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Tuesday 3 February 2026

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Tuesday 3 February 2026

CONTENTS

Col.

TIME FOR REFLECTION **1**
BUSINESS MOTION **3**
MOTION OF CONDOLENCE **4**
The Presiding Officer (Alison Johnstone) 4
The First Minister (John Swinney) 5
Alex Cole-Hamilton (Edinburgh Western) (LD) 8
Murdo Fraser (Mid Scotland and Fife) (Con) 10
Anas Sarwar (Glasgow) (Lab) 11
Gillian Mackay (Central Scotland) (Green) 12
Willie Rennie (North East Fife) (LD) 13
Liam McArthur (Orkney Islands) (LD) 14
BUSINESS MOTION **17**
Gillian Mackay (Central Scotland) (Green) 17
The Minister for Parliamentary Business and Veterans (Graeme Dey) 18
TOPICAL QUESTION TIME **20**
MV Glen Rosa (Public Funding) 20
Qualifications Scotland 22
PRISON POPULATION **27**
The Cabinet Secretary for Justice and Home Affairs (Angela Constance) 27
DESECRATION OF WAR MEMORIALS (SCOTLAND) BILL: STAGE 1 ..... **38**
Meghan Gallacher (Central Scotland) (Con) 38
PROSTITUTION (OFFENCES AND SUPPORT) (SCOTLAND) BILL: STAGE 1 ..... **44**
Ash Regan (Edinburgh Eastern) (Ind) 44
Audrey Nicoll (Aberdeen South and North Kincardine) (SNP) 48
Liam Kerr (North East Scotland) (Con) 57
Pauline McNeill (Glasgow) (Lab) 59
Maggie Chapman (North East Scotland) (Green) 61
Alex Cole-Hamilton (Edinburgh Western) (LD) 64
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP) 66
Sharon Dowey (South Scotland) (Con) 69
Michelle Thomson (Falkirk East) (SNP) 70
Rhoda Grant (Highlands and Islands) (Lab) 73
Stephen Kerr (Central Scotland) (Con) 75
Ruth Maguire (Cunninghame South) (SNP) 76
Fergus Ewing (Inverness and Nairn) (Ind) 77
Pam Gosal (West Scotland) (Con) 79
Douglas Ross (Highlands and Islands) (Con) 80
Graham Simpson (Central Scotland) (Reform) 82
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con) 83
Maggie Chapman 84
Katy Clark (West Scotland) (Lab) 86
Tess White (North East Scotland) (Con) 88
Siobhian Brown 90
Ash Regan 94
SCOTTISH HOSPITALS INQUIRY **99**
The Cabinet Secretary for Health and Social Care (Neil Gray) 99
CHILDREN'S WELLBEING AND SCHOOLS BILL **114**
The Cabinet Secretary for Education and Skills (Jenny Gilruth) 114
DECISION TIME **117**
SCOTTISH GAMES NETWORK'S "LEVEL UP SCOTLAND: A NATIONAL ACTION PLAN FOR THE SCOTTISH GAMES SECTOR" **120**
Michael Marra (North East Scotland) (Lab) 120
Clare Adamson (Motherwell and Wishaw) (SNP) 123

Maurice Golden (North East Scotland) (Con) 124
Daniel Johnson (Edinburgh Southern) (Lab) 125
Liam Kerr (North East Scotland) (Con) 127
Foysol Choudhury (Lothian) (Ind) 128
The Minister for Business and Employment (Richard Lochhead) 129

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

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 steadying 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 kirking 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.

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'?"

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. 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.

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 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.

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
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

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, 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.

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 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.

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.

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 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—and 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 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?

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.

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.

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.

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.

Prostitution (Offences and Support) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-20627, in the name of Ash Regan, on the Prostitution (Offences and Support) (Scotland) Bill at stage 1. I invite members who wish to participate in the debate to press their request-to-speak button now or as soon as possible.

15:49

Ash Regan (Edinburgh Eastern) (Ind): The world is watching. As the Jeffrey Epstein scandal finally unravels, it exposes something that survivors and whistleblowers have been telling us for decades: that sexual exploitation does not persist because no one knows about it; it persists because those with power choose not to act.

We must honestly ask ourselves today what Scotland can truly say that we have done. Have we listened to survivors, many of whom are in the gallery with us today? I am sad to say that, shamefully, very few in the chamber have listened to survivors. Too often, survivor voices have been drowned out by louder ones with platforms, enviable access to power and the presumption to speak over those who have lived experience. Politicians might write bold strategies on prostitution, but they repeatedly fail to confront the root cause of sexual exploitation, which is, of course, the demand to buy sex.

In the gallery today, and watching from home, are survivors who have tried time and again to be heard. They have submitted evidence, spoken to committees and attended parliamentary events, reliving their trauma not for themselves but to protect the next wee girl from what happened to them. Today, they have entrusted me with something profound: to be their agency, to speak truth to power and to ask this Parliament finally to act.

I will be absolutely clear about what the bill does. My unbuyable bill recognises prostitution for what it is—a system of exploitation and violence that is sustained by demand. It would decriminalise those who are sold, recognising them as people who are constrained by vulnerability and not as offenders, and it would place criminality and accountability where they have never properly sat in Scots law: with those who buy sexual access and those who profit from the sale of sexual access to human beings.

That is not radical. It would close a gap in the law that has existed for almost 20 years. Police Scotland is clear and is fully supportive of the idea

that buying sex is a form of exploitation that should be covered by law. The majority of those who sell sex are vulnerable and most are at risk of violence and therefore should be supported, not criminalised. The Crown Office and Procurator Fiscal Service tells us that, although such offending often happens behind closed doors, that

"does not mean … that the difficulties are insurmountable"—[*Official Report, Criminal Justice Committee*, 5 November 2025; c 2.]

The Lord Advocate is unequivocal and has said that

"those who purchase sex … are statistically more likely to perpetrate domestic abuse and other forms of violence against women and girls",

making this a matter of clear

"public interest and societal harm."

The United Nations special rapporteur on violence against women and girls has stated plainly that prostitution

"constitutes torture, inhuman and degrading treatment"

and is an aggravated form of male violence, facilitated by demand.

This bill is not out of time; it is overdue. Why do this now? Because exploitation is not going to wait for more reviews, more consultations or more Government strategies. The electorate did not send us to the chamber to observe the harms that are going on outside; they sent us here to act and to do something about that. Public support for the bill is strong, yet Scotland remains in the extraordinary position where protecting women and children from sexual exploitation was not a fully funded, year 1 priority for the Government, which, after 19 years in power, has still failed to act.

The Government's own expert adviser on grooming and child sexual exploitation, Professor Alexis Jay, said in 2018:

"The big issue here is tackling the problem of demand."

The demand for sex with children is growing worldwide. Most women who are in prostitution entered as children, many of them from the care system and many already carrying the scars of sexual abuse, domestic violence and trauma. Surely the public expect us and the Government to do everything in our power to protect those vulnerable women and children, so why will we not do that?

The UK Independent Anti-Slavery Commissioner has warned of a surge in trafficking, calling it a demand-led crime that grows faster than our ability to protect victims. This is a market where buyers believe that they are never going to be challenged, and that belief is our collective problem to solve in this place today. For nearly 20 years, inaction has allowed that belief that buyers have to harden.

I am sorry to say that, although the Parliament speaks eloquently and at length about equality, it is searching for reasons not to act where action is required. Inaction is not neutrality; it is a decision, and it has a cost. Dismissal of international evidence as being contested is not caution; it is intellectual laziness. The data exists if we choose to engage with it.

Sweden pioneered the equality model in 1999, criminalising the purchase of sex while supporting exit and recovery, and men consistently report a fear of legal consequences as being the primary deterrent. No Nordic model country has ever reversed its position. Instead, those countries have strengthened their laws, expanded their support and refined their enforcement. Once a society decides that human beings are not commodities, it does not go back from that position. That is what the global sex trade fears: losing its market of misery for profits.

The United Nations special rapporteur on violence against women and girls, Reem Alsalem, is clear that prostitution is incompatible with women's equality. Legal frameworks that normalise the buying of sex entrench violence and discrimination. Her message is that we have a duty to address demand, rather than to manage exploitation.

Sweden, Norway, Iceland, Ireland, France and Canada are all demonstrating positive outcomes of their laws. They have reduced demand, fewer people are in prostitution, they have improved safety and they have world-leading sexual health outcomes. In Sweden, there have been zero femicides in prostitution in 26 years. Sweden has the lowest demand for paid sex, it has world-leading HIV eradication, and it has strengthened laws to tackle online exploitation. That is not ideology—it is the evidence.

Let us remember Scotland's legislative history.

Rona Mackay (Strathkelvin and Bearsden) (SNP): [*Made a request to intervene*.]

Ash Regan: I will come to the member in a moment.

Since 2002, there have been nine bills or formal proposals on prostitution. There have been a dozen consultations, multiple expert groups and, in this instance, a full stage 1 scrutiny of a bill. If the answer is another commission, Parliament deserves to know the answer to this question: what is a commission going to tell us that two decades of evidence have not already shown us?

