

*The rest of this Official Report will be published progressively as soon as the text is available.*

## Scottish Parliament

*Tuesday 3 February 2026*

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

### Time for Reflection

**The Presiding Officer (Alison Johnstone):** Good afternoon. The first item of business is time for reflection, and our time for reflection leader is Susan Macleod, who is a celebrant with the Humanist Society Scotland.

**Susan Macleod (Humanist Society Scotland):** Good afternoon, and thank you for the opportunity to share my reflections.

The year 1999 stands out as a pivotal moment in Scotland's history: it marked the beginning of this Parliament, when hope and pride filled the air as we, the people of Scotland, embarked on a journey to create something new and positive.

For me, 1999 was the year that I began my nursing career—a path that filled me with optimism and a sense of purpose as I entered a new era in my life. Nursing has profoundly shaped my world view, helping me to identify my thoughts and beliefs as being rooted in humanism.

Nursing also led me to relocate to Orkney in 2014. Although, I will never be an Orcadian, I have been warmly welcomed as an islander. This sense of belonging has deepened my appreciation for the enduring principles of humanism that resonate so strongly within island communities and Scottish democracy.

Humanism champions the inherent dignity and worth of every individual. It calls us to reason, compassion and the pursuit of knowledge—not merely for its own sake, but to improve our collective lives.

Island life is defined by community. Neighbours rely on one another to weather both literal and metaphorical storms. Here, the values of mutual respect, empathy and co-operation are not just ideals; they are daily necessities. Our shared humanity is the anchor that steadies us.

Those principles are also woven into the spirit of the Scottish Parliament. Our devolved Government was founded on the promise of openness, accountability and accessibility for all Scots, whether they reside in bustling cities or in the most remote islands. Your commitment to public service mirrors the humanist belief that our decisions should foster the wellbeing of everyone, especially those whose voices risk being overlooked.

Humanism teaches us to cherish diversity, celebrate local cultures and uphold individual rights. The islands, with their unique traditions and vibrant communities, remind us that progress must never come at the expense of identity or equality. This Parliament's commitment to island communities reflects that ethos, ensuring that policies are shaped by lived experience.

To conclude, humanism is not an abstract concept but a lived practice—a guiding light for the everyday kindness of islanders and the deliberations of our Parliament. By rooting our decisions in reason, compassion, experience and inclusivity, we create a Scotland where every island, every community and every individual can flourish.

### Business Motion

14:04

**The Presiding Officer (Alison Johnstone):** The next item of business is consideration of business motion S6M-20663, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 3 February 2026—

after

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

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insert

followed by Motion of Condolence

followed by Parliamentary Bureau Motions—[Graeme Dey.]

*Motion agreed to.*

## Motion of Condolence

14:05

**The Presiding Officer (Alison Johnstone):** Our next item of business is a debate on motion S6M-20640, in the name of John Swinney, on a motion of condolence.

Today, our flags fly at half mast as a mark of our respect for the Rt Hon Lord Wallace of Tankerness KC—Jim Wallace. We are honoured to welcome Jim's wife, Rosie, daughters Helen and Clare, brother Neil and other close family and friends to our gallery today.

The devolution referendum of 1997 was a major part of my political awakening, as I am sure it was for many in Scotland. It was an opportunity that spoke to a politics that sought to bring active democracy closer to the people. The question whether there should once more be a Scottish Parliament and what powers that Parliament might have was the debate of the time, and Jim Wallace's role in it cannot be overstated.

Jim Wallace was the most passionate of advocates for devolved government, and his persuasive and eloquent yet relatable contribution inspired confidence in the idea of this institution. He played a major part in securing the yes, yes vote that he worked so hard for, not just in TV and radio studios, but behind the scenes, where he worked collaboratively using the skills, experience and expertise that he carried so lightly and put to such great effect for the people of Scotland.

This is my 27th year in the Scottish Parliament, and I know that, without Jim Wallace, Parliament would be a different place—a lesser one. Jim lived our parliamentary values of wisdom, integrity, justice and compassion, which were constantly demonstrated through his incredible career. His steady hand in some challenging early days was just what was needed. Jim Wallace is a pillar of this Parliament.

I feel truly privileged to have had an opportunity, particularly in recent years, at formal and less formal events to get to know Jim better. From the kirkings of this session of Parliament to his visits as Moderator of the General Assembly of the Church of Scotland, I have learned so much from him. Most recently, we had great chats about family, fun and health.

Jim Wallace knew what mattered most to people. With the people of Scotland, the Parliament mourns his passing, gives heartfelt thanks for his contribution and shares our deepest condolences with his family.

14:07

**The First Minister (John Swinney):** Jim Wallace may not have designed the Scottish Parliament building in which we meet today, but we can say with absolute certainty that Jim Wallace was an architect of the Scottish Parliament.

Jim was a lifelong adherent of the Liberal tradition in Scotland. Although he led the Scottish Liberal Democrats, he first joined the Scottish Liberal Party, which emerged from a radical tradition of politics in our country, with a commitment in its foundations to home rule for Scotland. Consistent political support for the concept of Scottish self-government, pressure to establish a Scottish Parliament and the hard work to turn it into practice through the work of the consultative steering group were all part of the contribution that was made by Jim Wallace.

Jim was first elected to the United Kingdom Parliament in 1983, as MP for Orkney and Shetland. He followed in the footsteps of another great Liberal, Jo Grimond, and had to compete for his seat with the formidable champion of my party, Winnie Ewing. He held that seat for nearly two decades, and was always a tireless champion for island communities.

I got to know Jim well when I joined him in the House of Commons in 1997. I watched, with respect and admiration, a formidable parliamentarian—from whom I learned a great deal about how to be a parliamentarian—lead the arguments for the Liberal Democrats during the debates on the referendum legislation in 1997, and then the passage of what became the Scotland Act 1998, which paved the way for the establishment of the Scottish Parliament.

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It was little surprise that, in 1999, Jim opted to stand for Holyrood, for Orkney, the island archipelago where he lived and which he loved. Jim ushered the Liberal Democrats into government in 1999—the first time that Liberals had been in government in the United Kingdom since 1922—and assumed the role of Scotland's first Deputy First Minister, a role in which he served from 1999 to 2005. He served also as Minister for Justice and later as Minister for Enterprise and Lifelong Learning.

In that role, in 2004, Jim attended the United Nations to hear its secretary general, Kofi Annan, deliver the inaugural Robert Burns memorial lecture, on the theme of the state of the world and the brotherhood of man, calling for tolerance and coexistence among all peoples. I cannot be alone in thinking that those were themes that Jim Wallace championed throughout his political career and of which we could do with a great deal more in the world today.

As Deputy First Minister, Jim became acting First Minister three times, stepping in first when Donald Dewar became ill, and a second time upon his untimely death. Jim stepped in again following Henry McLeish's resignation. In doing so, he provided stability and a steady hand in times of unexpected upheaval. More than that, in this Parliament's early years, when it was yet to prove itself in the eyes of many Scots, Jim sought to ensure that it delivered what the people had voted for in 1997—a Parliament that worked together, across parties, to get things done and to improve life for all Scots.

In 2007, he became Baron Wallace of Tankerness and a member of the Calman commission on devolution, which recommended extending the powers of this Parliament. When the Liberal Democrats became part of the United Kingdom Government in 2010, Jim found himself back on the front line, serving for five years as Advocate General for Scotland. It was in that role that he brought forward the idea of using a section 30 order to give the Scottish Parliament the power to hold an independence referendum—a visionary move, in my eyes.

In all those roles, Jim offered an exemplary example of public service, but he still had more to give. In 2021, he was delighted, but also pretty daunted, to become the Moderator of the General Assembly of the Church of Scotland—one of only two elders since the reformation to hold that post. That was during Covid, and Jim—supported, as always, by Rosie—found a way of reaching people in those difficult days, supporting them and reassuring them that more hopeful days lay ahead. That was a year of great fulfilment for Jim, when he could share with others his deep Christian faith and how his faith had made him who he was, in a way that is often more difficult to do in politics. As moderator, he reached across the aisle, helping to bring the Church of Scotland into greater collaboration with the Episcopal and Catholic churches.

Throughout his life, Jim practised politics the way that politics ought to be practised—with passionate but respectful debate, with genuine collaboration and, above all, with the utmost compassion and devotion to those he served. That was the type of person he was—selfless and principled, a man of integrity, a man of decency.

Jim and I were clearly from different political traditions. We believed in different things and in different destinations for our country, but none of those differences stopped us respecting each other's contribution to our country's politics—never doubting each other's motives and always maintaining personal courtesy towards each other. At joyful moments in my life and at incredibly tough moments in my life, I would receive kindness from Jim Wallace, as did so many others.

When I became Deputy First Minister in 2014, Jim wrote to wish me well, as he put it, from one Deputy First Minister to another. He encouraged me to enjoy the role, especially the fun that was to be had when I stood in for the First Minister at First Minister's question time with, as he put it to me, all of the opportunity and none of the responsibility.

