of order, Presiding Officer.

**The Presiding Officer:** No, Mr Ross, I ask you to sit down and to remember that, only yesterday, I asked you to reflect on your actions. Well—I am going to call matters to a halt here in relation to this and suggest that, perhaps, you take a little more time to reflect. I do not feel that you have had that opportunity adequately yet.

We now move on to the next item of business—

**Douglas Ross:** On a point of order, Presiding Officer.

**The Presiding Officer:** Mr Ross, we have heard enough for now and we are carrying on.

**Douglas Ross:** On a point of order, Presiding Officer.

**The Presiding Officer:** We are carrying on with our business. Mr Ross, you can either leave this here—

**Douglas Ross:** On a point of order, Presiding Officer. Is my point of order being refused?

**The Presiding Officer:** Mr Ross, you have not yet made it clear what your point of order is. You will have one further opportunity and then you will resume your seat—one, brief, further opportunity.

**Douglas Ross:** I am grateful, Presiding Officer. All I am seeking now is clarity. Given your statement on Tuesday that there would be further opportunities this week that have not materialised, how will you view the same question being submitted next week, so that we can finally get answers from ministers?

**The Presiding Officer:** I am simply not going to discuss what questions may be put next week.

We will continue with our business.

## Motion without Notice

16:52

**The Presiding Officer (Alison Johnstone):** I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now. I invite the Minister for Parliamentary Business and Veterans to move the motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.53 pm.—[*Graeme Dey*]

*Motion agreed to.*

## Decision Time

16:53

**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-20414, in the name of Sarah Boyack, on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

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

16:53

*Meeting suspended.*

16:57

*On resuming—*

**The Presiding Officer:** Before we move to the vote, Craig Hoy has a point of order.

**Craig Hoy (South Scotland) (Con):** On a point of order, Presiding Officer. Apologies—my app had frozen, and I was intending to raise a point of order to vote after the vote had been taken.

**The Presiding Officer:** Thank you, Mr Hoy. We will return to you.

We move to the division on motion S6M-20414, in the name of Sarah Boyack, on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1. Members should cast their votes now.

### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Ind)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Mackay, Gillian (Central Scotland) (Green)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)  
 Slater, Lorna (Lothian) (Green)  
 Sweeney, Paul (Glasgow) (Lab)

Villalba, Mercedes (North East Scotland) (Lab)  
Whitfield, Martin (South Scotland) (Lab)

### Against

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)  
Balfour, Jeremy (Lothian) (Ind)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Briggs, Miles (Lothian) (Con)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
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)  
Dowey, Sharon (South Scotland) (Con)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Eagle, Tim (Highlands and Islands) (Con)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (Ind)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
Findlay, Russell (West Scotland) (Con)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Gougeon, Mairi (Angus North and Mearns) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greene, Jamie (West Scotland) (LD)  
Gulhane, Sandesh (Glasgow) (Con)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Harper, Emma (South Scotland) (SNP)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hoy, Craig (South Scotland) (Con)  
Hyslop, Fiona (Linlithgow) (SNP)  
Kerr, Liam (North East Scotland) (Con)  
Kerr, Stephen (Central Scotland) (Con)  
Kidd, Bill (Glasgow Anniesland) (SNP)  
Lochhead, Richard (Moray) (SNP)  
Lumsden, Douglas (North East Scotland) (Con)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Mason, John (Glasgow Shettleston) (Ind)  
Matheson, Michael (Falkirk West) (SNP)  
McAllan, Màiri (Clydesdale) (SNP)  
McArthur, Liam (Orkney Islands) (LD)  
McCall, Roz (Mid Scotland and Fife) (Con)  
McKee, Ivan (Glasgow Provan) (SNP)  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Rennie, Willie (North East Fife) (LD)  
Robertson, Angus (Edinburgh Central) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Ross, Douglas (Highlands and Islands) (Con)  
Simpson, Graham (Central Scotland) (Reform)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Collette (East Kilbride) (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)  
Tweed, Evelyn (Stirling) (SNP)  
Webber, Sue (Lothian) (Con)  
Wells, Annie (Glasgow) (Con)  
White, Tess (North East Scotland) (Con)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP) [Proxy vote cast by Jackie Dunbar]  
Whittle, Brian (South Scotland) (Con)  
Wishart, Beatrice (Shetland Islands) (LD)  
Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-20414, in the name of Sarah Boyack, on the Wellbeing and Sustainable Development (Scotland) Bill at stage 1, is: For 25, Against 91, Abstentions 0.