Deputy Presiding Officer, I will take the intervention, but only if I am going to be given the time back.

The Deputy Presiding Officer: You are already over your time, Ms Regan—

Ash Regan: Okay. I apologise, but—

The Deputy Presiding Officer: You are going to have to bring your remarks to a conclusion.

Ash Regan:—I would like to put on the record that I have repeatedly asked for more time for this debate. When I have taken bills through Parliament before, I have always wanted to take interventions, because that is an important part of steering legislation through. I am sorry, but not to be able to take interventions is a failure of the Parliament—

The Deputy Presiding Officer: Ms Regan, if you could resume your seat for a second.

Ash Regan: —and its duty to have a proper debate on this.

The Deputy Presiding Officer: Ms Regan, if you could resume your seat for a second. [*Interruption*.] No, I am asking you to resume your seat. Could you please resume your seat? I will allow you back in in a second. What I am saying to you is that the intervention came after the conclusion of your speaking time allowance, so it is not as if you were not able to take it because you did not have enough time. You were allocated eight minutes. I have given you additional time. If you could please bring your remarks to a conclusion, I would be grateful.

Ash Regan: I want to make a point to the chamber about the timing, because that is an issue that the Government has raised. We never seem to know our own history in here, so I note that the Prostitution (Public Places) (Scotland) Bill, which was passed in 2007, moved from introduction to enactment within a matter of months, and that was in an election year. Stage 1 was in January and stage 3 was in February. There was seemingly no panic about that bill, even though it was more complicated than this one.

We have to ask whose interests are being threatened. It is not the little girls in care homes who are vulnerable to grooming, not the women who, as we speak, are being trafficked in vans across Europe towards Scotland, not the students who are being lured in by free accommodation, not the abused, not the addicted and not the desperate women who are being coerced by debts and threats. That is the reality of prostitution.

The Deputy Presiding Officer: Please bring your remarks to a conclusion.

Ash Regan: Survivors have told us repeatedly that the loudest voices in the debate are from those who were never for sale. That is a scandal. One person told us that every delay tells men that they can keep doing what they are doing, and tells women that their lives do not matter.

The Deputy Presiding Officer: Bring your remarks to a conclusion, please, Ms Regan.

Ash Regan: Presiding Officer, I will. Unfortunately—again—the Parliament does not allocate enough time to the things that are desperately important, such as saving people's lives. The equally safe strategy recognises prostitution as violence against women and girls, yet ministers are asking the Parliament to vote against legislation that enacts that principle. Survivors will notice that contradiction, as will voters. After nearly two decades in power, delay is not caution but abdication. The world is watching. The Parliament must agree—and does agree, I think—that prostitution is violence against women. If members agree with that, I ask them please to vote for the principles of the bill. It will be a vote to hold to account the perpetrators of violence.

I move,

That the Parliament agrees to the general principles of the Prostitution (Offences and Support) (Scotland) Bill.

The Deputy Presiding Officer: I call Audrey Nicoll to speak on behalf of the Criminal Justice Committee, for up to seven minutes.

16:01

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am very pleased to open on behalf of the Criminal Justice Committee. At the outset, I advise members that I have limited time to set out some of the key details from our stage 1 report; I will therefore take interventions at the end, if there is time.

First, I thank our excellent clerking team for the support that we have come to expect over the years, and the Scottish Parliament information centre and participation and communities team colleagues who supported us through the complexities of trauma-informed engagement with witnesses with lived and living experience. Although I have a deep personal interest in tackling gender-based abuse in Scotland, I speak today as convener of, and on behalf of, the whole committee.

The committee approached our scrutiny in a constructive and collegiate manner, and there were many areas of common agreement. The committee is grateful to all who gave evidence, particularly those with lived and living experience. We appreciate the bravery and honesty with which they shared their experiences and insight.

In addition to our oral evidence sessions, the committee received a substantial volume of written evidence, which set out strongly held views across both sides of the debate. Our aim has been, within the time available, to allow individuals on both sides of the debate to set out their positions.

In considering the evidence, it cannot be overstated that our overriding collective objective is to reduce the harm that is associated with prostitution. The committee took a great deal of time to agree and prepare our conclusions and recommendations, and I will highlight the main findings in our stage 1 report.

The most controversial proposal in the bill is a new offence to criminalise the purchase of a sexual act. The challenge that we faced in our scrutiny was to determine the likely impact of that proposed new offence and whether, as drafted, it could achieve its stated aims. In the time that was available to the committee, we considered the impact of the proposed offence on demand and on related activities such as human trafficking and, importantly, the implications for policing, the prosecution of offences and the safety of women.

Much of the evidence in that policy area is highly contested, which made reaching conclusions very difficult. However, after careful consideration of the evidence, the committee reached some unanimous conclusions: first, prostitution causes untold harm and misery for many of those who are involved; and secondly, we are fully supportive of the overall goal of the member in charge of the bill to reform the laws on prostitution in order to reduce the demand for and prevalence of prostitution in Scotland.

However, we identified concerns with the bill as it was drafted. A key concern is whether a new criminal offence could be enforced in such a way as to reduce the amount of prostitution in Scotland, as stated in the policy memorandum.

Police Scotland stated:

"We would need to find a model that allows us to be satisfied that the crime of the purchase of sex is complete."—[*Official Report, Criminal Justice Committee*, 5 November 2025; c 9.]

The Crown Office stressed the importance of managing expectations with regard to the evidential difficulties in proving the offence. It is an offence that would invariably take place in private, that might be arranged online, and that could involve highly vulnerable individuals who might be reluctant to give evidence to secure a conviction.

We also heard concerns about the definition of a sexual act, including that behaviours excluded from the definition could be confusing.

Fergus Ewing (Inverness and Nairn) (Ind): Will the member take an intervention?

Audrey Nicoll: If Mr Ewing will bear with me, I will take his intervention if I have time at the end.

Our overriding concern is the evidence that we heard about the impact of the proposed offence as drafted on the safety of women. Supporters of the bill told us that there is no reliable evidence that the model proposed would make women more unsafe; however, we heard concerns that criminalising the buyer might drive prostitution underground and make it less safe for those selling it.

Ruth Maguire (Cunninghame South) (SNP): Will the member take an intervention?

Audrey Nicoll: I will come back to Ms Maguire if I have time.

We consider that there is more to be done to properly engage with and address the genuine concerns expressed that the offence would compromise women's safety.

On the other proposals in the bill, we believe that there is merit in the proposal to repeal the offence of soliciting. That was widely supported by witnesses, although the Scottish Government's view is that it would require further consultation. On the proposal to quash convictions for soliciting, we understand the policy intention, but we heard evidence that an alternative approach, based on pardons, would be preferable.

We agree with the general policy intention in the bill that individuals who are or have been in prostitution should receive assistance and support. However, we have concerns about the adequacy of the funding levels that are proposed in the bill.

The Deputy Presiding Officer: Ms Nicoll, if you could resume your seat. I call Michelle Thomson to make a point of order.

Michelle Thomson (Falkirk East) (SNP): On a point of order, Presiding Officer. Given the level of interest in the debate, it is reasonable to assume that everybody in the chamber will have read the stage 1 report — and, with respect to the convener, this is a debate. I therefore do not think that there is any material benefit to taking interventions after all the main points have been made, and so I wonder whether she would reflect on whether she is willing to have a debate.

The Deputy Presiding Officer: That is not a point of order.

Points of order should not be used to make interventions.

Audrey Nicoll: I thank Michelle Thomson for her intervention.

My position is that it is important that I set out the position of the committee. I am happy to take

interventions at the end of my contribution. If I may therefore proceed.

Taking into account all the evidence that we received, some committee members were content to recommend that the bill should progress to stage 2. Others considered that there is insufficient time to undertake the necessary detailed consultation and engagement to properly address the issue of women's safety and to make other necessary changes. Therefore, they do not consider that the bill should proceed beyond stage 1. However, we are all agreed that prostitution is a form of violence against women and girls, that its prevalence must be reduced and that further action is necessary as a matter of priority.

We were all of the view that, if passed at stage 1, significant amendments to the bill will be required to address the concerns that we have identified. If the bill is not to succeed, we set out some views on what should happen next, including the establishment of an independent commission. I note that the Scottish Government's response to our stage 1 report sets out a commitment to a commission that would identify options for the next Government to consider.

If I have time, I will now take interventions.

The Deputy Presiding Officer: You are over time now, Ms Nicoll.

I now call—

Audrey Nicoll: May I just conclude my remarks, Presiding Officer?

To conclude, I extend our thanks again to everyone who supported the committee's scrutiny, and I look forward to hearing members' contributions.

Douglas Ross (Highlands and Islands) (Con): On a point of order, Presiding Officer. I rise as someone who also hopes to speak in the debate. I note that the first two speakers—the member in charge of the bill and the convener of the lead committee—have both questioned the time constraints that have been allocated to it. That will only continue as more members seek to make points and, I hope, take and make interventions in a debate.

Therefore, I request that the Presiding Officer considers a motion without notice to extend the debate to allow future speakers full time to have a debate, including the member in charge when she is summing up, because the Parliament is able to change the rules at a whim to allow much to be debated late into the evening, and surely this is something that should be debated late into this evening.