To mark the 25th anniversary of the establishment of the Scottish Parliament, I had the great privilege to welcome Jim and Rosie to Bute house in your presence, Presiding Officer. I felt that it was important that we marked a milestone in the life of our Parliament. One of its key founders should be welcomed to Bute house to acknowledge the significance of the occasion. It was so appropriate that both Jim and Rosie were there, so that I could acknowledge, on behalf of the whole country, the outstanding service that they have given to Scotland.

The last time that I questioned Jim in his capacity as acting First Minister, on 22 November 2001, it was at the end of a period of Labour political chaos. Generously, I said:

"Mr Wallace will not be here to answer questions next week, but I am sure that he will have to come back to rescue the Labour Administration when it implodes. Does he agree that it is not appropriate today for us to say goodbye, but that we should say merely, 'Au revoir'?"

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There is genuine and heartfelt sadness on my part today that we are here to say goodbye and not “au revoir” to Jim Wallace. He has been taken from us all far too soon. I have to give the last word of our exchange in 2001 to Jim. In reply to my impertinent question, the acting First Minister of the day said:

“On Mr Swinney’s final point, I say only this: when the history books are written it will be found that I might not have discharged the duties of First Minister for as long as other people did, but I probably did it more often.”—[*Official Report*, 22 November 2001; c 4119, 4120.]

It was a typical Jim Wallace quip, but he was right about his place in the history of Scotland’s story.

I end by expressing my own personal deepest sympathies and those of the Scottish Government and the people of Scotland to Jim’s wife Rosie, his mother Grace, his daughters Helen and Clare, his brother Neil and his grandchildren. They have all lost a dear loved one, and Scotland has lost one of her finest sons.

I move,

That the Parliament expresses its sadness at the sudden death of Lord Jim Wallace; appreciates his many years of outstanding public service and the high regard in which he was held as a Queen’s Counsel, MP for Shetland and Orkney and the first ever MSP for Orkney, his seven years as the first Deputy First Minister of Scotland, and latterly as member of the House of Lords; acknowledges his long service to the Church of Scotland as an elder at St Magnus Cathedral in Kirkwall and as Moderator of the General Assembly of the Church of Scotland from 2021 to 2022, and expresses deepest condolences to his wife, family and many friends.

14:17

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Presiding Officer, I start by thanking you and the First Minister for such heartfelt words. Jim’s family and my party have been overwhelmed by the kindness that has been shown to us in these difficult days. We are heart-sore at his loss, but the outpouring of love and respect that has come forth from all sides of the chamber has been such a balm at this difficult time.

A verse from the book of Micah reads:

“What does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?”

That verse was read to Church of Scotland congregations across the country on Sunday. It is just a part of the normal rhythms of the kirk at this time of year, yet those words speak to the qualities and life choices of Jim Wallace perhaps more than any other passage in scripture. Jim was a man of profound Christian faith. The values in those words speak to so much about his politics and his dedication to public service.

It was in Elphinstone hall at the University of Aberdeen, during the referendum campaign of 1997 to establish this Parliament, that I first heard Jim Wallace speak. I was just a student at the time, but that night he inspired me to recognise that I was a Liberal, that I absolutely agreed that there should be a Scottish Parliament and that I wanted to have the opportunity to serve in it one day.

This weekend, the rightly offered torrent of praise for Jim focused on his many achievements in the high offices that he held, but it is often forgotten just how much of this place we owe to him. He was central to the Constitutional Convention that made the case for devolution and, with the referendum won, he became an architect of our reconvened Parliament and of modern Scotland. He was a details man. He took great pride in—for want of a better word—the geekery of the Parliament’s formation and in helping to draft the conventions and standing orders that we still observe today. He loved this chamber. He was so proud of his involvement in its establishment and what it would go on to achieve. So much of that was made possible by his ability to work across party lines and, in particular, by his friendship with the late Donald Dewar.

Jim is celebrated for his ability to lay aside political tribalism and to reach for the better nature of his adversaries. There is such rancour in our politics today, so we could all learn something about his approach and lean into his legacy of doing politics through grace and reconciliation.

Although Jim was a man of towering intellect, he was largely bereft of technical know-how or any sort of co-ordination. Indeed, Rosie, his wife, described him as being completely haunless. One afternoon, she discovered him astride the ride-on lawnmower, having gone up and down their garden for hours, not realising that the filter was blocked and he had not clipped a single blade of grass.

We kicked off the first day of our election campaign in 2003 with a balloon launch. However, at the moment of the balloons’ release, the cameras of the nation’s media were not trained on the cascade of golden balloons ascending into the stratosphere; they were focused on the Deputy First Minister of Scotland, who had become hopelessly entangled in the fishing net that we had used to collect them. Indeed, our press officer Neil Mackinnon literally had to rip a button from his suit jacket to set him free.

However, we did not need Jim for his co-ordination or for his technical know-how; we needed him for his grasp of political strategy, for his stoicism and for his ability to discern the true north of our Liberal values.

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Nicol, Tavish, Willie and I, as his successors in leadership, have all turned to Jim for counsel and support. That is why I had no hesitation in appointing him as chair of our Scottish general election campaign in 2024. I am heartily glad that he lived to see the revival of our party, which he played such a role in, and the best election result for Liberals in his lifetime.

Although Jim was a mainstay of support to us, he could not have achieved anything without the bedrock of support that he received from his family, particular from his wife, Rosie. I love the story of how they met. It was the summer of 1979, and Jim had almost forgotten about the Shakespeare-themed fancy-dress party that he had been invited to in the neighbouring flat. It was after midnight when he finally remembered, so he shoved a couple of lilac bush branches down the back of his jumper and knocked on the door. Rosie, in full costume—this is the first time they met—answered the door, exclaiming, “I’m Titania, Queen of the Fairies. Who on earth are you?” He replied, “I’m Birnam Wood, come to Dunsinane.”

Rosie, Helen, Clare and Neil, thank you for helping Jim to become the giant that he was and for sharing him with us. We have so much love for you, and we will continue to hold you in the light that shines.

Jim Wallace acted justly, he loved mercy and he walked humbly with God. We are all the poorer now that he is gone, but this Parliament and this country are immeasurably richer because he lived.

14:23

**Murdo Fraser (Mid Scotland and Fife) (Con):** It was with enormous shock and sadness that we learned last week of the death of Jim Wallace, whom I had the privilege of knowing both as a political opponent and as a friend over many years.

The last time I saw Jim was back in September, at the Holyrood garden party at the botanic gardens, where we had a good chat and catch-up, typically over a drink. I knew that he had been through some major surgery, and I commended him on how well he was looking, but there were clearly underlying health issues that, very sadly, caught up with him at the much too young age of 71.

Over the past few days, a great deal has been written about Jim’s distinguished career as a lawyer, as a politician and in the church. Until the formation of the celebrated Conservative and Liberal Democrat UK coalition Government in 2010, he was the most senior Liberal to hold political office in Britain for decades, and he performed his duties as Deputy First Minister of Scotland with distinction. In the first session of this Parliament, he was a rock of stability through a period in which there were three Labour First Ministers—Jim was always there, on three occasions having to take on the role of acting First Minister.

Despite his genial manner, Jim was tougher than he looked, as anyone involved in discussions with him would quickly find out. However, he was straightforward and decent in his dealings, and it could truly be said that there was no side to him.

Jim was excellent company. I remember on many occasions sharing a pint and chewing over matters of mutual interest, not least talking football. There we had something in common, because along with Alasdair Morrison, Andy Kerr, myself and a few others, Jim was a member of that informal group known as the Holyrood true blues Rangers supporters club. One of Jim’s proudest moments came in May 2000, when, as Deputy First Minister, he attended the Scottish cup final and was asked to present the cup to the winning captain. That match was between Aberdeen and his beloved Rangers, and he could hardly contain his delight at handing it over to the Rangers captain, Arthur Numan, following a 4-0 victory.

Jim was also a man of faith. He was a loyal elder at St Magnus cathedral in Kirkwall for many years, and it was entirely fitting when he was appointed Moderator of the General Assembly of the Church of Scotland, where he took his duties as seriously as he had done when he was Deputy First Minister. More recently, he and Rosie sang in the choir at Dunblane cathedral, maintaining his lifelong link with the kirk.

When people die, there is always an urge to say how nice they were, even if that is not always entirely true. In Jim Wallace’s case, everyone can say that quite truthfully. He was, in all he did and in all his dealings with people, a genuinely nice man. In the words of the former First Minister, Jack McConnell, he was “the best of men”. On behalf of the Scottish Conservatives, I offer my sincerest condolences to Rosie, to Helen, to Clare, to Neil and to the wider family.

14:26

**Anas Sarwar (Glasgow) (Lab):** I start by saying how phenomenal the speeches have been. It is a genuine privilege to speak about the great man that was Jim Wallace. We are all deeply saddened by his passing.

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First and foremost, our thoughts are with his amazing wife, Rosie, his two daughters, Helen and Clare, and his brother, Neil. I know that they will feel his passing most deeply. I know how huge a part of their life he was, but they should be so proud of the man he was, what he dedicated his life to and what he achieved.

I also offer condolences to our friends in the Liberal Democrats. I know that they will feel his loss sharply, but he was honestly loved and respected right across the political spectrum, as they will have heard today.