*Motion disagreed to.*

**The Presiding Officer:** The next question is, that motion S6M-20485, in the name of Richard Lochhead, on the Digital Assets (Scotland) Bill at stage 1, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Digital Assets (Scotland) Bill.

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

## Future Farming Investment Scheme

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business this evening is a members' business debate on motion S6M-20387, in the name of Liam McArthur, on the future farming investment scheme. The debate will be concluded without any question being put.

I invite members who wish to participate to press their request-to-speak buttons, and I invite Liam McArthur to open the debate.

*Motion debated,*

That the Parliament acknowledges that the Future Farming Investment Scheme sought to provide farmers and crofters with funding to help them buy new machinery, improve efficiency or reduce emissions, and was targeted towards islanders, new entrants, young farmers and tenant farmers; understands that Orkney businesses initially received only 3.48% of total funding, and Shetland 1.88%; notes with concern reports that fewer than one in 10 small farms and crofters across Scotland received funding, with many small farms from the Highlands and Islands to Aberdeenshire, Argyll and Bute and the south of Scotland also missing out; believes that much of the communication around this scheme has caused confusion, and indeed anger, among those in the agricultural sector; expresses deep regret that, while demand for the scheme was high, so few small, island and young farmers were successful, despite seemingly being from priority groups, and notes the calls on the Scottish Government to provide further clarity on how the funding for the scheme was allocated, as well as to publish its review on the Future Farming Investment Scheme, as committed by the Cabinet Secretary for Rural Affairs and Islands on 10 December 2025.

17:01

**Liam McArthur (Orkney Islands) (LD):** I know that we are in unusual territory, having a members' business debate on a Thursday evening. Normally, it is a time when only us islanders are still kicking around, marooned in Edinburgh as a result of the last flight home having long since departed, so I am all the more grateful to the hardy colleagues from all parts of mainland Scotland for sticking around at the end of another very busy week to take part in the debate. I am also grateful to all those who signed my motion to allow the debate to take place.

In some senses, the horse has bolted when it comes to the future farming investment scheme. Towards the end of last year, like colleagues from parties across the chamber, I had and took various opportunities to raise serious and entirely legitimate concerns about the way in which the FFIS process has been developed, executed and communicated. Even so, despite all the oral and written questions, freedom of information responses and meetings and correspondence with the minister, there is still a need for Parliament to

be able to debate what went wrong and how it can be avoided in future.

Given what we know—and it is fair to say that we still do not know everything—there is no doubt that the scheme was rushed in its development and poorly communicated and that it resulted in widespread anger and confusion among farmers and crofters across Scotland. It is true to say that the demand was always likely to exceed the available funding. Scottish Land & Estates estimates that only around 30 per cent of eligible businesses were likely to be successful. It is also true to say that, in such circumstances, we are always more likely to hear from those who have missed out than from those who have secured funding.

Even so, measured against the stated intentions that ministers set for the scheme, it is hard—indeed, I would say impossible—to sustain the argument that the FFIS did what it said on the tin and will make a meaningful difference in achieving its intended objectives.

**The Minister for Agriculture and Connectivity (Jim Fairlie):** I would like to question the member on that point. The stated intention was not specifically about young farmers, islanders and new entrants; it was about the specific policy intent that was set out in the briefing. We have achieved that with the limited pot of money that we have put into the discretionary scheme. Does the member not accept that?

**Liam McArthur:** I am not sure that I do accept that. To some extent, time will tell, given the nature of the scheme's objectives, but there is clear evidence, not only from those who did not make successful applications but from those who did, that it is difficult to see how the objectives will be met.

The minister might argue that the funding is now circulating in the sector—again, that is certainly true. However, at a time when finances are tight and the challenges that the farming sector is facing feel particularly acute, misdirected or poorly targeted support is something that farmers and crofters, and the country as a whole, can ill afford.

I am sure that we will hear shortly about examples from other parts of the country, but in an Orkney context, the experience of the FFIS reflects a wider failure of Government policy to fully recognise the needs and circumstances of those who are farming in island communities. That was not the initial reaction to the scheme, which appeared to prioritise island farm businesses, along with young farmers and the tenanted sector—all of whom, I would suggest, face specific challenges.