The Deputy Presiding Officer: Thank you, Mr Ross. In response to your point of order, this is a matter that has been considered by the bureau at some length, including contributions from the member in charge and from all parties. On that basis, I am not minded to take a motion without notice. The next speaker is the minister, who has up to seven minutes.

16:10

The Minister for Victims and Community Safety (Siobhian Brown): I commend Ash Regan for the work that she has undertaken on the bill, which has brought prostitution to the top of the political agenda. Through the stage 1 process, Parliament has been able to hear directly from women who have lived experience of prostitution, which would not have happened were it not for the bill.

Ash Regan: Will the minister take an intervention on that point?

Siobhian Brown: Yes.

Ash Regan: I have been very concerned—I would have made an intervention on the committee convener had she had time to take it—about the seeming lack of comparativeness between those who advance the argument that they do not agree with the bill and say that they have lived experience, and survivors with lived experience. Can the minister explain why she met lobby groups and people who said that they did not agree with the bill, but she refused to meet the survivors, who could have told her about the real reality of prostitution?

Siobhian Brown: I am sorry, but I do not think that that is at all an accurate reflection from Ms Regan—absolutely not. [*Interruption*.]

As I have said throughout, the bill has reinforced the clear and unequivocal position that prostitution is violence against women and girls. [*Interruption.*] It is the Scottish Government's view, as set out in our equally safe strategy, that men should not be able to purchase sex—quite simply, women are not for sale.

I thank the committee for its scrutiny, which has been thoughtful and considered. I am also grateful to all those who have provided evidence and those who have written to and met me. I recognise that sharing personal experiences can be hard, and I am grateful to them for doing so.

Michelle Thomson: Will the minister take an intervention?

Siobhian Brown: I will take an intervention, but in a moment. I want to make a little bit of progress first.

I also acknowledge the important role that the cross-party group on commercial sexual

exploitation has played in ensuring that the social implications of commercial sexual exploitation, including trafficking and prostitution, have remained a matter of priority throughout this session of Parliament.

Members will be aware that, regretfully, the Scottish Government cannot support the bill at stage 1, due to the short time left in the session to address the significant issues. [*Interruption.*] I think that I need to be clear that the bill was introduced just eight months ago. If the member had introduced it in May 2024, we could maybe have worked together to get it in. [*Interruption.*]

Regretfully, the Scottish Government cannot support the bill. Although we strongly support the principle of criminalising those who purchase sex, the bill's aim is to protect women, and legislating on principle alone is not sufficient to ensure that we deliver that aim. It is necessary to have a workable, effective bill that can command the confidence of Parliament. [*Interruption.*]

I will take an intervention from Carol Mochan.

Carol Mochan (South Scotland) (Lab): I appreciate the minister taking an intervention. You say how important this is and that you think that it could be a bill that we could work with. Are there any amendments that would enable us to move forward with the bill?

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

Siobhian Brown: I will come to that. I do not believe that we can move forward with it, as we have only six weeks left. One of the issues is support. [*Interruption.*] There is no detail on support in the bill, and we would like to consult, especially with women who are currently in prostitution, on what support they would like. We would not have time to do that in the next couple of weeks, let alone months.

Those who provided evidence to the committee, and indeed the committee itself, have pointed to concerns that some women who are involved in prostitution say that their safety would be at risk. Without the necessary time to consult and to develop proposals to ensure their safety, we cannot support the bill as drafted. [*Interruption.*]

The committee's report clearly outlines the differing—

Michelle Thomson: Will the minister take an intervention?

Siobhian Brown: I will.

Michelle Thomson: I appreciate the minister taking an intervention. The Government has provided a shadow bill team to assist with other legislation on which it is neutral. Given that the principle behind the bill is a long-standing Scottish National Party policy, why has it not done so in this case?

Siobhian Brown: I am sorry, but we did not have the official support for a shadow bill team on this particular bill.

The committee's report clearly outlines the differing perspectives on the bill and offers a clear route map that should, I agree, lead to informed and deliverable next steps. Those next steps need to reflect and respond to how commercial sexual exploitation is taking place now, in 2026, and how the challenges of online activity—

Ruth Maguire: On online activity, will the minister give way?

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Will the minister take an intervention?

Siobhian Brown: —which did not exist when the Nordic model was first introduced, can be addressed.

Ruth Maguire: Will the minister give way on that point?

Siobhian Brown: I ask members if I can please make a bit of progress—[*Interruption*.]

I will take interventions, but there are people screaming from the back, and I think that we should show a little bit of respect.

Members: Oh!

Siobhian Brown: I will take an intervention from Ruth Maguire.

Ruth Maguire: I appreciate the minister giving way. With regard to tackling online prostitution, the Scottish Government, in response to the cross-party group on commercial sexual exploitation's 2021 report, "Online Pimping: An Inquiry into Sexual Exploitation Advertising Websites", was quick to point out that it did not have the levers to address online matters. It is therefore a little bit concerning that the Government is using that as a reason not to legislate on the matter.

Siobhian Brown: One of the issues is that it is a reserved matter. However, as I think that Police Scotland told the committee in its evidence sessions, online activity is a huge issue in prostitution these days, and it needs to be able to enforce any legislation that goes through. Even though it is a reserved matter, therefore, we need to put it all in context as we move forward.

The next steps that we take need to reflect and respond to how commercial sexual exploitation is taking place now, in 2026, and to ensure that the challenges of online activity, which did not exist when the Nordic model was first introduced, can

be addressed. That is why the Scottish Government welcomes and supports the committee's recommendation that an independent commission be established to consider those issues, with a clear remit and timescale for reporting.

I will outline three steps that the Government will take on the committee's recommendations. First, I have instructed officials to start work immediately on the establishment of a commission so that options are available for the responsible minister in the next Government. Those will be ready on their first day so that the next Government—as this Government will do if it is returned—can establish a commission at pace.

Ash Regan: Will the minister take an intervention?

Siobhian Brown: Secondly, if this Government is returned, we will ensure that such a commission is time limited so that legislation can be put before MSPs as early as possible, informed by the commission and by public consultation. I can commit today that my party will introduce such legislation.

Ash Regan: Will the minister take an intervention?

Siobhian Brown: Thirdly, the committee asked the Government to provide support for relevant support services. The draft budget includes £400,000 to further support implementation of our strategic approach to challenging demand for prostitution. We will also provide an additional £65,000 in the next financial year to the Women's Support Project, improving access to services and supporting women exiting prostitution.

I now turn to the detail of the bill—

Rachael Hamilton: Will the minister give way?

Siobhian Brown: Sorry, Presiding Officer—I have no time left.

Before I finish, I want to mention Police Scotland's national—

Rachael Hamilton: Will the minister give way?

Siobhian Brown: I am sorry—I do not have any time for interventions.

The Deputy Presiding Officer: The minister cannot give way.

Siobhian Brown: I conclude by saying, again, that I regret that we cannot support the bill as drafted, given that there is not sufficient time to develop the proposals and amendments that would be needed to address the very significant concerns that we have with it.

Douglas Ross: On a point of order, Presiding Officer. We have now heard the member in charge of the bill, the convener of the lead committee and the Government minister who is responding to the debate all claiming that they do not have enough time not only to take interventions—although the minister did—but to finish their remarks. What does it take to get you to agree to a motion without notice to extend the debate?

The Deputy Presiding Officer: Mr Ross, that is the same point of order that you raised before. I explained to you why I am not prepared to accept a motion without notice. The matter has been considered extensively by the Parliamentary Bureau over multiple sessions, and with the member in charge of the bill, and Parliament has set a timing motion, to which I am going to adhere.

Stephen Kerr (Central Scotland) (Con): On a point of order, Presiding Officer. Given what you have just said to the chamber about the many meetings of the bureau, here we are now, in the stage 1 debate, and we can see how things are going; many members had anticipated that it might be like this.

Is there a possibility—if things are not so inflexible in our Parliament—that the bureau could meet, as it has done on many occasions, at the back door of the chamber or in a committee room, and decide to give the flexibility that is clearly now needed, as Douglas Ross and other members have made clear, to properly consider the principles of the bill?

The Deputy Presiding Officer: Mr Kerr, that is a point of order that you may wish to raise with your business manager; it is not something on which I will opine at this stage. [*Interruption*.]

I am keen to protect the time that we have available. A number of members wish to participate in addition to those who had a right to speak in the debate. I am doing my best to ensure that they are able to do so by the end of the debate, but that will require members to stick to their speaking time allocations.

I call Liam Kerr. You have up to five minutes.

16:20

Liam Kerr (North East Scotland) (Con): At stage 1 of a bill, the Parliament debates the general principles of that bill, not whether it should become law. The bill before us seeks to reduce the amount of prostitution in Scotland because of the evidence of exploitation and the harms that it is causing. It does that principally by creating a new criminal offence of paying for sexual acts.

The minister accepts the fundamental principle of criminalising the purchase of sex, because, as she has said,

"prostitution is violence against women and girls."

On that, we agree.