When putting together my comments today, I was thinking about the words I would use to describe Jim Wallace—kindness, decency, wisdom, principle and dedication.

Kindness, because every single time you met him, he met you with warmth and enthusiastic encouragement, regardless of what politics you had.

Decency, because he believed in bringing people together. He did his politics through gentle persuasion, rather than through some of the more cut-and-thrust methods of modern political times.

Wisdom, because he could see ahead, and I know how significant a role he played in persuading Labour politicians about devolution and this Parliament, or indeed Scottish National Party politicians about devolution and this Parliament.

Principle, because he was such a proud believer in devolution and the Scottish Parliament, and he shares in all the successes that this Parliament has had. I know that there have been Labour First Ministers but they could not have done their job if they did not have a man of the stature of Jim Wallace alongside them.

Dedication, because he was dedicated to his family, to liberty, to public service, to faith, to Scotland and, of course, to Rangers, which was a deep passion of his.

In all the roles that he had, he was a unifier, whether as a member of Parliament, a member of the Scottish Parliament, Deputy First Minister, Advocate General or Moderator of the General Assembly of the Church of Scotland. He believed in bringing together people of all faiths and all political persuasions to make progress as a country.

I end with some words that Jim Wallace said when he was moderator:

“Today we must be ready to go out from our buildings, and get alongside people ... ‘in our towns and cities, in homes, around tables, in the fields at work’—

all in the good cause, to spread hope and humanity.

Jim Wallace leaves our politics poorer. He leaves our social circles poorer. He leaves Scotland poorer without him. He also leaves us with an example to follow—a life dedicated to public service, to ideals and to the great people of Scotland.

To Rosie and all his family, we send our deepest condolences. We were all so lucky to know him and to have him.

14:30

**Gillian Mackay (Central Scotland) (Green):** Jim Wallace was one of the founders of devolution. Without him, our Parliament would be a weaker and less ambitious place.

I did not know Jim Wallace on a personal level as well as many others did but, the few times that I met him, he was warm, funny and quick to offer genuine advice to a very new MSP who had a lot to learn. I regret that I have not had the pleasure of working with him or serving in this Parliament with him.

In preparing my remarks, I spoke to colleagues who had worked with Jim. Their view, as has been the case so far across the chamber, was unanimous. They describe an unwaveringly decent and kind person who took Parliament seriously and took Scotland seriously. When he worked, it was with integrity. When he disagreed with colleagues, it was always in a spirit of respect.

Jim was only the second person who was not a Kirk minister to take on the role of Moderator of the General Assembly of the Church of Scotland since the 16th century. Moderator is clearly a non-partisan, party-neutral role. Jim did what he had to do and resigned his membership of the Liberal Democrats for the year of his tenure—it was a commitment on his part that his public service was above party politics.

My co-leader Ross Greer was grateful to know a deeply thoughtful man with an unparalleled commitment to serving Scotland through both politics and the Kirk. His term coincided with Glasgow hosting the 26th United Nations climate change conference of the parties—the COP26 climate summit. That resulted in Ross’s personal highlight of the conference: forming a temporary double act with Jim for a guest lecture at Trinity

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College Glasgow about faith and small-g green politics. That experience illustrated Jim's commitment to public service, his love for his country and how his deeply held personal faith influenced his political life.

In this Parliament, we should remember the committed and dedicated voices who came before us and the wonderful legacies that they leave. We should be inspired by Jim Wallace's work and should try to conduct ourselves in the manner in which he conducted himself. A long-serving Liberal Democrat MSP, Deputy First Minister, acting First Minister and Moderator of the General Assembly, his commitment to public service can never be in doubt. His sudden loss will be keenly felt by colleagues in the Parliament, and I extend our condolences in particular to our colleagues in the Liberal Democrats.

Most of all, I send my condolences to Jim's friends and family. I sincerely hope that they take comfort in the universal affection and respect that have been expressed by MSPs across all parties.

14:33

**Willie Rennie (North East Fife) (LD):** Even though it seemed that Jim Wallace had lived many lives in one, he was taken from us far too soon. I worked for Jim as the party's chief executive during the first Scottish Parliament elections, and then with Jim when I became a parliamentary colleague and then leader.

There was so much that I learned from Jim. The first thing was his appetite for detail. When I was first appointed to the job, I visited him and the rest of the Scottish MPs at Westminster. I discovered them in a meeting room, immersed in the papers of the Scotland Bill as they drafted endless, copious amendments to it.

Fast forward a year to the consultative steering group. While other leaders delegated the task to other people in their parties, Jim stepped forward to craft the procedures and standing orders of this place.

I could not get it. I wanted to win votes, not to make rules, but Jim knew that the shape of this Parliament would leave an impression far more enduring than any short-lived campaign.

Although Jim had an affinity for the law and procedure, he understood the essential element of politics, which is good relationships. During the coalition agreements, we had a grand procedure called the dispute resolution procedure. People thought that it was a grand committee that would meet periodically, but it was just Jim and Donald Dewar, because they trusted each other implicitly. There were wars almost every week between the Liberal Democrat and Labour groups, but every single problem was solved by that group. That endured into a sound relationship with Jack McConnell, who spoke so movingly about Jim on the radio last week. They all trusted one another implicitly.

Finally, there was Jim's calm, respectful resilience. Jim endured many political crises through his 13 years as party leader, six years as Deputy First Minister, five years as a UK Government minister and 43 years as a parliamentarian in three different Parliaments. Most politicians would have copious amounts of baggage as a result of those experiences, but such was the mark of his success that he went on to occupy the position of moderator, which is probably the closest to God that you can get in the Church of Scotland.

Last year, following the memorial service reception for George Reid in this Parliament, with a fierce storm raging outside, I took the unusual step of skipping canvassing in Fife that day. Instead, I joined Nicol Stephen, Jeremy Purvis and Jim for a very long lunch. I am so glad that I did. We shared memories, we traded gossip, and we laughed and we laughed and we laughed.

14:37

**Liam McArthur (Orkney Islands) (LD):** I thank colleagues for their generous comments this afternoon, and I thank those who have been in touch over recent days with wonderful messages. I have drawn huge strength from those messages, and I know that the family have drawn comfort from the outpouring of affection and admiration that Alex Cole-Hamilton referred to.

Jim Wallace was my boss, my mentor and my good friend. He bears responsibility for getting me hooked on politics and, like boiling a frog, slowly drawing me into standing for election. I forgave him that, although his lifelong love of Rangers was slightly more difficult to overlook. In return, Jim did not sack me when I tabled an early day motion in his name at Westminster congratulating Celtic's Lisbon lions on the 25th anniversary of their historic European cup triumph—Jim was on holiday at the time. I was his researcher, special adviser and speechwriter, although I note that Jim never delivered a word that I wrote. Me delivering this speech feels deeply ironic in some senses. Even so, I can claim credit for Jim telling the now-infamous goat joke at the Orkney rugby club dinner in 1991—thankfully, it was not career ending for either of us.

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Originally from Annan, Jim was a born-again islander, and he was fiercely proud of being Orcadian. For more than four decades, he represented the interests of islanders and our island communities with tenacity, diligence and selflessness, providing calm in times of crisis and always being approachable. The people who he served with such distinction in Orkney and Shetland are feeling his loss deeply right now. One person who I spoke to at the weekend even admitted that recent media reporting and tributes provided a timely reminder that Jim was so much more than just an excellent constituency MP and MSP, although that was always his number 1 priority.

Jim got things done in Government, in Opposition and outside of politics. He was fiercely intelligent, but he wore that intelligence lightly. I am far from alone, as we have heard in the debate, in having benefited from his wisdom—a wisdom that drew on his humanity, empathy and humility, which was no doubt a product of his deep faith.

With regard to this place, Jim was an architect of devolution, who helped very deliberately to create a Parliament that would require politicians to work across party divides, not by sacrificing their principles or adopting some cosy consensus but by putting in the hard graft and having the patience to find agreement that actually delivered for people, communities and our country.

Jim rarely took credit for his achievements, and he certainly did not do so on a personal level. He steered clear of personal attacks and abrasive politics in debate that grabs headlines and followers and, as a result, was often underestimated, including by himself. Jim's was a style of politics that elevated persistence over performance, sound policy over soundbites and bringing people together rather than driving them apart. That feels like a style of politics that is needed in this Parliament and in this country more than ever.

I first encountered Jim at a hustings in Kirkwall grammar school during the 1983 election. In the dining hall that afternoon, Jim's insight, passion and humour cut through a wall of teenage indifference—or they did in my case, and, happily, with a sizeable majority of voters in Orkney and Shetland thereafter. I cannot think of anyone who has had a more profound influence since then on me or on my perspective about how we go about building a more liberal, tolerant and successful society. I have so many fond memories of time in Jim's company, plotting, planning or just gossiping, and always with laughter.

I am devastated by the sudden and untimely death of Jim Wallace. My heart goes out to Rosie, Helen and Clare, his mother Grace, brother Neil and the wider family who are having to deal with the loss of a husband, a father, a son, a brother, a grandpa and an uncle.