The objective of improving sustainability and environmental efficiency is one that farmers in my constituency support and are already pursuing, and they are willing to go further in doing so. The high level of demand for the scheme demonstrates the appetite, not just in Orkney but across the country, for making greater and faster progress in that transition. The general feeling, while perhaps not a universal view, was that the FFIS could make an important difference.

However, when the award announcements were made at the end of last year, the disappointment was only exceeded by the astonishment and confusion that was felt by those who had believed—with good reason—that they met most, if not all, of the key criteria.

I know that I was not alone in seeing my inbox fill up, over a short space of time, with messages from constituents who were bemused at having had their applications rejected with no explanation as to why. The failure in communication simply intensified the level of anger that was felt. Orkney-based businesses received less than 3.5 per cent of the overall funding allocated; in Shetland, the figure was less than 2 per cent.

By way of example, I was contacted by a farm business in one of the smaller north isles in Orkney, which had worked with Orkney College to prepare an application for livestock management equipment to improve the efficiency and sustainability of the farm, which is already signed up to two agri-environmental schemes. In other words, the business was entirely aligned with the stated objective of improving climate efficiency—yet the application was flatly rejected. My constituent said:

“The results of the scheme belie its claim that it was targeting small islands. In the end, the whole application process turned out to be a waste of time for a small farm facing a lot of other challenges.”

That sums up the problem with the scheme. It was devised in haste for political reasons to allow announcements to be made at the Royal Highland Show; it raised expectations and wasted the time and resources of farm businesses; and it will not actually achieve its stated aims. The minister must surely now acknowledge that fact, and the Government needs to learn lessons.

I suggest that a chance to demonstrate that lessons have been learned is to be found in future greening proposals. As the minister will know, and as I heard again last week from my constituents Douglas Paterson and William Harvey, ramping up ecological focus areas obligations from 5 per cent of land managed to 7 per cent will have serious consequences in an Orkney setting. The report by Scotland’s Rural College on greening in Orkney, “Changes to ‘Greening’ Support in an Orkney

Islands Context: Ecological Focus Area extension”, which was published last year, confirmed that 35 per cent of Orkney farms are in receipt of funding for agri-environment schemes: the highest proportion, by some margin, anywhere in the country. The same report emphasised the clear policy overlap between those and the EFA objectives and recommended better co-ordination between the two to avoid duplication.

Farmers are clear that the new greening options do not reflect what works for island farms—a concern that is supported by SRUC. Many of the measures are simply not compatible with Orkney’s grassland systems, and increased vulnerability to weather heightens the risks, and the costs and waste, that are involved for small businesses. Spending money on measures that will not work may give the illusion of progress, but it will do nothing for the environment while threatening the viability of farm businesses and prompting a reduction in the Orkney herd.

SRUC’s 2024 report, “Rural and Agricultural Development—Maximising the Potential in the Islands of Orkney, Shetland and Outer Hebrides” confirmed that it represents a larger share of economic activity than in mainland communities. At the same time, there are critical constraints, from higher haulage costs to a shrinking workforce. A thriving agricultural sector is critical for our island economies, but it also plays a profound cultural and social role.

That means that agricultural funding and support, whether through competitive schemes such as EFAs or statutory requirements such as EFAs, must take account of the direct consequences for, and the circumstances of, island farming, and recognise its unique importance to those communities. That was the reassurance that I got from the Cabinet Secretary for Rural Affairs, Land Reform and Islands when I raised the issue with her in the chamber back in June 2024. It is the commitment that I am seeking from the minister today, and I look forward to hearing his comments as well as the contributions from other colleagues in the chamber.

17:09

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I thank Liam McArthur for bringing this debate on the future farming investment scheme to the chamber. In this context, I will defer to members who have much more in-depth knowledge of the sector than I have, but I note that I have had not one email on the issue from a farm in my constituency, although I expect and hope that I will get some emails after making this speech.

Post-Brexit, other funding mechanisms have had to be established for the agricultural sector. In that context, the FFIS was a capital grant scheme for farmers and crofters that offered up to 100 per cent funding for equipment such as handling systems, feed trailers and so on. It was a competitive scheme that prioritised new entrants, young farmers, and small and tenant farms, with applications generally being made via the rural payments portal.