The bill also proposes to repeal the offence of soliciting, to quash convictions for certain offences and to provide a right to assistance and support.

The minister says that the bill before us would require a great deal of work in order to achieve its goals. On that, I agree, too. For example, I have concerns about the definition of the offence of paying for the performance of a sexual act by a person. I have concerns about the quashing provisions, which may not be within competence and could offend the separation of powers. I am also concerned that Police Scotland has warned that the cost of the bill could be at least £320 million. In addition, I have significant concerns about the effect that the proposed offence might have on the safety of women who are involved in prostitution.

Michelle Thomson: [*Made a request to intervene*.]

Liam Kerr: May I come back to the member? I am sorry, but I really want to get to the next part of my speech first.

This is where I diverge completely from what the minister has just said. Surely, as Ash Regan passionately reminded us, if we have an opportunity to reduce violence against women and girls, we must explore it. That means progressing the bill to stage 2.

The minister says that there is insufficient time left to make the bill work. My observation is that, when the Government wants to do something, it finds the time to do it. When it wanted to release criminals early from prisons, it found time and avoided consultation by forcing through emergency legislation. When the Victims, Witnesses, and Justice Reform (Scotland) Bill initially contained the utterly appalling suggestion of removing trial by jury, the Government pushed it to stage 2, removed the entire part and then lodged nearly 300 stage 2 amendments, which were considered over four committee sittings.

Similarly, the Land Reform (Scotland) Bill had 550 stage 2 amendments, which were considered in five committee sittings over four weeks.

Siobhian Brown: Will the member take an intervention?

Liam Kerr: Not just now. The Natural Environment (Scotland) Bill had 350 stage 2 amendments, which were considered in four committee sittings. The Regulation of Legal Services (Scotland) Bill had 650 amendments, which were considered in two sittings.

There are seven and a half weeks left until dissolution. Perhaps there is a concern about the time for stage 3 amendments and debate. However, I recall being required to sit until 10.30 at night and restarting at 8 o'clock the following morning on the Government's performative and pejorative continuity bills. Just last week, we were here until 10 o'clock at night and then 10.30 the following night to debate 200 amendments in order to pass the Government's Natural Environment (Scotland) Bill. That suggests to me that the time is there, unless the Government does not want it to be.

There is one more key thing that concerns me. What became the Hate Crime and Public Order (Scotland) Act 2021 omitted sex as a protected characteristic in its new offences. Many MSPs tried to include it but, instead, the Government promised us a misogyny bill. It abandoned its promise last summer, citing a lack of time. Instead, the Government says that sex will now be added as a protected characteristic—from April 2027.

The minister said that there is not time for proper engagement and consultation. Just a fortnight ago, I stood in this very spot and heard a similar excuse for not bringing in a statutory offence of non-fatal strangulation, which is an act of violence that is disproportionately done by men to women. However, I have since discovered that the consultation will not finish until well into the next session of Parliament, despite the fact that the first clear mention of a statutory offence of non-fatal strangulation in this chamber that I can find was in December 2024.

As we have heard this afternoon, the consultation on letting criminals out after only 30 per cent of their sentence needed one week, but hey—at least we made time last week to pass stage 1 of the Greyhound Racing (Offences) (Scotland) Bill and send it to stage 2, even though there is no greyhound racing in Scotland.

Ash Regan's bill has as its aim the reduction of violence against women and girls. It is flawed, but it just might—with amendments and determination—achieve that protection and reduce the violence. If it might do that, we have a duty—an obligation—to try. The Government says that there is not time. I say that it must make the time. That is why I shall vote for the bill to proceed at decision time.

16:25

Pauline McNeill (Glasgow) (Lab): Let us be clear that prostitution is a form of violence against women and girls and that it can never be made safe. That is the Scottish Government's position. It is a mystery to me why the Government did not then put a promise to deal with the issue in its programme for government. Such an effort would have had the resources of Government behind it,

and we would not be talking right now about why we are running out of time to legislate on the issue.

Prostitution is a dangerous occupation, and in no other profession are women at such a risk of harm. We live in a world where men are dominant and more physically powerful, and the main perpetrators of violence against women and girls are men. Those facts were supported by the brave individuals who attended the Criminal Justice Committee to share their lived experience of assault, intimidation, rape and other forms of violence. Violence was described by many of them as normalised and frequently underreported. Its cumulative effect was long-term trauma, hypervigilance and symptoms consistent with complex post-traumatic stress disorder. Prostitution is simply not a job like any other.

The desire for prostitution to be reduced and women to be given real choices was shared by most of the witnesses we heard from. I thank all the women who gave us their views, whether for or against the bill—I respect every one of them. However, I want to be crystal clear that Scottish Labour does not support the decriminalisation model as implemented in New Zealand, where prostitution has been described as harmless fun for men and even empowering for women. We heard from a 19-year-old survivor who said that she was raped after consenting to oral sex. She described being powerless to set boundaries with men who simply take what they want.

The bill is based on the Nordic model, which criminalises the sex buyer while decriminalising the seller. The bill is fundamentally about recognising that prostitution is a guaranteed way to harm women and get away with it. It is also about women exiting prostitution and saying to them that it is okay to leave and that those who do will be supported.

There is strong evidence that countries that have implemented a form of the Nordic model also see a reduction in sex trafficking, which is a serious crime. Obviously, that is a distinct issue, but such a reduction alone would justify members supporting the general principles of the bill.

One thing is certain: we cannot continue with the current system, which criminalises vulnerable women but does not criminalise men. It looks as though we will get to the end of this parliamentary session and still not criminalise men, but still criminalise women.

People think that it is perfectly valid to buy women's bodies. Survivors have been brave enough to speak of the horrible things that they have experienced, such as being asked to wear their daughter's clothes or being gang-raped by friends. Those are just some of the examples that speak to the wider societal harm of allowing, as a concept, men to buy sex. If members saw the news last night, they will have seen that men are filming women on nights out, sharing that as online content and making a fortune out of it. We have to understand the wider harms of being able to sell sex. It is visible to everyone.

This Parliament, like every other Parliament across the world that claims that it will challenge the trajectory of male violence, must find a route to deal with the uneven power dynamic within prostitution, where it is overwhelmingly women who are exploited and men who are causing harm. To those who say that sex work is a choice, I say that it is not a true choice for most of the women in prostitution, who are driven into it through poverty and other traumatic circumstances.

We heard some evidence that decriminalising the sale of sex would allow for sex buyers to be screened, but others say that it is exceptionally difficult for women to refuse buyers. One former sex worker said that her most violent experience happened in a brothel. She was choked and hurt by a man, and when she begged him to stop, he did not. She recounted that there were panic buttons installed in the rooms, a buzzer entry system to the premises, a sign-in system where punters used fake names, cameras outside and other girls who promised to help if something went wrong. She said that, when it came down to it, none of those security measures made any difference. In the end, she said that you are shut in a room with a man who has purchased your body and is almost always going to be significantly stronger than you. She said that, in her experience, men thrive on anonymity.

Dr Emma Forbes from the Crown Office said that men who are involved in buying sex

"are more likely to be perpetrators of domestic abuse and involved in other forms of violence against women and girls more broadly in our society through their treatment of other women."

Rona Mackay: Does the member acknowledge that brothel keeping is not part of the bill?

Pauline McNeill: Yes, because brothel keeping is already an offence when it has not gone underground.

In a similar vein, Detective Superintendent Bertram said that, when dealing with men who buy sex, Police Scotland has found that most have

"really bad criminal histories involving violence against women, both within and outwith domestic settings, including a lot of serious offending through sexual crime."—[*Official Report, Criminal Justice Committee*, 5 November 2025; c 20, 21.]

I personally believe that a society that allows men to pay for sex in effect encourages men to view women as commodities, and I do not think that that can be isolated from ingrained misogyny

in society. I believe that, ultimately, prostitution feeds men's entitlement—that is what many survivors say—and, generally, women's lack of self-worth. On a societal level, allowing men to pay for sex works to maintain male dominance and female subordination.

As I said, I believe that the bill should have been a Government one, and the reasons why it is not are not clear. All committee members were completely dissatisfied with the time allowed to scrutinise the bill—on that point, we were as one. Today, we are dealing with the general principles. We are not dealing with a bill that is perfect, but we are being asked to support or not support the general principles.

Scottish Labour is clear that there would have to be further consideration of some of the bigger issues and some amendments to the bill, but today we will support its general principles at decision time.

16:31

Maggie Chapman (North East Scotland) (Green): The Scottish Greens support workers—retail workers, hospitality workers, healthcare workers, care workers and, yes, sex workers, because sex work is work. It might not be work that one agrees with. It might not be work that one would ever do. One might never procure the services of a sex worker, but some people do that work. Many of them do it of their own free will. They find it meaningful and fulfilling work. It earns them a good living and puts food on their table.

I accept that that is not the case for all. For those who turn to sex work out of sheer desperation, clear supports should be in place to allow them to get out of that work and into a job that they actually want to do. We cannot and must not ignore the systemic barriers that drive some people into sex work that they would prefer not to do: poverty, disability, caring responsibilities and a lack of viable alternatives. However, we also cannot legislate those issues away by punishing clients and, by extension, workers. Those who coerce or traffic sex workers should feel the full force of the law. However, when it comes to those who do that work, do it freely and get value from it, who are we to make it harder and less safe? We should never make policy without listening to those whom it impacts, and the vast majority of workers are against criminalising the purchase of sex.