I am dealing with losing one of my closest friends, and folks in Orkney and Shetland, all the way down to Annan and beyond, are coming to terms with the loss of someone who the former First Minister Jack McConnell rightly described as the best of men. He really was the best of men.

**The Presiding Officer:** The question is, that motion S6M-20640, in the name of John Swinney, on a motion of condolence, be agreed to.

*Motion agreed to,*

That the Parliament expresses its sadness at the sudden death of Lord Jim Wallace; appreciates his many years of outstanding public service and the high regard in which he was held as a Queen's Counsel, MP for Shetland and Orkney and the first ever MSP for Orkney, his seven years as the first Deputy First Minister of Scotland, and latterly as member of the House of Lords; acknowledges his long service to the Church of Scotland as an elder at St Magnus Cathedral in Kirkwall and as Moderator of the General Assembly of the Church of Scotland from 2021 to 2022, and expresses deepest condolences to his wife, family and many friends.

*[Applause.]*

**The Presiding Officer:** We will now have a short pause before we move on with this afternoon's business.

## **Business Motion**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is consideration of business motion S6M-20664, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on changes to business. Any member who wishes to speak to the motion should press their request-to-speak button now.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 3 February 2026—

delete

*followed by* Stage 1 Debate: Prostitution (Offences and Support) (Scotland) Bill

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*followed by* Stage 1 Debate: Desecration of War Memorials (Scotland) Bill  
*and insert*

*followed by* Ministerial Statement: Scotland's Prison Population

*followed by* Stage 1 Debate: Desecration of War Memorials (Scotland) Bill

*followed by* Stage 1 Debate: Prostitution (Offences and Support) (Scotland) Bill

*followed by* Ministerial Statement: Scottish Hospitals Inquiry

*delete*

5.55 pm Decision Time

*and insert*

6.20 pm Decision Time

(b) Thursday 5 February 2026—

*after*

*followed by* Stage 1 Debate: Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

*insert*

*followed by* Financial Resolution: Restraint and Seclusion in Schools (Scotland) Bill—[*Graeme Dey.*]

**The Deputy Presiding Officer:** I call Gillian Mackay.

14:46

**Gillian Mackay (Central Scotland) (Green):** I want to be clear that the Greens will not oppose the business motion, but I want to raise the late notice of changes and its wider impact. Over the past few weeks, we have had a series of very late decision times, which have impacted those of us with caring responsibilities or other responsibilities at home. I hope that, as we go through the rest of the session, we will remember that we need to take the decisions in a timely manner and remember the impact that late changes have on everybody across the Parliament.

**The Deputy Presiding Officer:** I call the minister.

14:47

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** On behalf of the Parliamentary Bureau, I say to Gillian Mackay that her concerns are noted. I hope that, as a former business manager, she will appreciate that we had to balance a number of asks and pressures in coming to the schedule of business that we have arrived at, and some of those arose quite late in the day. We have to consider a number of pressures when scheduling business. People's childcare and other responsibilities, particularly when it comes to extended sittings, are always something that we consider—if we are sighted on them, of course. However, Gillian Mackay has given us something else to think about in relation to the moving of business within established timings, and I am sure that the bureau will reflect on that.

*Motion agreed to,*

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 3 February 2026—

*delete*

*followed by* Stage 1 Debate: Prostitution (Offences and Support) (Scotland) Bill

*followed by* Stage 1 Debate: Desecration of War Memorials (Scotland) Bill

*and insert*

*followed by* Ministerial Statement: Scotland's Prison Population

*followed by* Stage 1 Debate: Desecration of War Memorials (Scotland) Bill

*followed by* Stage 1 Debate: Prostitution (Offences and Support) (Scotland) Bill

*followed by* Ministerial Statement: Scottish Hospitals Inquiry

*delete*

5.55 pm Decision Time

*The rest of this Official Report will be published progressively as soon as the text is available.*

and insert

6.20 pm                      Decision Time

(b) Thursday 5 February 2026—

after

*followed by*                      Stage 1 Debate: Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

insert

*followed by*                      Financial Resolution: Restraint and Seclusion in Schools (Scotland) Bill

## Topical Question Time

14:48

### MV Glen Rosa (Public Funding)

**1. Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government, in light of the recent announcement that the total projected cost of MV Glen Rosa has risen by £12.5 million to £197.5 million, whether it will confirm how much further public funding will be required before the vessel enters service. (S6T-02875)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Last week, the chief executive of Ferguson Marine advised the Net Zero, Energy and Transport Committee that the estimated cost to finish building the Glen Rosa had increased by £7 million. To account for potential risks, the business has allocated an additional £5.5 million of contingency, resulting in a total forecast cost to complete of £197.5 million.

In line with normal practice, the Government is carefully assessing the information provided to understand the full implications of the revised timetable and costs. Although I understand that the final stages of building and testing a complex vessel are highly technical and some risks become clear only at that point in the process, the further delay and increased costs are still extremely disappointing, particularly for island communities that rely on these services. Ferguson has planned to hand over the vessel in quarter 4, and we would expect it to enter service six weeks after handover.

**Edward Mountain:** On 13 May last year, Graeme Thomson and the Deputy First Minister each wrote to the Net Zero, Energy and Transport Committee. Graeme Thomson said that he was “comfortable” with the new plan and the revised costings for the Glen Rosa. The Deputy First Minister stated the Government’s

“expectation that the senior leadership at Ferguson Marine must demonstrate capability and accountability in the delivery of MV Glen Rosa”.

Now that there is a further increase of £12.5 million—not £7.5 million; there was a contingency sum in there that, it was hoped, would never be spent—does the Government have any confidence in the board and new chief executive of Ferguson Marine?

**Kate Forbes:** I have great confidence in the board and the chief executive. As the member will know, Graeme Thomson was newly in the door at that point—I think that, by 13 May, which is the date that Edward Mountain cited, he had been in the job for about 13 days. We have also recently appointed a new chair. Between them, they probably have more experience of shipbuilding than any of their predecessors, so I have confidence in them. That does not take away in any way from how regrettable the latest change is.

**Edward Mountain:** Let us be clear. When the chief executive officer moved in, he delayed reporting to the Net Zero, Energy and Transport Committee so that he could find out the facts on the ground. He delayed that report and wrote that letter when he did. We will now end up with a ferry worth £55 million that has cost us £197.5 million. If Kate Forbes has confidence in the board while the rest of Scotland does not, surely she should resign from overseeing Ferguson Marine, because she has been ignored and her position has been totally undermined.

**Kate Forbes:** The member will recall that only about two months are left before I will no longer be in this place.

On the chief executive and the board, off the back of the changes that were made earlier last year, we put in place a new structure in order to query, challenge and scrutinise the figures. That is working well, and issues have been identified late in the process. We appreciate that that is far from ideal. However, the accuracy of the figures that have been put to the committee are being challenged by the Scottish Government,

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and the expectation is that the board and the chief executive, both of whom signed off on the most recent budget forecasts, will be held to account for the forecasts that they provided to the committee.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Given the new structure that has been referenced by the Deputy First Minister, can she provide reassurance that the Scottish Government continues to seek both social and economic best value in delivering vessels with Ferguson Marine?

**Kate Forbes:** My top priority has been the completion of the Glen Rosa, so that we are able to improve the lifeline services for our island communities through a more sustainable and better-quality service, which is what they deserve. Considerable time having been spent in the completion of the Glen Rosa, my firm view is that it must be completed as quickly as possible.

I also agree with Stuart McMillan, who has worked tirelessly to represent his constituents who work at Ferguson Marine and the wider community in Inverclyde, that we will continue to support the talented and dedicated workforce at the yard and ensure the best value for those who rely on the vessels.

**Katy Clark (West Scotland) (Lab):** Does the Deputy First Minister agree that this is yet another failure by the management, rather than the workforce, at Ferguson Marine? In her role as finance secretary, will she say more about what is being done to provide support to those who are suffering as a result of the situation—the islanders on Arran and the community in Ardrossan—and what financial support she is putting in place?

**Kate Forbes:** On a point of information, I am no longer the finance secretary, which is probably relevant to that question.

I think that Katy Clark's first point was about the talent of the workforce. I absolutely agree with her, in full, that the talent, ability and skills of the workforce were never in doubt. In the most recent tenders for new work, the feedback that has been received has pointed to the quality of the work and the need to build on that reputationally, in order to secure new work.

## **Qualifications Scotland**

**2. Martin Whitfield (South Scotland) (Lab):** I remind members of my declaration of interests. To ask the Scottish Government what its response is to reported concerns that pupils, parents and teachers may have to wait until 2031 for meaningful reform of the qualifications system, and that Qualifications Scotland will only be a rebrand of the Scottish Qualifications Authority, with many of the same structures and staff remaining in place. (S6T-02879)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Yesterday's launch of Qualifications Scotland and the recent announcement of the appointment of Ruth Binks to the role of His Majesty's chief inspector of education in Scotland are major milestones in re-establishing trust and confidence in the system following the passing of the Education (Scotland) Act 2025.

The new Qualifications Scotland board heads an overhauled governance structure, with recruitment to learner and teacher interest committees already under way. It will guide the school partnership team, led by Sarah Brown, an experienced headteacher, to ensure that Qualifications Scotland is shaped by the learners and practitioners whom it serves.