I will go through some statistics. The scheme opened for applications on 14 July 2025 and closed on 22 August that year. The indicative budget allocation started at £14 million, but it increased to over £21 million because of high demand. I note that 7,852 applications were received and that, after sifting for eligibility and verification, 4,462 met the criteria for assessment. Of those, 1,794 applications were ultimately prioritised and offered a grant. Overall, about 42 per cent of applications did not pass one or more eligibility or verification checks. I looked at the Government's website, which provided information on applying to the scheme and guidance on how to apply, and I note that the 42 per cent figure does not distinguish between applications that failed on eligibility, those that failed on verification and those that failed on both. Separation of that data would help us to determine whether the guidance needs to be revised.

I note from the answer to a freedom of information request that artificial intelligence was not used to determine eligibility. By the way, I thank Liam McArthur for advising that "AI" has a different connotation in the farming community. I must not get the two things muddled.

Because of the high demand and disappointment, there was quite naturally a sense among those who were rejected—they may be right; I do not know—that allocations may not have been fair. I found the minister's answer of 4 December to Liam McArthur's question in that regard most helpful. I will quote it briefly, given the time:

"priority status alone did not guarantee funding; investments also had to demonstrate strong alignment with scheme objectives and deliver measurable outcomes."

He added:

"Many applicants from priority groups applied for standard items of agricultural equipment, mainly for general livestock management, which, while not deemed ineligible, when assessed against other capital investments did not demonstrate strong delivery against the scheme's objectives."—[*Written Answers*, 4 December 2025; S6W-42129]

There followed a detailed list of items supported and the cost to the fund.

What is missing—perhaps the minister will provide an explanation—is a breakdown by parliamentary region and more detailed data on new entrants, farm types and so on for both successful and unsuccessful applications. I do not think that that would breach data protection even if it was broken down to actual farms. That information may be available, but I have not been able to find it.

**Douglas Ross (Highlands and Islands) (Con):** Christine Grahame makes a sensible suggestion. If the minister does not commit tonight to providing that information, will she support my amendment to the Natural Environment (Scotland) Bill, which seeks to ensure that the information is provided?

**Christine Grahame:** I have to be honest: I have not even looked at the amendments to that bill, so I cannot give an answer to that now. However, I will be interested in them.

We all know that, with any grant scheme, demand is likely to be underestimated, but the demand underlines that this is an excellent initiative. I accept that budgets are constrained, that this is only one funding mechanism for our farming community and that the initiative was bound to have teething problems—in my experience, most initiatives generally do. However, I am looking for more clarity, more data breakdown and another look at the guidance, which seems to have taken a lot of people out of applying.

Another thing that is required is an assessment of the benefits to the farm or croft—I know that there will be an audit—to confirm whether the criteria need tweaked. It is public money, and we need to see whether it is being well spent on the very worthwhile objective of supporting the small farms and crofts, and particularly new entrants, that are so essential to Scotland's domestic and export needs.

17:14

**Douglas Ross (Highlands and Islands) (Con):** I congratulate Liam McArthur on securing the debate and on the work that he has done on the issue since concerns arose about the FFIS. I agreed with almost everything that he said, bar one point. He said that we normally hear from those who have been unsuccessful. That is, indeed, normally the case but, ironically, I have heard from a number of people who could not believe that they had been successful. They were quite shocked by that because they had read about the problems and because others had commented that they had not been successful.

**Liam McArthur:** The point that Douglas Ross makes is entirely valid. For the purpose of

correcting the *Official Report*, I have also heard from people who fall into a similar category. However, it is still true to say that normally one hears from those who have lost out, rather than those who have gained.

**Douglas Ross:** That is entirely fair. I have certainly heard from a lot of people who have lost out, but others have been surprised by their success.

We are supportive of the scheme. I want to see money going to our farmers, crofters, tenant farmers, young farmers and new entrants, but something has gone wrong here, given that 42 per cent applications were ineligible. When a scheme attracts 7,582 applications and almost half of them are thrown out before they are even considered because they are deemed ineligible, something has gone wrong. That is why, during general question time a couple of months ago, I asked the minister whether he raised concerns when his officials told him, “We have had this number of applications, with this many having been successful and this many having been unsuccessful—and, by the way, we could not even consider half of them because they were ineligible.” That should raise serious concerns that should be at the very top of the minister’s list when he looks into the issue, because there is something that must be corrected for future schemes if so many people were ineligible.

**Christine Grahame:** I think that the member heard me say that perhaps we have to look at the guidance—although it is not the only thing—because part of the issue might be that it was not robust and did not have the clarity that was required. We should not have that amount of failure. We might predict other reasons for the situation, but the guidance should certainly be looked at.