Ruth Maguire: If prostitution is work like any other work, should we be offering it as work experience for young people? Should folk who are jobseekers have their benefits taken away if they refuse to do it?

Maggie Chapman: It is a different kind of work. Lots of types of work are not offered for work experience, to use the example that the member gives.

One of the important points about the bill is that many sex workers believe that it would make them less safe. Indeed, as one sex worker told the committee:

> "I currently fully vet all of my clients with legal ID and bank transfer deposits, the proposed bill will mean this will be unfeasible. I am safe as I know who I am encountering, but criminalising clients mean only those who are willing to break the law will seek out services, and therefore be less compliant with my current safety measures."

Ash Regan: Will the member take an intervention on that point?

Maggie Chapman: Amnesty International has documented the impact of end-demand legislation on the human rights of sex workers in Norway, Ireland and France, and found that it compromises sex worker safety by involving them in criminalisation as police look for clients, or it criminalises third parties such as landlords.

Evidence from other countries shows that making sex work less visible does not eliminate demand.

Ash Regan: That is not true.

Maggie Chapman: It merely pushes sex workers further underground, increasing their vulnerability to violence and abuse. Workers are forced into more precarious interactions in less safe locations, and with less ability to demand safer working conditions or agree on boundaries. That is not protection—that is punishment. That is even more likely with the bill, because it does not decriminalise brothel keeping, which is defined as situations where more than one sex worker works in the same place. Not permitting sex workers to legally work together indoors has the effect of making sex workers more isolated and more vulnerable to potential violence—in other words, it puts them more at risk of harm.

Sex workers will be more unsafe, not only from violent clients but from stigma and its associated harms. The stigma that is associated with prostitution prevents sex workers from getting appropriate healthcare, and criminalisation will stigmatise workers as well as clients. Evidence from around the world has shown a clear link between criminalisation and sex workers' increased risk of HIV, sexually transmitted infections and poor emotional health.

Ash Regan: No, it has not.

Maggie Chapman: That is why experts who have experienced the Nordic model support decriminalisation.

London School of Economics researchers conducted 210 formal interviews with sex workers,

police, social workers and policy makers in Sweden, Norway and Finland. Of those, 96 per cent opposed the sex-buyer laws in those countries. The research found that, even if sex workers are not directly criminalised, they are de facto penalised through the enforcement of intersecting immigration, third-party and fiscal policies. It found that policing still targets sex workers and that the ramifications include evictions and deportations.

I want to address the issue of the trafficking of people for sex work. Trafficking people to force them into sex work is reprehensible, but we do not need new law to tackle that, because it already exists. The English Collective of Prostitutes has said:

"We have to look at the effectiveness of the law in that regard and the effectiveness of the support for victims of trafficking, but that is completely unconnected to the question of criminalising clients."

The Criminal Justice Committee heard that there is no evidence from Sweden or other countries that laws that criminalise the purchase of sex have an impact on trafficking.

Ash Regan: No, that is not true.

Maggie Chapman: We can and should crack down on traffickers, but we can do that without harassing people who are just trying to earn a living.

There is another way, as sex workers have said. Full decriminalisation of sex work—of purchase and of running locations where sex work happens—can create the space for collective safety. It allows sex workers to work together, unionise, support one another and access healthcare, housing and social security, and to work in safe spaces without the looming threat of being dragged into criminal justice processes.

Scotland for Decrim argues that only by fully removing punitive laws do sex workers gain

"the power to choose when and how we work",

which is the power and the dignity of their labour that all workers should have.

Sex workers simply ask for that same treatment. As a Scottish Green, I believe deeply in harm reduction, social justice and bodily autonomy. Where sex work happens between consenting adults, I believe that the state should support them, not penalise them for how they choose to live and work.

The Deputy Presiding Officer: You need to conclude.

Maggie Chapman: We must trust sex workers with their own lives, listen to them and follow their demands. We stand for sex workers' rights in Scotland—for safety, dignity and freedom.

The Deputy Presiding Officer: Before I call the next speaker, could I please discourage members from shouting out from a sedentary position? I understand the frustration if an intervention is not accepted by the speaker, but it is up to the person with the microphone to decide whether to take the intervention.

16:39

Alex Cole-Hamilton (Edinburgh Western) (LD): Before I begin my remarks, I pay tribute to the member in charge of the bill. Although my party's position, which is a long-established policy, is at odds with hers, I recognise her tenacity, passion and commitment in relation to her work on the bill.

The bill proposes a number of changes to the current legal framework relating to sex work. In particular, it would introduce a new criminal offence, repeal the existing offence of soliciting for the purposes of prostitution in a public place, overturn convictions under that offence and place a statutory duty on ministers to provide support to people who currently work or have previously worked in prostitution. That support could include accommodation, financial and material assistance, counselling services and healthcare provision. I state at the outset that my party whole-heartedly agrees that access to appropriate support services is vital and that no one should be prevented from seeking help because of stigma and fear.

Fergus Ewing: If that is the case and if section 6, which is on the right to support, is supported by the Liberal Democrats—this is not my view, but a possible outcome is that part of the bill being the only part left—surely, logically, the Lib Dems should support the bill in order to allow that right to support to be passed by the Parliament and to do something good for the most abused women in the land.

Alex Cole-Hamilton: There are aspects of the bill that we absolutely support, but I will come on to the reasons why we cannot support it in its entirety.

Our position on the issue has been established for some time. We believe in decriminalising sex work in line with international best practice. We do not support the adoption of the model that is proposed in the bill. Our position is informed by the available evidence and by the experience of other jurisdictions.

Although the intention is that the bill will reduce harm, the criminalising of the purchase of sex has not consistently achieved that outcome in practice. Evidence from countries that have taken that

approach indicates that it can result in increased marginalisation of sex workers, reduced visibility of activity and additional barriers to accessing support services.

Ash Regan: The problem that we are wrestling with is that it is our job as legislators to engage with the data and the evidence. It is fine for people to have opinions. People can say, "I think this might be more safe," but that is not supported by the evidence. We analysed the evidence from the other side of the debate that was submitted to the committee—because the committee was unwilling to do so—and that evidence shows that the Nordic model is the only model that reduces harm.

Alex Cole-Hamilton: I recognise the work that the member in charge of the bill has done, but we have also done work in preparation for today's debate, and the experience of jurisdictions such as Australia suggests that what the member has said is not the case.

We cannot wish away prostitution. Given that it will forever exist, we must ensure that it happens in the safest possible way. That is why my party embraces the idea of decriminalisation and the evidence from jurisdictions that have gone before us.

Evidence from countries that have taken the approach of criminalisation indicates that it can result in increased marginalisation, as I said. The evidence also suggests that, when buyers are criminalised, sex workers might have less opportunity to assess risk, might be pushed towards more isolated locations and might be less likely to report concerns to the police. Those factors are relevant when assessing whether the approach that is proposed in the bill will deliver its stated objectives.

In contrast, in places where sex work has been decriminalised, the evidence points to improved engagement between sex workers and public authorities, increased reporting of violence and abuse, greater access to health and support services and improved working conditions. Decriminalisation has also been associated with a clearer distinction between consensual sex work and exploitation. It frees up police time to focus on harm, and it allows enforcement efforts to focus more directly on coercion, trafficking and abuse.

We recognise the inclusion in the bill of a duty on ministers to provide support. However, we are not persuaded that introducing a new criminal offence alongside that duty would represent the most effective or coherent policy framework. In our view, support services are more effective when they are delivered independently of criminalisation and when individuals can engage with services without fear of wider legal consequences.

For the Scottish Liberal Democrats, the central test of any legislation in this area—and this speaks to Fergus Ewing's intervention—is whether it demonstrably reduces harm, improves safety and enables access to support. On the basis of the available empirical evidence, we do not believe that the bill meets that test.

This is a complex policy area, and it is appropriate that Parliament debates it and considers a range of perspectives as a bill like this progresses. We will engage with the process in good faith if the bill passes tonight. However, for the reasons that I have set out, the Scottish Liberal Democrats cannot support the bill as it is.

The Deputy Presiding Officer: We now move to the open debate, and I call Jamie Hepburn to be followed by Sharon Dowey. You have up to six minutes, Mr Hepburn.

16:45

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I am grateful for the opportunity to speak in this stage 1 debate and to set out my perspective on the bill, which is informed by my experience as a member of the Criminal Justice Committee, which took evidence on it.

I recognise the work that Ash Regan has done to advance the bill. Having been responsible for taking forward various pieces of legislation as a Government minister, I know how onerous a task that can be. I do not therefore underestimate the challenges involved in advancing a member's bill. I am grateful to my colleagues on the committee for the collaborative and collegiate fashion in which we worked together to pull together a stage 1 report, which is as comprehensive a report as we could have pulled together in the time that was available to us. Indeed, Ash Regan welcomed the approach that we had taken when she was before the committee on 26 November.