Change is already under way on rebalancing assessment methods and placing less reliance on high-stakes examinations, and work is progressing well on the curriculum improvement cycle, ensuring that curriculum change drives qualifications reform in a systematic way in the coming years.

**Martin Whitfield:** The cabinet secretary talked about re-establishing trust following the passing of the 2025 act, but it is children who are currently in primary 4 who will sit the new rebalanced assessments in 2031. It was in 2013 that this Government said that Scotland would be the best place in the world for a child to grow up. Why is it taking so long to reach that point? Can the cabinet secretary give families a clear assurance that the system that pupils will face in 2031 will be fairer and more reflective of their ability than the one that it is replacing?

**Jenny Gilruth:** I thank Mr Whitfield for his question, although I think that there was a little conflation there in relation to the timeline for the qualifications update, which I published back in June 2025. The detail that Mr Whitfield talked about is therefore not necessarily new. What happened yesterday was, of course, the official stepping up of Qualifications Scotland.

It is worth putting on the record today that much of the work on qualifications reform is already under way. As part of the work on rebalancing assessment methods, which the Government has accepted is important, we are placing less reliance on high-stakes examinations. Written examinations in practical cake craft, metalworking and woodworking at national 5 have already been removed.

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That work will be extended, with stakeholder engagement on the removal of exams under way for a further three practical subjects, and that is set to roll out in 2026-27. In terms of qualification design, the new product-type design phase started in autumn last year, with subject-level development from 2028, with the aim of new level 4 and 5 qualifications being aligned to the curriculum framework from 2031.

However, it is important in the broadest terms to accept that changes are already coming. On the member's point, curriculum improvement in its totality will look across the board—not just at the senior phase, but from the early years all the way through our curriculum—to ensure that the curriculum is fit for purpose and updated accordingly.

**Martin Whitfield:** The cabinet secretary talked about the rebalancing that sits at the heart of this. Can she say how many additional teachers or specialist staff will be in place to deliver these reforms, and by when? If she cannot answer that, does she accept that, without extra capacity, there is a risk of increasing teacher workload and undermining fairness for pupils?

**Jenny Gilruth:** I very much agree with Martin Whitfield's point about teacher workload. That is exactly why I have taken a pragmatic approach to the delivery of qualification reform. Like Mr Whitfield, I was in a classroom before I was in this place and I know that, at times, qualification reform the last time around felt as though it might have been dealt with in a better way. I have reflected on that as cabinet secretary, and it is important that we work with the profession.

As Martin Whitfield knows, the profession is currently balloting in relation to strike action on workload. I do not think that, as cabinet secretary, it would be in my best interests to rush forward qualification reform without listening to those concerns and working with the profession. I will continue to engage with the profession to that end.

The member also asked a substantial question about specialist staff. I have not yet been given advice to that end from Qualifications Scotland, but I will continue to engage with him on that. I am more than happy to meet him or to send him further written detail in relation to that specific point.

**Stephen Kerr (Central Scotland) (Con):** The last thing that we could accuse the cabinet secretary of is rushing forward with anything.

We warned the cabinet secretary at the time of the passage of the bill that Qualifications Scotland was simply going to be a renaming and rebranding of the SQA—a replating on the door. We warned the cabinet secretary at the time that we needed culture change, and it was not just us who gave that warning. We were simply quoting the Organisation for Economic Co-operation and Development, the Morgan, Muir, and Hayward reports, and the national discussion document—all those reviews and reports that cost a fortune to conduct, and all of which concluded that we need urgency in reform.

As Martin Whitfield said, the children who are—

**The Deputy Presiding Officer:** Can I have a question, Mr Kerr—

**Stephen Kerr:**—currently in primary school will not see any change—

**The Deputy Presiding Officer:** Mr Kerr, please resume your seat for a second. I was speaking. I asked you, because you are over your time, whether you could please pose a question. Could you please resume and pose a question? Thank you.

**Stephen Kerr:** I was not aware that I had a time, and I was trying to finish my question when you interrupted, Deputy Presiding Officer.

**The Deputy Presiding Officer:** You have around 45 seconds, Mr Kerr. Please ask your question.

**Stephen Kerr:** I was simply making the point that we will see no change in the lifetime of the next session of Parliament. How can the cabinet secretary be satisfied with such inertia when she knows that change is urgently required?

**The Deputy Presiding Officer:** The cabinet secretary will be aware that she has around a minute to respond.

**Jenny Gilruth:** I am well used to Mr Kerr's warnings and of course I always listen to the advice that he provides me with, which is exactly why, in relation to qualifications reform, I was really keen that we had a schools unit with a designated secondary headteacher working with the profession, for all the good reasons that Mr Kerr has set out in relation to culture change.

I accept the points that he makes in relation to the reports, but I do not need him to recount reports to me, because I was in a school before I was in this place and I know that we need to do better in engaging with

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the profession. That is exactly why Sarah Brown has come out of a school to lead on that important work, alongside a plethora of other classroom teachers who are qualified to deliver it, as well as improving the communication and the culture that Mr Kerr spoke about.

**Willie Rennie (North East Fife) (LD):** It has taken too long, but I am pleased that the SQA was scrapped and replaced by Qualifications Scotland. However, I am indeed concerned about pace, because we are 10 years on from the big promise to reform Scottish education and we have seen hardly any improvement in that time. The real issue is partnership. How can we make sure that the new qualifications body works with the rest of the education system? The previous body was seen as intransigent and slow. What has the cabinet secretary done to improve that?

**Jenny Gilruth:** I thank Mr Rennie for his question and, of course, for supporting the successful passage of the bill. On the points that we have talked about today, we should be mindful that Qualifications Scotland does not sit on its own in a silo. It is required to work with other bodies, as Mr Rennie has rightly pointed to, such as Education Scotland and the centre for teaching excellence. I encourage Mr Rennie, if he has time between now and the end of March, to go to Glasgow, as I did last week, to meet the teachers who have been seconded to that centre and who speak with passion about the continuing professional development opportunities that it is giving them.

More broadly, in terms of how these organisations work together, Mr Rennie will be aware of the work that we are leading on education reform, which also links to Mr Macpherson's responsibilities in this area, so we have a board that overlooks these bodies in their totality. I would be more than happy to set out a bit more detail on that to Mr Rennie later, as I am conscious of time today, but I assure him that there is oversight in relation to qualifications reform across the education portfolio; that oversight is not limited to schools and Qualifications Scotland.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Exam results for 2025 saw attainment rise across the board and an increase in the number of students achieving passes at all qualification levels. How is the Government working to ensure that any reform of the qualifications system continues to support the successes of Scotland's learners?

**Jenny Gilruth:** I thank the member for highlighting the achievements of our young people. A record number of vocational and technical qualifications were achieved in 2025, and we know that pass rates for national 4, national 5, higher and advanced higher were up compared with 2024.

We are making important changes to our curriculum, qualifications and assessment system, but the reforms have to protect and build on the key strengths within our curriculum and our approach to qualifications. The changes will make some important and much-needed improvements, as we have heard today, in relation to the rebalancing of qualifications requirements, recognising the changes in our education system, particularly post-pandemic, and the fact that we need to support our young people and recognise their broader achievements.

**The Deputy Presiding Officer:** Thank you, cabinet secretary. That concludes topical questions.

## **Prison Population**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by the Cabinet Secretary for Justice and Home Affairs, Angela Constance, on Scotland's prison population. The cabinet secretary will take questions at the end of her statement and so there should be no interventions or interruptions. I remind members that we are quite tight for time this afternoon, and I therefore expect succinct questions and answers to match. I also expect that the statement should last no longer than 10 minutes.

15:05

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** Throughout my tenure as justice secretary, I have taken significant steps both to strengthen our justice system and to address the rising prison population. I have also proactively kept Parliament up to date on this critical issue, and on any proposals and measures that we are taking, alongside a clear explanation as to why I believe that they are necessary.

In November 2024, the Parliament agreed to modify the release point for certain short-term prisoners so that they are released after serving 40 per cent, rather than 50 per cent, of their sentence. That change is projected to result in a sustained reduction of approximately 5 per cent across the sentenced population of short-term prisoners in comparison with the situation if no change had been made.

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The Scottish Prison Service has further optimised capacity in the existing estate to create 400 additional spaces in comparison with 2024. In addition, we have increased SPS capital funding to £355 million this year, with £458.5 million allocated next year to support the construction of two new prisons. HMP Highland, which is due for completion in late 2026, will provide 107 additional places, while HMP Glasgow, which is expected in 2028, will add 357 places.

We have also significantly increased investment in community justice, bringing the total funding for this financial year to £159 million. That investment has enabled expansion of the availability and use of alternatives to custody. In 2024-25, 1,500 bail supervision cases were commenced—the highest number in 10 years. The use of electronically monitored bail also remains high, with 1,470 cases recorded over the year. The use of community payback orders has grown, too, with 16,500 CPOs commenced in 2024-25; that is a 9 per cent increase on 2023-24 and the fifth-highest total in a decade.