**Douglas Ross:** I agree with that. However, the minister gave us the reasons why applications were ineligible, and when I sent those reasons to constituents, they were very confused by them. For example, the wrong numbers—numbers that were automatically input into the system—should not have caused applications to be deemed ineligible.

Although I do not have a lot of time, I want to stress to the minister and to anyone who is watching the debate remotely or who is looking back at the *Official Report* that Liam McArthur is right to say that we are looking at this after the horse has bolted the stable. However, we still have an opportunity, on Tuesday 27 January. I lodged an amendment to the Natural Environment (Scotland) Bill at stage 2 to get the very information that Christine Grahame is looking for. We need a breakdown so that people can see where they

went wrong—whether it was their fault that they did not meet the criteria, whether they were ineligible and so on. They also need to get feedback. My amendment was voted down by Scottish National Party and Green members on the committee. I will bring the issue back at stage 3 so that the whole chamber can consider it, but I believe that it was voted down partly because, at the time and as Liam McArthur’s motion says, we were promised a review by the cabinet secretary. That review is certainly not answering the questions that I and my constituents have, so I will proceed with my amendment on Tuesday 27 January to compel the Government to provide that information, because people are looking for it.

People are concerned about the amounts of money that were spent on the scheme. Many of them had hoped to secure funding, and although they accept that not everyone can be successful, they are struggling to accept the reasons behind their application not being successful when they can see that so many people missed out on the opportunities presented by a scheme that was supposed to help them. I hope that the minister will consider urging SNP members to support my amendment next week.

Finally, we have to look at the number of people involved in judging the applications. We were told, categorically, that no artificial intelligence was used to look at the applications, but the Scottish Conservatives know from the response to a freedom of information request that only six core staff looked at the applications, aided by perhaps another six support staff. They looked at them over the course of a month, which works out at about 10 minutes per application. I am not sure that we can guarantee that only humans looked at the applications if only 10 minutes were spent on each one.

A lot of questions remain. I hope that we get some answers from the minister in summing up. As I said, I will come back to the issue again on Tuesday.

**The Deputy Presiding Officer:** I call Mercedes Villalba, who joins us remotely.

17:19

**Mercedes Villalba (North East Scotland) (Lab):** Thank you, Deputy Presiding Officer—I am grateful for the opportunity to take part remotely this evening. I congratulate Liam McArthur on securing cross-party support for his motion and thank him for bringing the debate to the chamber.

I start my contribution for Labour by paying tribute to the thousands of land workers, crofters and farmers, both in the North East Scotland region and across Scotland, who already do an

immense amount to put food on our tables and to care for our natural environment and biodiversity.

Let us remember what the stated objectives of the future farming investment scheme were: to improve sustainability, to restore and enhance the environment, to reduce greenhouse gas emissions and to mitigate the effects of climate breakdown. In that context, it is hard to understand why the vast majority of the scheme has been allowed to go to big agricultural landowners and megafarms, or why the majority of the fund is going to parts of Scotland where land is favourable, with only a fraction going to less favourable areas. It means that the scheme looks increasingly like a missed opportunity to rethink where our farming funding should be going. In contrast, Scottish Labour believes that more should be going to smallholders, crofters, land workers and regenerative farmers, and to support for small and local businesses.

**Jim Fairlie:** On Mercedes Villalba's point about big landholders, does she not recognise that big landholders in arable places have every bit as much to add to our biodiversity targets and the other targets that are part of the scheme, if not more, given the scale that they work on? That is vital to ensuring that Scotland is a leader in sustainable and regenerative agriculture.

**Mercedes Villalba:** I thank the minister for his intervention, but, as the motion for debate points out, although, in theory, the scheme

"was targeted towards islanders, new entrants, young farmers and tenant farmers",

in practice, it has failed to deliver for small farmers. In some areas, 93.9 per cent of applicants are rejected in the first place as irregular, without so much as an assessment. For the Inverurie and district ward in the north-east, fewer than 28 per cent of initial applicants received anything at all. Clearly, something has gone very wrong with the scheme.

Today's debate is not about which geographical region is most deserving of the funding, nor is it about litigating failures of the scheme for the sake of it. What the motion quite reasonably calls for, which Labour supports, is for the Scottish Government to publish its review of the future farming investment scheme and provide further clarity on how the scheme's funding was allocated.