I want to pick up on the matter of time, as it has been instrumental to where I have ended up on the bill. I do not believe that the committee has had the requisite time to consider the matters at hand in the bill. As Pauline McNeill set out, that is a shared perspective of all members of the committee, as is set out in paragraph 406 of our report. I believe that we would have benefited from more time to look at the bill in greater detail. With the bill being introduced just a month before the deadline for members' bills, we were left without the time to consider it as fully as I would have liked. That is not a criticism of the member in charge, as I recognise that she was unable to draw down support from the non-Government bills unit due to its lack of capacity. However, that has also informed my experience of considering the bill. We need to consider Parliament's capacity to support

its members to take forward and refine legislation. We are, after all, a legislature.

Michelle Thomson: During the stage 1 scrutiny, the committee sought comparative evidence from various other authorities and jurisdictions, such as the Republic of Ireland, Sweden, Northern Ireland and so on, and responses were received. The report says that correspondence was received, but, beyond noting its existence, it does not summarise, analyse, quote from or otherwise engage with the content. There was a period of two months between the final evidence being received and the publication of the stage 1 report, on 23 January. What was going on in those two months, which could have been used to address some of those things?

Jamie Hepburn: What was going on was consideration of the wide-ranging evidence that was provided to us, including the evidence that has been cited. All of that evidence is available for any member of this Parliament and the public to draw on. It has all been published and is publicly available. One of the challenges that we faced with some of the international evidence was the fact that there were competing points of view on that evidence. I will come to that again if I have time.

The stated purpose of the bill, as it is set out in the policy memorandum, is to reduce the amount of prostitution in Scotland, because of the evidence of exploitation and the harm that it is causing. I think that we all instinctively support ensuring the safety of women, who make up the overwhelming number of those who sell sex in Scotland. That is what we should strive for. It should be our collective aim, and it has been the starting point from which I have approached consideration of the bill.

I was taken with the point that was made in one of our evidence sessions by a witness who supports the bill and who said of prostitution:

"The Nordic model does not proclaim that it will make it safe. In my personal experience, it can never be made safe."—[*Official Report, Criminal Justice Committee*, 8 October 2025; c 5.]

The question that I was grappling with was whether the terms of the bill would make it more or less safe for those women and girls who are involved in the sale of sex.

In considering that, the committee has been confronted with different points of view. That which I considered to be the most important came from the women who had lived experience and who took their time to engage with the evidence-gathering process. I am grateful to them for doing so; it would not have been an easy thing for them to do. There is, at the very least, a perception among some of those who remain involved in the sale of sex that the provisions in the bill would make it less safe for them, and they have said so publicly. They have stated that on the record.

Ruth Maguire: Will the member give way?

Jamie Hepburn: I am afraid that I will not be giving way to Ms Maguire.

The arguments as to why they fear that to be the case have been well aired, and I will not rehearse all those arguments. They are all on the public record. Those concerns require to be taken seriously and not dismissed lightly, but, in the limited amount of time that we have had, I do not feel that we have been able to scrutinise this area adequately. I cannot earnestly say that I have been able to satisfy myself beyond any reasonable doubt that the bill would not make women who are selling sex less safe.

Ash Regan: This is directly on that point. Would the member and the committee have been able to satisfy themselves on that point a little bit better if they had not engaged with the lived-experience panel that was against the bill but had engaged in person with the survivors who are for the bill?

Jamie Hepburn: The committee made efforts through an organisation—I cannot remember its name, and I am not going to guess what it was. There was an effort to seek to engage with that group of women, and we were informed that it was difficult for them to come forward. I see Ms Regan shaking her head, but that is what we were explicitly told. If the question is whether I would have liked to hear directly from those voices on the same basis, the answer is yes, I would. However, we were told that that was not possible.

In closing, I go back to the fundamental point that, if there had been more time for us to consider the bill, I might have been able to stand here and say that I was satisfied beyond doubt that the bill would not put women selling sex in jeopardy. However, we did not have the time to do that. I think that we need more time to consider the matter fully, and on that basis I cannot support the bill at this stage.

16:52

Sharon Dowey (South Scotland) (Con): During the scrutiny of the bill, I and my colleagues on the Criminal Justice Committee heard of the trauma and devastation that involvement in prostitution can cause. This morning, Ash Regan shared with us the experiences of some survivors of prostitution. Those experiences struck me, and I believe that it is important that we listen to survivors. Venessa MacLeod recounted that she felt little more than

"an object, an item of purchased property that men felt entitled to use however they wanted."

She wrote of her experience, which left her feeling so severely traumatised that she was

"stuck in a never-ending cycle of fear, flashbacks and panic."

Eradicating prostitution is clearly not an easy task, but, as elected representatives, we are duty bound to try our best. We believe that much of the bill will support that cause, even if there is room for improving and tightening up some of the ideas within it.

I thank Ash Regan for bringing this important bill to the chamber. As we are nearing the end of this parliamentary session, I am concerned that we may not have enough time to work out the required amendments, but I am disappointed that the SNP Government is prepared to reject the bill without trying. Given that the SNP has brought bills to the chamber that have required hundreds of amendments, as Liam Kerr said earlier, SNP members could at least try if they wanted to.

It is absolutely right that the burden of criminality is taken away from vulnerable people at one end of the scale, many of whom are victims of serious crime, and moved on to the powerful, coercive and opportunistic users at the other end.

There is evidence from other countries that many of the measures proposed in the bill would have a positive impact, but there is also evidence that, if they are not implemented properly, the bill might not have the meaningful impact that it is designed to have.

As things stand, the incidence of crimes associated with prostitution is rising, and many victims of human trafficking and coercion are victims of sexual exploitation. We must ensure that, along with creating a new offence, our authorities have the power and the tools to enforce it. I am glad to see that Police Scotland is supportive of the bill, but the police must also fret about their capabilities when it comes to acting on any new laws, given the most recent estimate that more than £321 million would be required to enforce the bill. We now have another budget and, again, the police will not receive the uplift in funding that they need.

Our hard-working justice sector has been struggling for years under this SNP Government. Audit Scotland recently reported that

"there is no evidence that 16,500 police officers … are the right numbers to deliver an effective police service for the future."

In statistics that were published just today, we see that, once again, the number of police officers in Scotland has dropped. Ten years ago, Scotland had 17,263 officers. The latest figures show that we now have only 16,416. Proper enforcement requires resources, so I urge the SNP Government to finally ensure that our police force is sufficiently resourced.

The vast majority of sex workers are pushed into the trade by a range of disastrous circumstances. Venessa MacLeod was sold into prostitution at the age of just 17 because she risked becoming homeless and a friend took advantage of her. Human trafficking and exploitation, poverty, lack of opportunity, substance abuse, family breakdown and a lack of decent housing are all contributing factors. As a result, it is welcome that Ash Regan has included in her bill a right to support for those who are in or exiting the industry.

As I said at the beginning of my speech, the bill is not perfect. Voices have raised serious concerns, and we must not dismiss them. However, addressing some questions and points that have been raised about the bill could help to strengthen it and further the positive impact that it could have on Scotland. Before we get there, I reaffirm that we support the principles in the bill. We appreciate the severity of the matter, we appreciate the survivors for sharing their experiences with us, and we agree with Ash Regan that solving these problems should be of the utmost importance.

16:56

Michelle Thomson (Falkirk East) (SNP): I was disappointed in the Criminal Justice Committee's stage 1 report—not because I simply disagreed with its conclusions but because the committee did not fulfil its fundamental role of scrutinising contested evidence. The Parliament relies on committees to distinguish robust evidence from ideology and self-interest and to discriminate between the quality and accuracy of submissions, yet the committee report gives them equal weight. As a result, no credible claim can be made that there is evidence that the bill would cause harm to women; there is only the opinion of a small number of self-interested bodies.

Rona Mackay *rose—*

Jamie Hepburn *rose—*

Michelle Thomson: I will give way to Rona Mackay.

Rona Mackay: Thank you for giving way. I am not sure whether Michelle Thomson is aware of this, but the member in charge of the bill did not consult women who are currently working in the sex trade; she consulted people who had exited the trade. When I raised in committee the issue of the serious safety concerns that we had heard about, she said that they were a myth. Do you believe that those safety concerns are a myth?

The Deputy Presiding Officer: Always speak through the chair.

Michelle Thomson: I am in the process of making an argument specifically about why the committee report has to be tested. I will fold in all that, because I would say that, furthermore, there is clear evidence of bias in both the committee's report and the Government's response. For example, the report records that some committee members attended an informal meeting facilitated by Scotland for Decrim, which enabled members' direct engagement with those participants. However, no equivalent access was afforded to the Women's Support Project or A Model for Scotland.

Jamie Hepburn: Will Michelle Thomson take an intervention?

Michelle Thomson: No, I will not. I have taken one already.

That is a textbook example of two types of bias: confirmation bias and motivational bias.

Audrey Nicoll: Will Michelle Thomson take an intervention?

Michelle Thomson: I will finish this section first.

That is a deadly combination. When evidence is filtered through bias, the resulting recommendations cannot command the confidence of Parliament.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will Michelle Thomson give way?