In November 2025, Parliament approved a further emergency release of certain short-term prisoners. That measure included important safeguards to protect the public and victims, and we have worked in close partnership with the national health service, local authorities and the third sector to provide additional support on release in order to facilitate successful reintegration into communities. We have completed four tranches of emergency early releases, and 415 prisoners have been released to date; that figure is lower than expected. There are a further three tranches planned up to April, which it is estimated will result in a further 100 to 200 prisoners being released.

The action that the Government has taken has been necessary to ensure the safe running of our prison estate for those in prison and, importantly, for our hard-working staff. All those measures could not have been implemented successfully without the hard work of Scottish Prison Service staff, justice social work services and a range of other partners, and I thank them for their dedication and commitment.

Despite the best efforts of the Government and our delivery partners, however, the prison population remains stubbornly high, and the current trajectory indicates that the upwards trend will continue. Today, the prison population is sitting at 8,301. As of 27 January, eight prisons are showing red risk status and 15 are shown as being close to, or over, their assessed capacity tolerance.

The continued rise in the prison population reflects the action that we have taken to strengthen the justice system. For example, the number of homicide victims in 2024-25 was the lowest since comparable records began in 1976, and recorded crime rates remain among the lowest in more than 50 years. However, at the same time, we are seeing more convictions for serious and organised crime, as well as for recent and historical sexual offences. That is testament to the work of Police Scotland and our courts, and it also reflects a confidence among the public in reporting sexual offences, knowing that that will be taken seriously.

Sentencing patterns have also changed, with considerably more people being sentenced for longer. The average custodial sentence length increased by 37 per cent between 2014-15 and 2023-24, which is a significant contributor to the growing number of long-term prisoners who are serving four years or more, and one that cannot be predicted. That means that, as well as having an increased, and increasing, prison population, the composition of our prison population has also changed considerably. Taken together, that creates significant risks for those who work and live in our prisons.

Those risks cannot be underestimated and the projections are clear. The emergency release provides only a temporary relief and will not reduce population pressures to a safe and sustainable level on its own, so further action is required.

That is why—alongside our work to prevent crime, expand prison capacity, reduce reoffending and strengthen alternatives to custody, which I am clear must all continue—I believe that additional changes to the automatic release point for certain short-term prisoners are now necessary to deliver a further, sustained reduction in the prison population.

Following careful consideration of the options that are available to me, I would like to notify the Parliament of my intention to carry out a short consultation with relevant partners on the issue, with the aim of laying secondary legislation next week for Parliament's approval. That is necessary to meet standing orders on Scottish statutory instruments and ensure that the regulations can be scrutinised ahead of Parliament's dissolution.

The consultation will seek views on changing the automatic release point for certain short-term prisoners, so that they serve 30 per cent of their sentence in custody, instead of 40 per cent. That would not apply to those serving sentences for domestic abuse and sexual offences. Unlike with emergency early release, the change would deliver a reduction that would be sustained over time.

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Protecting victims and public safety remains an absolute priority for this Government. I stress that the proposed changes would not apply to those serving long-term custodial sentences over four years or those serving sentences for domestic abuse and sexual offences. That recognises the particular concerns that can arise in relation to those offences and the considerable progress that has been made in recent years so that victims and survivors can have confidence in the justice system.

Let me make clear that this is not a decision that I have taken lightly. It remains crucial that those who pose the greatest risk of harm to the public are housed in prisons. However, it is also the case that there are too many people in our prisons and, like the rest of the United Kingdom, we remain an outlier among western nations in that regard.

Although the measure is required in the immediate term, we must look beyond that to a sustainable long-term position that reduces the reliance on custody and makes use of robust community alternatives. The sentencing and penal policy commission, which I established last year, is set to publish its recommendations shortly. I will return to Parliament following its publication.

We know that community sentences are more effective in reducing reoffending than short-term prison sentences, which disrupt families and adversely affect employment opportunities and stable housing. Managed release processes are therefore an important and recognised part of our justice system, supporting meaningful rehabilitation and reintegration into society.

Those leaving prison after a short-term sentence in Scotland are entitled to request throughcare support, which is provided through their local authority, a third sector organisation or the national voluntary service, Upside. Those services provide flexible and personalised support before, during and after release. They help prisoners to access support to find somewhere to stay, find a job and healthcare. We have seen that that can support successful reintegration and contribute to reduced risk of reoffending, less crime, fewer victims and safer communities. That is what we all want to see.

I believe that this action is necessary and that the proposed exclusions that I outlined strike the right balance between recognising the concerns of victims and survivors and supporting a sustained reduction in the prison population, which is essential in enabling our prison estate to function safely and effectively.

**The Deputy Presiding Officer :** The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow around 20 minutes, after which we will move on to the next item of business. It would be helpful if those members who wish to ask a question were to press their request-to-speak button.

**Liam Kerr (North East Scotland) (Con):** I thank the cabinet secretary for advance sight of her statement.

Criminals get up to four years for things such as drug offences, serious assault and possession of offensive weapons. There was a time when a sentence of four years meant four years. Then, for years, that came to mean automatic release at the halfway point. Since February 2020, such prisoners were let out after serving only 40 per cent of their sentence. In the past couple of years, we have also had several so-called emergency release programmes.

In December 2023, the prison population was just under 8,300. Today, it is just over 8,300. The Government's knee-jerk, unevidenced, panicked schemes have failed. The cabinet secretary has come to Parliament today talking at length about her inputs, but in just two paragraphs, we have learned that the only outputs will be hardened criminals, released after serving just 30 per cent of their sentence.

What research has been done that demonstrates that a 30 per cent release scheme will be any more successful than previous failed schemes? Has the cabinet secretary changed the previous failure of Government to keep any formal records of the risks, objectives and rationale related to prisoners being released early? In addition, in previous similar statements, the cabinet secretary focused on protections for victims; in this statement, she does no such thing. Does that not clearly show where the Government's priorities lie?

**Angela Constance:** Presiding Officer, with the greatest respect, I am not going to take lessons on supporting victims from a member who did not support the most recent victims bill. With regard to the member's trip down memory lane, it is almost a quarter of a century since I worked in the Prison Service and, at that point, short-term prisoners were automatically released halfway through their sentence.

However, I say to Mr Kerr, because his point about demonstrating outcomes is important, that of course we can demonstrate the impact of the wide range of actions and steps that I have taken, directly or indirectly. One example is that after the implementation of the STP40 programme last year, the short-term prisoner population between February and November was reduced by 8 per cent. I can give other examples. However, Mr Kerr needs to recognise that, although the Government can take steps to manage the population, we

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know, for example—because we look closely at the detail—that the impact of the current early emergency release programme is lower than expected because of higher inflows into the system over the festive period and the use of the governor's veto.

It is key that we all step back from our rhetoric and look at and appreciate the evidence on why Scotland is such an outlier in having an exceptionally high prison population. Leaving aside the rhetoric, it does not serve our communities and people well to have an overpopulated prison population, because that is contrary to achieving safety in our communities.

**The Deputy Presiding Officer** : Thank you, cabinet secretary. We will need briefer answers.

**Pauline McNeill (Glasgow) (Lab)**: The prison system has been in a constant state of crisis for some time—it is not using “rhetoric” to say so.

Every few months, we come to the chamber to hear a statement about more offenders being let out early through one scheme or another. It was just over a year ago that Parliament agreed to change the release date for short-term prisoners from 50 per cent to 40 per cent of their sentence served. Today, we have been asked to move that further, to 30 per cent, with only a short time in which to consult on the proposal. Where does this end for victims, who will be alarmed that some offenders will now serve only 30 per cent of their sentence?

I ask the cabinet secretary for full transparency and detail on the crime profile of those offenders who will now be eligible for permanent early release if that further reduction in time served is implemented. What type of offences have they committed? The public deserve to know that.

**Angela Constance**: As I said in my statement, the prisoners who will be excluded will be those who are serving a prison sentence of less than four years for domestic violence and sexual offences. The member will be well aware that there are a wide range of other offences. We are beholden to deliver a sustainable prison population, because that is in the interests of the health, safety and welfare of staff and in the interests of the communities that we serve. The advantage of looking at the automatic release point for certain prisoners is that that will give us a sustainable reduction.

I have to say to Ms McNeill that what we are wrestling with in Scotland is not unique to Scotland. There are similarities between the action that has been taken in Scotland and that which has been taken south of the border. I say that not to demur from my responsibilities, but by way of context. We know that the Tories released 10,000 prisoners early, without a hi or a bye to parliamentary accountability. We know that the Labour Party continued with that scheme until its current measures kicked in. We know that the UK Labour Government—

**The Deputy Presiding Officer**: I have asked for succinct answers, and that really is not one at this point.

**Angela Constance**: Okay. I will respect that.

**The Deputy Presiding Officer**: I appreciate that it is an important matter, but a lot of members would like to ask their question and get an answer.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)**: The 37 per cent increase in the sentence length that the cabinet secretary mentioned merits further examination. I presume that, if that is an on-going trend, it will contribute to an increased prison population. Can the cabinet secretary set out what research or analysis the Scottish Courts and Tribunals Service might have undertaken to better understand why that increased sentence length is occurring?