As it stands, the mishandling of the scheme appears to be systematic instead of simply teething problems, as one member described it. It is an example of the Scottish National Party's systematic approach to rural and island farming communities across Scotland. The SNP Government appears to be content to let big agribusiness reign at the expense of smallholders, islanders and young entrants. So far, the SNP has

failed to support crofters and small producers in rural communities, and the millions of pounds given to big agriculture through the future farming investment scheme is only the latest in a long line of botched farming policies from the SNP, which repeatedly seeks to give financial handouts to large-scale industrial agriculture at the expense of smallholders and crofters. Just recently, under proposals on fruit and veg, the Minister for Agriculture and Connectivity wanted to limit funding to just three producers, which would have excluded small growers and crofters.

There is still time to change course. We must make the future farming investment scheme fit for purpose and fit for the future. That is possible, clearly, but the Scottish Government can and should go further. It could investigate the problems with the 3-hectare minimum threshold for agricultural subsidies so that all active land workers can make a decent living, regardless of scale, and so that we can boost home-grown short supply chain food security. By prioritising nature-friendly and regenerative farming, the agriculture sector can lead the way in mainstreaming environmental and biodiversity action.

17:24

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I remind members of my entry in the register of members' interests as a partner in a farming business and an applicant to the future farming investment scheme.

I congratulate Liam McArthur on bringing the debate to the chamber and on providing members with another opportunity to raise concerns about what is a major issue for many farmers and crofters in communities in the Highlands and Islands. The future farming investment scheme promised much to those communities but, unfortunately, as we have already heard today and as has been raised here many times by me and by colleagues such as Douglas Ross, Tim Eagle and others across the chamber, its development and implementation were flawed.

Those flaws, which I am sure that Scottish ministers would prefer to call "challenges" or perhaps "teething problems", were baked in from the very start because, as is far too often the case, the Scottish Government failed to consult properly or to listen to the concerns of those who know best: our farmers and crofters.

Since the rejection emails started hitting inboxes, including that of our business in Orkney, which I mentioned, the Conservatives have tried to get the answers that individual businesses and our wider agricultural sector have sought, the simplest of which is on what basis applications were rejected. We need to know that because we need

to know how to apply better when the next scheme comes around.

Those of us in the farming community know that farming throws up many variables. We recognise that harvests fail, livestock die or are injured, and fuel and other costs go up. Some of the challenges that we face, including the family farm tax and increases in employer national insurance contributions, to name just two, are beyond the control of this Parliament, but Scottish ministers have a great deal of power to change things for the better and, in this case, the Scottish Government fell short.

As I mentioned previously, my Conservative colleagues and I have tried to get the answer that the sector wants. As Douglas Ross said, both he and I have tried to bring transparency to the FFIS through legislative amendments, but the SNP and others have combined to vote those down. We are bringing back those amendments, along with others on the subject, at stage 3 of the Natural Environment (Scotland) Bill next week, and I urge members of all parties, and certainly those who want to stand up for our farmers and crofters, to support those amendments.

Only yesterday, during rural questions, I asked the minister—or tried to ask the minister—to what extent the process had been automated. I did not get a clear answer, so I will ask him again now and I am happy to take an intervention if he is happy to make one. Although the minister stated that artificial intelligence had not been used in the verification and eligibility process, we know that an Excel-based program was used. I want to know whether applications could be deemed ineligible, and therefore unable to progress to the formal assessment stage, despite having had no human assessment whatsoever. I would be happy to take an intervention from the minister.

**Jim Fairlie:** You had your answer yesterday.

**Jamie Halcro Johnston:** I did not have an answer yesterday, which is why I have asked again today.

I am disappointed that the minister will not answer that question, because it is one of the concerns of farmers and crofters, not only because their applications may have been rejected solely by a computer program in that instance, but because the same thing might happen again in the future. We want clarification of that.

I do not doubt that the FFIS was conceived with good intentions, and we know that a great many farm businesses expressed an interest, but the volume of rejections and the lack of any transparency about why applications were rejected has left a legacy of resentment, anger and

frustration in our rural communities. The cabinet secretary has said that the FFIS is

“a powerful example of what can be achieved when we come together”,

but I am not sure that the sector feels at all as if we are working together with the Scottish Government. For many farmers and crofters, the scheme is yet another example of what happens when ministers and their officials at St Andrew's house or Victoria Quay in Edinburgh rush out policies that they have not properly consulted on. It has become just another example of a policy created here in Edinburgh that fails to meet the needs of the rural and island communities that I represent.