Michelle Thomson: I will finish one more bit and then take an intervention.

Consequently, the Government's six-page response to the committee report is less than compelling. It would surely have been more honest and more democratic to gather the true views of the Parliament by allowing a free vote, especially given that, ultimately, due to the coming election, the bill will fall regardless, and the Government claims that it will seek to introduce legislation as soon as possible if re-elected.

I will give way to the convener.

Audrey Nicoll: On Michelle Thomson's point about the balance of evidence, I would point out—this has been reflected already in the debate—that we engaged, or attempted to engage, in a balanced way. On the point about evidence from the Women's Support Project, I note that it was our aspiration for all engagement to be trauma informed and, on that particular issue, we were advised strongly not to engage directly with lived-experience witnesses.

Michelle Thomson: I thank the convener for her point, but the point that I am making is that not doing that directly, regardless of whether that was the advice, gives different weight to the two different sides. I am making an academic point.

I want to make some progress. So that we are clear about the decision that we are making today, I will discuss some of the harms for women.

I accord respect to the women who are in the gallery today. The life that they live is thus. They are systematically raped, vaginally, anally and orally, multiple times a day. They are spat on, ejaculated on, urinated on and sometimes defecated on. They suffer repeated abrasions and injuries to their vagina and anus, often requiring medical treatment, are at a high risk of being slapped or punched and are 18 times more likely to be murdered. They are strangled, potentially until they are unconscious and often without even knowing that that is happening. They are verbally abused by the people who pay for access to their bodies and are at a high risk of contracting sexually transmitted diseases and other serious infections. They lose most of their earnings to the pimp who is controlling them, become addicted to mind-numbing substances simply to endure the disassociation and develop complex post-traumatic stress disorder. Even if they escape, they struggle for the rest of their life to form trusting relationships with men. On the upside, they will learn that their most valued skill is performing, because their rapists require them to act as though they enjoy what is being done to them.

On that basis, who here would argue that that should be regularised? Who here would argue for the protection of abusers rather than of the women themselves, and who here would tell a constituent who cannot afford to put food in her mouth that the solution is to put male members in her mouth? No one.

We have privilege. The reality of prostitution will never permeate our lives, but it permeates the lives of the poor, the dispossessed, the trafficked, the vulnerable, the addicted, the homeless—the ones with no voice: exactly the people we are meant to speak for here. Is the extent of our collective ambition to make Scotland a better place that we will simply accept the entitlement of some men to demand the purchase of women? We are here as change makers, not just as policymakers.

I wrote recently on X:

"It is my intention"—

as others, of course, would have guessed—

"to vote for this Bill at Stage 1 … my principled stance is that the sex class 'women' should not be legally bought as commodities and raped for money."

That is the nub of today's debate. We are wrestling with the principle of the commodification of women and the principle of male demand.

Complexity cannot be an alibi for inaction. I agree that the situation is complex and that many states have wrestled with it, but if we are here that should be because we want Scotland to be better. I ask you all, particularly my colleagues, why are you here? We have the opportunity to choose courage over complacency. I know what I choose, Presiding Officer. Do you?

The Deputy Presiding Officer (Annabelle Ewing): I remind members always to speak through the chair.

I call Rhoda Grant, who is joining us remotely.

17:03

Rhoda Grant (Highlands and Islands) (Lab): I do not think that many here would agree that another human being should be a commodity to be bought and sold, and neither do I believe that anyone present would think that vulnerable people should be exploited.

However, I do believe that many in the chamber have not really thought through what prostitution is or what its impacts are. I ask them to consider whether, if their mother, sister or daughter was involved in prostitution, they would see that as an ordinary job. How would they regard the men who paid for access to that woman's body and would they believe that that payment bought consent? I ask everyone to take a moment to think about that.

I also ask them to think about the men who buy sex, who are often missed out of the whole debate. Anyone who has seen the report of the "invisible men" project cannot help but be horrified. It showed men reviewing women in prostitution on a kind of TripAdvisor for prostitution; men complaining about the lack of enjoyment displayed by their victims; men recognising that women whom they were abusing were being trafficked, but doing nothing about it; and men talking about their abuse, which involved forcing women to do things they clearly did not want to do, with no remorse. These men need to be held accountable for their abuse. They are ordinary men. Many of them are married or in long-term relationships, yet they buy sex to have control and to ask those women for things that other consenting adults would not do or gain any enjoyment from. It is completely selfish exploitation.

The bill seeks to stop that exploitation. Is it drafted perfectly? No. If it was, it would be the first bill in this Parliament to be so. No bill has been passed without amendment, although some have been worse than others. We are not here today to make a judgment on that; we are here to make a judgment on the general principles of a bill that seeks to stop the gendered exploitation of women.

This Parliament and the Scottish Government recognise that prostitution is violence against women, yet it feels as if many are looking for excuses not to address that violence. If we truly believe that prostitution is violence against women, the costs associated with the bill should not be a barrier. Nobody in our midst would say that combating domestic abuse is too expensive or that we should shut domestic abuse courts and women's refuges and stop offering counselling. We know that prostitution is wrong and we need to combat it. Therefore, concerning ourselves with the cost of supporting people should be a reason for our shame, not a reason for our voting against the bill. The services that are needed to support people should be in place now. Regardless of whether the bill proceeds, they must be put in place. If we really believe that prostitution is violence against women, we need to support women in prostitution.

We should also all be in favour of stopping the exploited being criminalised. We recognise that prostitution is abuse, yet we sit back and allow our laws to criminalise the victims for their own abuse. In what way is that right? I do not believe that any of us would suggest that it is right.

There will be issues about quashing convictions, but there are ways around that. In the past, pardons have been offered for activities that were once criminalised but which we now see should never have been. We can ensure that disclosure checks do not list past convictions for soliciting, and there are myriad other ways in which this can be dealt with. Removing criminality from those in prostitution would ensure that never again will anyone in Scotland be criminalised for their own abuse. Surely we can all get behind that.

We then come to the nub of the issue, which is the buyers who feed the demand for exploitation—the small minority of men who believe that they are entitled to sex regardless of whether their chosen partner wants to have sex with them. That is rape, yet I fear that, today, we will allow these rapists to get off scot free. Is that really the country that we want to live in? Is that the country that members want to bring up their daughters and granddaughters in? I really do not think that any of us would put our hand on our heart and say, "Yes."

If members agree with that, they must vote for the general principles of the bill. They must join the many others who will not accept this abuse. I ask members to join those who seek to protect future generations of women from men who would treat them as commodities, and together we can make the change. Let us start by voting for the bill at decision time tonight.

17:08

Stephen Kerr (Central Scotland) (Con): Rhoda Grant is absolutely right. I am standing here, at her invitation, thinking of my daughter and my granddaughters and the kind of country that I want them to grow up in. I do not see how it is a conundrum for any member of this Parliament to vote in favour of the general principles of the bill tonight.

I am grateful to Michelle Thomson for giving one of the most powerful speeches that I have heard in this Parliament. The reason why I say that is because she asked us to confront difficult, unspeakable truths, and she is asking this Parliament, as is Ash Regan, to confront realities that we have been prepared to look past for too long.

For generations, women have been at the sharp end of prostitution laws. Women have been prosecuted and stigmatised, and have carried criminal records. The men who used them, bought them and treated their bodies as commodities were often able to do so without any fear of criminal sanction. That imbalance matters not just legally but morally. The bill starts from the simple principle that women and girls should not be bought and sold. A society that tolerates that, however quietly, is a society that has failed to uphold its own values.

We cannot consider the bill in isolation from the wider reality of the global sex trade. Prostitution exists not in a vacuum but alongside trafficking, organised crime, coercion and exploitation. Women and girls are transported, displaced and controlled, in some cases in conditions that are nothing short of slavery—modern slavery, we might call it, but slavery nevertheless. That is not rhetoric but the evidence that is presented to the Parliament and its members.

The bill seeks to address the demand side of that equation. Demand fuels trafficking. If there is no demand, none of it exists. Demand sustains criminal gangs and creates a market in which exploitation thrives. If men face a real risk of prosecution for purchasing sexual access to another human being, the market changes, the incentives change and the profitability of abuse changes.

As has been mentioned by other speakers, that approach is not unique to Scotland. Other jurisdictions have attempted to challenge demand precisely because they recognise that, without doing so, exploitation will simply continue under different forms.

I am not pretending that the bill is perfect. It is not. However, neither do I accept the argument from the Government front bench that, somehow, there is no time left to amend the bill and make it workable. That is what the whole process of stage 2—and, later, stage 3—is about. The stage 1 question that we must all answer is whether we agree with the principle of eradicating, reducing and alleviating the terrible costs of prostitution in our country.

The bill is not perfect. Liam Kerr eloquently described legitimate questions. However, the timing of the stage 1 debate, so close to the end of a session, has become a convenient excuse for the Government not to support the bill. Those are reasons not to kill the bill tonight but to take it forward and amend it. We owe that to the women whose evidence was heard by the Criminal Justice Committee, many of whom described the violence, coercion and trauma that are the routine features of their lives, albeit not in terms as eloquent, powerful and terrible as what Michelle Thomson described to us.