**Angela Constance**: I am not aware of that research, but the increase is shown in statistics. The trend over the past decade has been driven by a range of factors. In part, it reflects the action that we have taken to strengthen the justice system. For example, we are seeing more convictions for serious organised crime and recent and historical sex offences. Also, the number of those sentenced to short-term sentences continues to remain high. As of 2 February—yesterday—there were 1,928 short-term prisoners, which is about 23 per cent of the entire prison population.

**Sharon Dowey (South Scotland) (Con)**: We have seen the High Court of Justiciary impose four-year custodial sentences for knife assaults that have caused severe injury, permanent disfigurement and even cases in which emergency brain surgery was required. Can the cabinet secretary confirm whether, under her proposals, offenders who are convicted of crimes of that gravity could be released after serving only around 30 per cent of their sentence? If so, how can she possibly expect the public to have confidence in the justice system when judges impose four years only for offenders to be released after little more than a year?

**Angela Constance**: Ms Dowey makes the underlying point that it is important that people understand more about how sentences are applied in this country and that, if a person is given a short-term sentence of just

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below four years, they will have an automatic release point that is less than that sentence. I agree with the point that more transparency and public awareness are needed on that.

It is not the Government's intention to create a hierarchy of offences. All offences have consequences for victims and communities. I am of the view that, in this instance, we can justify exemptions around violence against women and girls because of the historical barriers to not reporting it. Given the progress that has been made as a result of growing confidence in the justice system, we do not want to step back from that.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Evidence shows that those who serve sentences of less than a year reoffend nearly twice as often as those who are given a community payback order. Will the change that has been announced today reduce recidivism, or do we need further changes to community justice, including more investment, to stop the cycle of reoffending?

**Angela Constance:** As has been repeated in the chamber, the evidence is clear that community sentences are far more effective in reducing reoffending than short custodial sentences, and that leads to fewer victims and safer communities. That is why I have made it, in part, my mission to reduce the reliance on custody by increasing investment in community justice services. The forthcoming budget includes another increase and will take investment to £169 million. It is important to recognise the evidence and the statistics. A total of 1,500 bail supervision cases were commenced in 2024-25, which was the highest number in 10 years. The number of diversions from prosecution cases has also risen.

**Katy Clark (West Scotland) (Lab):** Only 2 per cent of this year's budget for justice and home affairs is assigned to community justice, and only 10 per cent of that community justice budget is to be spent on front-line services, which is a real-terms cut of 2 per cent. Local government has also faced cuts to its budget of about 50 per cent since 2010 and is unable to provide a range of services. The cabinet secretary and I have been in correspondence about this, but she must surely accept that we cannot have real-terms cuts to community justice in this year's budget.

**Angela Constance:** As I demonstrated at portfolio questions last week, we have not cut budgets for community justice. I am sure that I quoted a specific figure to Ms Clark that demonstrated that, for example, investment in community justice social work services has increased by more than 50 per cent over several years. I am happy to provide that figure again to Ms Clark, but I cannot overemphasise the importance of community justice in providing effective and robust justice that makes communities safer.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The number of people who receive short-term sentences of a year has remained stubbornly high, despite the presumption against them. Does the cabinet secretary have an annual breakdown of those who serve short-term sentences that she can provide today, or can she provide it to the Criminal Justice Committee ahead of our discussion on the Scottish statutory instrument?

**Angela Constance:** It is appropriate for me to recognise that the appropriate sentence in any given case is for the independent courts to decide. Although there is a longer-term trend away from shorter sentences, a high number continue to be imposed. We are undertaking further work to better understand how the presumption against short sentences currently operates. In the most recent figures, from 2023-24, 73 per cent of short-term sentences were for 12 months or less, and a further 15 per cent were for 24 months or less.

**Maggie Chapman (North East Scotland) (Green):** In her statement, the cabinet secretary mentioned the changed "composition" of the prison population and, when taken with the increasing prison population, the increased risks that that poses for prison staff as well as for those serving sentences. Can she say a bit more about those risks and the current impact on staff and prisoners, and can she set out why the proposed changes that she has outlined are vital in order to ensure the safety and wellbeing of prison staff, whose work is vital to reducing reoffending?

**Angela Constance:** The Scottish Prison Service—and therefore ministers—has a very clear responsibility to the health, safety and wellbeing of prisoners and staff. We must recognise that prison is not the end of the line. The work that happens in our prisons, although often hidden, is imperative to the safe reintegration and rehabilitation of prisoners. Right now, prison staff need to know that, collectively, we will pull together, do the hard yards and make the hard decisions that they require from us to be supported in their work. That is vital for a front-line service that has a direct bearing on the safety of our communities.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** The Prisoners (Early Release) (Scotland) Act 2025 required a review of the operation of the reduction of the automatic early release point to be published by this time next year. That is a really important part of post-legislative scrutiny. Will the cabinet secretary today commit to a review of the change that is being proposed this afternoon?

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**Angela Constance:** Ms Nicoll has raised a very important point of detail. Although the 2025 act requires a statutory review of the operation of the reduction of the release point for certain short-term prisoners from 50 to 40 per cent, the regulations cannot create a similar statutory duty, because they are secondary legislation. However, I commit that the Government will review the impact of the changes that are proposed under the regulations. That is vital, because regular monitoring allows us to keep measures under review and assess the impact on the prison population and on the communities to which released prisoners return.

**Liam McArthur (Orkney Islands) (LD):** I thank the cabinet secretary for early sight of her statement.

It appears that extraordinary emergency release measures have now become a routine tool for the Government in managing the prison population. However, I understand that, as of 1 January, the remand population was still more than 2,000, and some of those people are being held before their trial. What specific measures is the cabinet secretary taking to drive down the remand population, which remains stubbornly and unacceptably high?

**Angela Constance:** I stress to Mr McArthur that we most certainly are not normalising shorter-term, emergency-type measures. The reality is that we have had to take action that will provide outcomes in the immediate term. However, Mr McArthur is right that we must lift our eyes and find solutions for the medium and longer terms, and I assure him that we are engaged in that.

Remand is a very important part of that work. I note that 82 per cent of remand prisoners are detained under solemn proceedings and that 16 per cent are detained under summary proceedings, with the data being unclear for the other 2 per cent. The work of services such as Upside in supporting those who are released from remand is important, and we must continue to build on our work on alternatives to remand, including bail and supervised bail.

**Kevin Stewart (Aberdeen Central) (SNP):** The cabinet secretary has outlined the actions that have been taken to reduce the prison population over the past few years. Has she been able to assess the impact on the prison population? Has she also reflected on what the population would have been if the changes had not taken place?

**Angela Constance:** We have done some of that analytical work. Those in analytical services work very hard to track the impact of the decisions and actions that are taken. It is estimated that, if we had not implemented the short-term prisoner release programme—which is otherwise known as the STP40 programme—and the current early emergency release programme, our prison population would be between 8,780 and 9,010, so the action that we are taking is making a difference.

As I have said at each and every step when I have come to the Parliament, this is not the end of the journey. There is no one solution or step—there are many—and we must be prepared to undertake that journey.

**Douglas Ross (Highlands and Islands) (Con):** In her statement, the cabinet secretary said that the measures will not apply to prisoners who have been sentenced to more than four years in prison, because they pose the greatest risk of harm to others. Does she not understand that her Government's policy of putting men who have committed murder in female prisons poses a great risk of harm to others? Why is that bizarre policy continuing in Scotland? Why is her Government in court today, arguing that it should continue into the future?

**Angela Constance:** Although I am not going to comment on a live court case—[*Interruption.*—]I will get to the answer. With respect to the member, he will appreciate that I am not currently following the court case, which I believe is being live streamed.

I reiterate the evidence that I gave to the Criminal Justice Committee some time ago—evidence that the chief executive of the Scottish Prison Service also gave some time ago—on the current policy: no transgender woman with a history of violence against women and girls—

**Douglas Ross:** Man!

**The Deputy Presiding Officer:** Members!

**Angela Constance:**—who presents a risk of harm is placed in the female estate.

**Douglas Ross:** They are murderers!

**The Deputy Presiding Officer:** Mr Ross!

**Angela Constance:** I stress that, as a responsible Government, we must ensure that our policies comply with all our legal obligations, including the Scotland Act 1998, the European convention on human rights and the recent Supreme Court judgment.

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**The Deputy Presiding Officer:** Thank you, cabinet secretary. That concludes the statement. We will now move on to the next item of business.

## **Desecration of War Memorials (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-20628, in the name of Meghan Gallacher, on the Desecration of War Memorials (Scotland) Bill, at stage 1. I call Meghan Gallacher, the member in charge of the bill.

15:35

**Meghan Gallacher (Central Scotland) (Con):** I begin by thanking everyone who supported the development of my member's bill, particularly the staff of the non-Government bills unit for their exceptional assistance throughout the process and, of course, my wonderful office team. I also recognise and pay tribute to the members of the friends of Dennistoun war memorial group. Without their tenacity and commitment to changing the law, I would not be here speaking to the bill today.