Although I know that ministers will keep defending the scheme and their management of it, I hope that, at least behind the scenes, they will be humble enough to accept that some serious lessons must be learned from its failure to deliver what it promised for our farmers and crofters.

**The Deputy Presiding Officer:** I call the minister, Jim Fairlie, to respond to the debate.

17:28

**The Minister for Agriculture and Connectivity (Jim Fairlie):** A number of points have been made during the debate so I will say a couple of things before I actually get into my main notes.

We give farmers the opportunity to select their own items. A farmer in Orkney entered seven items in a single-item claim, when, if that farmer had read the guidance, they would have understood that those should have been seven different claims. That therefore led to a rejection.

Data for the agriculture scheme is not collected on a Scottish Parliament constituency basis, but we might be able to do something on that if it is going to give satisfaction to people and help them to understand what we were doing.

We are taking lessons from the scheme that we put forward, but I say this: in delivering the scheme, the Scottish Government delivered a really good thing; the future farming investment scheme is a good thing. We worked with the industry and stakeholders, which resulted in an investment of more than £21 million, supporting 1,750 farmers and crofters across Scotland to improve efficiency, productivity and the environmental performance of their businesses. That investment is expected to stimulate more than £30 million-worth of economic activity across rural Scotland, benefiting local chains and local rural businesses.

Let us get some perspective. The funding was an additional investment, sitting on top of the most generous non-competitive direct support package for farmers and crofters anywhere in the United Kingdom. I am proud of this Government's record of supporting and investing in our crofting and farming communities. We have the basic payment scheme, the voluntary coupled support scheme, the less favoured area support scheme, the crofting agricultural grant scheme—the list goes on, and that is all in stark contrast to the car-crash policies that were introduced by the previous UK Government and that have been continued by the current Administration. Direct payments in England are being phased out, falling to a meagre £600 in 2026-27. Put simply, things are absolutely better in Scotland.

The future farming investment scheme was a discretionary and highly competitive grant scheme. No farmer or crofter was automatically entitled to a grant. Although we identified priority groups, that was not a guarantee of funding, as I have said before. Applications still had to be eligible and planned investments had to deliver against the scheme's objectives. Capital investments were assessed on their ability to deliver the scheme's objectives, which were to improve business efficiency and sustainability; to protect, restore or enhance the environment; to reduce greenhouse gas emissions and mitigate the effects of climate change; and to deliver wider public good. Investments that performed strongly across those criteria scored higher than the ones concerning more general items of farm equipment.

**Christine Grahame:** It is not in dispute that the scheme is a good idea, but one has to appreciate that there have been difficulties in relation to the ability of applicants to understand where they went wrong and where they went right. It seems that the minister is looking at gathering some regional data, which is good. It was also useful to hear him give an example of why an application failed—a single application was made for seven items when they should have been broken down into individual ones.

I know that, in his answer of 4 December, the minister gave some examples to Liam McArthur of why some applications failed, but why not publish them, so that the next set of applicants—if there is another scheme—will see the things that do not apply and why those applications failed?

**Jim Fairlie:** Christine Grahame raises some fair points, but I will touch on a lot of them as I go through the rest of my speaking notes.

Standard farm equipment might be valuable to an individual business but, in a highly competitive scheme, it does not score nearly as highly against

the scheme's objectives as other planned investments do.

It is also important to correct the claim that fewer than one in 10 small farms or crofts were supported. That figure is incorrect, and it arises from confusing the total applications with eligible applications. In reality, around 30 per cent of eligible farm and croft applications were supported.

It is important to be honest about the application quality. Across the scheme, a significant number of verification issues were identified where responses could not be confirmed against rural payments and inspection division records, or the investments were not described clearly enough to be able to support a decision to make a grant.

**Liam McArthur:** The minister is putting forward a robust defence, which is what I would expect him to do in those circumstances. However, the failure rate that Douglas Ross spoke about must give us pause for thought regarding whether the funding that was available was as well targeted as it might have been. The risk in the robustness of the response that the minister has given is that it does not necessarily give the impression that the Government is reflecting on what went wrong with the scheme, and that does not give the farming community confidence that those lessons will be learned and applied in future schemes.

**Jim Fairlie:** I dispute the point that Liam McArthur has just put to me. Earlier, right at the top of my speech, I said that we are taking all the lessons from the scheme and that we are learning from them. In anything that we do in the future, those lessons will be very much at the forefront of our minds.

**Jamie Halcro Johnston:** During stage 2 of the Natural Environment (Scotland) Bill, the Cabinet Secretary for Rural Affairs, Land Reform and Islands said that a review was being undertaken and that information would be published before the Christmas recess. Has it been published? Is that the update that happens to be on the FFIS website, or are we still waiting for it?

**Jim Fairlie:** Jamie Halcro Johnston has clearly read my notes, because that is literally in the next paragraph. We published a detailed assessment document before Christmas, and it sets out clearly how applications were verified, scored and ranked.

That material is publicly available and provides important context for understanding the outcomes of a highly competitive scheme. Ahead of its publication, I had a very candid discussion with NFU Scotland to highlight the issues that were identified across applications, including cases in which previous capital support had not been declared. There were a number of examples

where people did not put the correct information on their applications for the scheme, which is why they were declared ineligible.

It is also important to clear up the misconception that there were regional disadvantages. The assessment and scoring criteria were applied consistently across Scotland.

**Douglas Ross:** *[Made a request to intervene.]*

**Jim Fairlie:** Yes, I will take Douglas Ross's intervention.

**Douglas Ross:** I am grateful to the minister for taking so many interventions.

At the committee, I was certainly left under the impression that the cabinet secretary felt that applicants who had not been successful should wait for the review and see where they went wrong. Can the minister confirm or deny that any applicant will be able to look at the review and know why their individual application was not successful?

During the debate, he has been contesting some of the figures. Does he confirm that one figure that he is not contesting is the 40 per cent of applications that were ineligible? That figure is extremely high. Is that standard with schemes in his department, or is it an outlier that should have raised alarm bells in the rural affairs sector?

**Jim Fairlie:** As I have just stated, we published the detailed assessment of the documents before Christmas, and folk who had successful or unsuccessful applications can go to that assessment and measure their own applications against it. I cannot say for certain what the number of failed applications was, but I know that there were a lot of failed applications because people did not put in the correct information, for a number of different reasons—and that goes across all the sectors.

**Jamie Halcro Johnston:** *[Made a request to intervene.]*

**Jim Fairlie:** Jamie Halcro Johnston wants to make another intervention. Will I get the time back?

**The Deputy Presiding Officer:** Yes.

**Jamie Halcro Johnston:** I will be quick and, like other members, I am grateful to the minister.

Will the minister confirm that every one of the applications that were rejected will have had some sort of human oversight?

**Jim Fairlie:** You are asking me a question about the technical details of each individual application. I cannot give you an answer to that tonight, because I do not know who was sitting behind the desk looking at them.

It is important to clear up the misconception about the regional disadvantages. What made the difference was not location, but the type of investment proposed and how strongly it would deliver against the scheme's core objectives. In Orkney, for example, around 30 per cent of eligible applications were supported, compared with a national average of around 40 per cent. The same approach applied in Shetland, and all applications were assessed on exactly the same basis, using the same scoring criteria. The outcomes reflected the strength of the planned investment rather than the geographical location.

It is also worth putting comparisons in context, because Orkney farmers and crofters account for around 4 per cent of the 2025 single application form—SAF—applications. Comparing the number of awards in Orkney directly with Scotland as a whole, without reference to application volumes or eligibility, risks drawing misleading conclusions. Taken to its logical conclusion, that approach would suggest that the underlying distribution of farming business in itself is unfair, and it is plainly not.

I genuinely recognise the disappointment felt by those who were not successful, and we are listening carefully to the concerns that have been raised. We will work with the sector to ensure that, if future funds are delivered, they are more targeted and that limited funding is directed where it delivers the greatest impact.

I recall one particular conversation with a young farmer who quietly pointed out to me that, despite not personally having been successful, the scheme and the investment had been a positive development.

There is also a need for industry leadership. When it comes to competitive grant schemes such as the FFIS, to put it simply, the fact that people can apply for support does not necessarily mean that they should. That is something that members across the chamber should reflect on.

The scheme delivered significant investment in rural Scotland. It was delivered at pace, with a streamlined application process in response to the long-standing calls for us to reduce administrative burden, and the lessons learned will directly inform what comes next. This Government is committed to supporting and investing in our hard-working farmers and crofters, and that is what we will continue to do in the future.

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

*Meeting closed at 17:39.*

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