In August 2018, the newly installed war memorial in Alexandra park was petrol bombed just days after its installation and weeks before its unveiling. I understood the anger and distress that that caused because, in 2019, a year later, the Duchess park war memorial in Motherwell was vandalised. I was the local councillor at the time, and I was appalled to see the words "scum of the earth" written beside the names of those who made the ultimate sacrifice. The Spanish civil war memorial, which is situated in the same park, was defaced two years later, in 2021, rightly prompting condemnation across the community.

Sadly, those incidents are not isolated. Desecration of war memorials often occurs during periods of heightened political tension, and the harm that is caused extends far beyond the physical damage. I have raised the issue in the Parliament previously, but the work that my office undertook in preparation for the bill found that, since 1966, there have been roughly 66 attacks on war memorials in Scotland. Although that number appears relatively low, almost 70 per cent have occurred since 2014.

These acts strike at community identity and the dignity of those who have served. That sense of injustice, particularly among the armed forces and veterans community, led me to introduce the bill. In its current form, the bill seeks to create a specific statutory offence of destroying, damaging or desecrating a war memorial, with enhanced penalties, on the basis that current law does not adequately reflect the seriousness or impact of those crimes. That is because war memorials are not given different consideration and desecrating them is usually considered to be within the same bracket of offence as desecrating a lamp post or a post box. I just do not believe that that is right, given the historical, cultural and social significance of war memorials. As a member's bill, it is deliberately narrow in scope and it is intended to provide clarity and deterrence without overcomplication.

I am grateful to the Constitution, Europe, External Affairs and Culture Committee for its scrutiny. Unusually, the committee did not reach a conclusion on whether to recommend the general principles of the bill. Evidence from the Crown Office and the Scottish Government raised significant concerns, including that existing law already shows that such offences, if they were to be prosecuted, would not increase sentencing powers in practice and that a new offence is unlikely to improve detention, reporting or deterrence. However, from my reading of the stage 1 report, the committee sympathised with what I was trying to achieve. Incidentally, it is interesting to note that, when I gave evidence to members of the CEEAC Committee, every member represented a constituency or region that had at least one incident of a war memorial being desecrated. That shows that it is not an isolated event in one particular area of the country.

The committee also highlighted that courts already take account of community impact and trauma, that proving intent can be challenging and that a maximum sentence of 10 years could, in fact, be lower than what is available under current sentencing powers. In coming to my decision on how to proceed with the bill, I have reflected carefully on that evidence and on my responsibility to bring forward good law. I have also engaged constructively with the cabinet secretary, whom I thank for his approach, to explore potential and alternative ways forward, including the potential creation of a statutory aggravator, which was also suggested by the CEEAC Committee.

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** *rose—*

**The Deputy Presiding Officer:** I ask you to resume your seat for a second, Ms Gallacher. I have a point of order from the Cabinet Secretary for Constitution, External Affairs and Culture, Angus Robertson.

**Angus Robertson:** Sorry—I was actually seeking to make an intervention on Meghan Gallacher, if she will allow that at this stage.

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I commend Meghan Gallacher for pursuing this issue, about which there is cross-party consensus. Does she agree that the bill process has established that a statutory aggravation is key to legislative success and that, given that that is not possible to achieve in the bill before us, or by another means in the remainder of this session, all parties across the Parliament should commit to legislating at the earliest opportunity for such a statutory aggravation in the next parliamentary session?

**Meghan Gallacher:** I welcome that intervention from the cabinet secretary, and I agree. I am glad that we are having this discussion in the chamber today, where we are able to talk about it openly, and it will of course form part of the *Official Report*.

I again welcome the approach that the cabinet secretary has taken, and also the way in which we have discussed other ideas, such as extending our approach to cover different types of memorials and the review that he confirmed to me in a letter dated 26 January.

Although I remain absolutely committed to protecting war memorials and tackling the harm that is caused by desecration incidents, the Desecration of War Memorials (Scotland) Bill as drafted is not the most effective solution. Given the limited time that is left in this parliamentary session, and mindful that progressing the bill would require significant amendments, which have not been consulted on, I do not believe that it is right to push the bill to a vote today at stage 1. I do not want Parliament to be divided on what I believe is an important issue, especially when we are divided not necessarily on the principle but on the piece of proposed legislation that is before us.

I would much rather work with all parties to achieve the desired outcome. That is what our armed forces and veterans groups would expect from us, and I am keen to gather that consensus. I believe that, if the Scottish Government is true to its word and looks to legislate in this area—or if a Government of a different make-up chooses to legislate in this area—we could do something positive to reduce the number of attacks on our war memorials.

I will conclude by speaking directly to the armed forces and veterans groups who are the custodians of war memorials. Any attack on a war memorial, however large or small, is egregious, cruel, offensive and re-traumatising for everyone—for families who have lost a loved one in conflict and those who have served or are serving themselves.

The Desecration of War Memorials (Scotland) Bill might not be the answer today to prevent the mindless vandalism of war memorials across the country, but I will continue to work hard to ensure that better protections are put in place. The brave men and women whose names are etched into stone, who gave their lives for our freedom, deserve nothing less.

With that, Presiding Officer, I seek permission not to move the motion on the general principles of the bill. As soon as I return to my seat, I will write to the chief executive to withdraw my bill.

**The Deputy Presiding Officer:** Thank you, Ms Gallacher. It is now time to move on to the next item of business.

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. I wish to raise an issue in relation to rule 9.6.4 of standing orders, which states that,

“Once the lead committee has reported on the Bill, the Parliament shall consider the general principles of the Bill”,

and also in respect of the parts of standing orders that define the role of the Presiding Officer in determining any question as to the interpretation or application of standing orders. I have been in Parliament for a while now, and I do not recall us ever being in a situation where a bill is taken through the entire stage 1 process and is then withdrawn at the very last minute, when members are expecting to take the debate forward. The last thing that I want is to waste more time than the time that has already been wasted by the member who has brought the bill through the process—

**Members:** “Wasted”?

**Douglas Lumsden (North East Scotland) (Con):** What a disgrace!

**The Deputy Presiding Officer :** Members.

**Patrick Harvie:** —but I have been—*[Interruption.]*

**The Deputy Presiding Officer:** Please resume your seat, Mr Harvie.

Members, we will listen to the member who has the floor. That is Mr Harvie and not any member that I am currently looking at on the Conservative benches.

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**Patrick Harvie:** Thank you, Presiding Officer. I am a member of what has been the lead committee on the bill. My time, the time of my staff, the time of other members and their staff, and the time of parliamentary officials and external witnesses has been taken up not only in taking forward a stage 1 inquiry into a bill that I saw was palpably unnecessary from the moment I opened its first page—[*Interruption.*]

**Douglas Lumsden:** What about the greyhounds?

**The Deputy Presiding Officer:** Members.

**Patrick Harvie:** —but in preparing for a debate that we expected to take place today and which is clearly not necessary. Even the member in charge now admits that the whole bill is entirely unnecessary. [*Interruption.*]

**The Deputy Presiding Officer:** Members! Mr Harvie, will you please get to the point?

**Patrick Harvie:** In relation to the two parts of standing orders that I have raised, I ask whether the Presiding Officer is willing to begin a discussion with the Standards, Procedures and Public Appointments Committee to consider whether the provisions, standing orders and other rules of the Parliament are capable of ensuring that Parliament's time and capacity is not wasted in this unnecessary and disrespectful way in future.

**Meghan Gallacher:** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** I will respond to Mr Harvie, obviously, before I take another point of order. That is the normal process.

I thank Mr Harvie for advance notice of his point of order. The rule to which Mr Harvie refers relies on a motion to agree the general principles of the bill being moved by the member in charge of a bill. That has not happened today. In addition, the rules allow that a bill may be withdrawn at any time by the member in charge before the completion of stage 1. As stage 1 has not yet been completed, the rules allow the bill to be withdrawn today by the member in charge, which she has indicated that she will do.

I conclude by saying that it is of course open to any member to raise concerns about parliamentary procedures with the SPPA Committee. I now have a point of order from Meghan Gallacher.

**Meghan Gallacher:** I seek your guidance, Presiding Officer, because that was a disgusting and disgraceful intervention by Patrick Harvie. I have not wasted the Parliament's time. I have tried to seek consensus in bringing forward a piece of legislation that a veterans group asked me to bring to the Parliament in order to improve the lives of our veterans and armed forces community. I will never apologise for the work that I have undertaken in that field. I hope that Patrick Harvie reflects on his comments. [*Interruption.*]

**The Deputy Presiding Officer:** Ms Gallacher, will you please get to the point of order?

**Meghan Gallacher:** I will come to the point that I am trying to make. I have consulted the Presiding Officer's office, I have been in contact with the Cabinet Secretary for Constitution, External Affairs and Culture and I have tried to arrange business through my chief whip. Will the Presiding Officer advise members of any wrongdoing on my part under the standing orders? For members who do not understand the standing orders, could that advice perhaps be sent to them, so that they understand that I have not undertaken any wrongdoing in that regard?

**The Deputy Presiding Officer:** The matter was on the business bulletin and was called, and I think that that sets forth the position. The other points that Meghan Gallacher raised do not amount to a point of order, as I am sure that she is well aware; they are debating points.

I intend that we move to the next item of business to preserve some time for the rest of this afternoon's business, which other members might have an interest in. There will be a short pause before we do so.

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