We owe it to ourselves as legislators not to allow party politics, personality and point scoring to dictate how we vote tonight. That is not scrutiny or seriousness but small politics. I say, take the evidence, support the principle and advance the bill; then we will amend it.

17:13

Ruth Maguire (Cunninghame South) (SNP): I am grateful to the Presiding Officers for giving me space to make some remarks. I will start by quoting Diane Martin, chair of A Model for Scotland and a survivor of prostitution:

> "If we do nothing, we become complicit because we know the realities and we've turned away. Inaction preserves a system that harms and criminalises victims, enables perpetrators to exploit with impunity, and maintains an organised-crime-driven market that has its eyes set on our children as either future commodities for sale or future sex buyers. Make no mistake: each vote cast will either be justice for vulnerable victims or continued abuse by a vile and violent trade in bodies."

The bill will move forward or fall on the votes of SNP colleagues. I plead with them. I plead with those who recognise that injustice and who have perhaps spoken out previously, very eloquently, in the chamber but who intend to hold their noses and vote against the principle of something that they believe in—something that is SNP policy.

I want them to know that they are on solid ground on this matter and I ask them to vote with their conscience. The public, not the Government or whips, elect them to this place, and their public will value courage over unquestioning compliance.

Over at least the past 10 years, survivors, survivor-led organisations and front-line women's workers have provided testimony and expertise to the Government in good faith, and to work that came to nothing. They contributed to Ash Regan's

consultation and to the committee's consultation. They have given evidence publicly and reached out directly to their MSPs in writing and in person. They have spoken at events online, in Parliament and in their communities. Why on earth would we expect them to tell their stories, again, to a commission set up for some time in the future?

It is time that we got on with it for Diane Martin and for all the other female survivors who have generously and bravely shown us the reality of prostitution. It is time that we showed that we have listened to those brave women, that we understand, and that we care.

I say to colleagues: if this is something that you believe in, take a breath, and do the right thing at decision time tonight.

The Deputy Presiding Officer: I call Fergus Ewing, who will have four minutes.

17:16

Fergus Ewing (Inverness and Nairn) (Ind): In the 26 years since the Parliament was reconvened, I have attended every debate that substantially—not entirely—involves a fundamental moral question.

In those previous debates, generally, the reputation of the Parliament has been enhanced. The debates have been largely courteous and they have been thorough — and, above all, they have had sufficient time to do justice to a most serious topic. Sadly, we are not seeing that today: not because of the Presiding Officer, but because of the decision of the Parliamentary Bureau. Let us be quite clear about that.

When we look back in history—as I am perhaps able to do, being rather older than most other members—we remember the poem by Edwin Morgan, who gave advice to MSPs. Do members remember his famous advice about what we do not want in Scotland? What we do not want, he wrote, is

"a nest of fearties."

What we do not want is

"a symposium of procrastinators."

That is a sort of legal phrase; maybe he was a lawyer as well as a poet.

The serious point, however, is this: we are not doing justice to ourselves today, and we are certainly not doing justice to the people of Scotland. However, far worse than that, we are allowing the continuance of the most vile and abhorrent abuse of women that is imaginable. It is happening as we speak, all over our country. I cannot match the eloquence of Pauline McNeill, Michelle Thomson and others, who have contributed to the debate and described those things graphically. They do not really bear too much repetition.

I do think that Stephen Kerr, Michelle Thomson and others have really destroyed the arguments for voting against the bill at stage 1. They have destroyed them. We have won the argument—it is clear.

Rona Mackay: Will the member take an intervention?

Fergus Ewing: I am sorry, but I do not have much time to take interventions.

One of the points made by the convener of the committee was that it would be difficult to enforce. Well, rape is difficult to prove. Should we not have the crime of rape because it is difficult to prove? What a pathetic argument. Of course certain crimes are difficult to prove, and many more laws go unenforced. However, that is not a reason not to criminalise behaviour that is abhorrent to any right-thinking person in a democratic society. That is the purpose of public law and criminal law in a democracy—to ensure civilisation and protection of the weakest. That is the issue today, as we have heard. I was moved more than I can say by the testimonies of Venessa, Jenna, Chelsea and others who I listened to in the past two days.

I am very surprised that the police, yesterday, after 186 days, came forward with a totally wild estimate of the costs. I am bound to ask: were they invited so to do by anybody in the Government? Were any civil servants asking them to do so, saying, "It would be very helpful if you could give us this information". I will use a carefully crafted phrase and say that it sounds to me improbably coincidental. [*Interruption*.]

The Deputy Presiding Officer: Mr Ewing is concluding.

Fergus Ewing: I have very little time, and I want to say a couple more things before I close.

Alone in the history of this institution, Ash Regan resigned on a point of principle. She gave up her job, her title, her salary, the ministerial car—all those things—because she believed in women and she stood up for women. She is doing that again today. She is somebody of whom every female in this country and every young girl should be proud. My plea to all the SNP members today is to ignore the whips, follow your conscience and do what is right. Let right be done.

The Deputy Presiding Officer: I call Pam Gosal, who will have four minutes, to be followed by Douglas Ross, who will have two minutes.

17:20

Pam Gosal (West Scotland) (Con): I thank Ash Regan for introducing the Prostitution (Offences and Support) (Scotland) Bill and acknowledge her passion and all the hard work that she has done on the bill and on the rights of women and girls generally. Introducing a member's bill is not an easy process, especially when the member is in Opposition. Having gone through the process myself, I understand the complexities that it entails.

I also thank all the organisations that have supported the development of the bill and that have provided briefings for today's stage 1 debate. Protecting women and girls is an issue of the utmost importance and, for the past five years, it has been a number 1 priority for me. Prostitution is an issue that primarily affects women. Today, we have heard from members across the chamber that prostitution is violence against women and girls. Prostitution is commercialised and often involves systematic rape, and many of the people who sell sexual acts endure numerous human rights violations when doing so. The bill aims to stop that by criminalising the buyers of sex as opposed to the seller. That approach, which is commonly referred to as the Nordic model, has been approved in many countries, with the evidence suggesting that, in those countries, it has been successful.

The general principles of Ash Regan's unbuyable bill are in the right place. That is why it is important that the bill is given the proper scrutiny that it needs now and why it should make it to stages 2 and 3 with the proper set of amendments. The minister has made it clear that the SNP Scottish Government does not support the bill due to a so-called lack of time. However, when it suits the SNP, there is time to debate bills with hundreds and hundreds of amendments. We never heard about any issues of time with those bills. For example, with the doomed Gender Recognition Reform (Scotland) Bill, the SNP forced MSPs to sit in the chamber and vote until the early hours of the morning.

I am still bearing the bruises of the First Minister not backing my Prevention of Domestic Abuse (Scotland) Bill and killing it before the stage 1 report was issued. I know all too well what it means to work hard on a bill for three and a half years, and so does Ash Regan. With regard to bills focusing on issues such as female genital mutilation, non-fatal strangulation and misogyny, the SNP has decided to kick the can down the road. At the same time, part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 is still not in force.

What all those bills have in common is the aim of protecting women and girls, which the SNP Government does not want to do, whether that is through members' bills or through its own bills. This is an SNP Government that cannot even define the word "woman".

It was my intention to speak a bit more about this bill, but—surprise, surprise—there is no time for that. Sex workers are some of the most marginalised women in Scotland and have often been coerced into soliciting their bodies. The general principles of this bill aim to put a halt to that horrible practice. Therefore, I will be supporting the bill at stage 1, and I encourage all MSPs to consider breaking their whip and voting for the bill today.

The Deputy Presiding Officer: I call Douglas Ross, for up to two minutes, to be followed by Graham Simpson, for up to two minutes.

17:24

Douglas Ross (Highlands and Islands) (Con): Thank you, Deputy Presiding Officer—I am personally grateful to you for calling me, but we are in a terrible state in this Parliament if legislators are restricted to just two minutes to speak on an important piece of legislation.

I cannot go through the formalities, as I would like to do, of praising the member in charge of the bill, who has done incredible work, as I want to get to the root of where we are tonight and at decision time. I just cannot get my head around the Government's position on the bill. What is being asked for tonight is simply to agree to the bill's general principles, not to get into the detail of the bill—that comes later. Those principles are agreed to by the Government, and by the party of government, so why is the Government opposing them?

I have thought about it a quite lot, and I think that it might come down to politics, or perhaps Fergus Ewing was right that it comes down to personalities. The Government bears a grudge against anyone who steps out of line, and someone does not step further out of line than by resigning ministerial office. To say to the First Minister at the time, Nicola Sturgeon, that her Gender Recognition Reform (Scotland) Bill was a mess and was going to ruin the safety of women and girls, and to resign from Government, has consequences. I think that, sadly, years later, those consequences are going to be felt by some of the most vulnerable women and girls in Scotland, because the Government is still holding a grudge against the member in charge of the bill, who was brave enough to step down at that time.

I have only 30 more seconds. We have heard from SNP members tonight who are going to break the whip. We have heard, I believe, from one SNP member who has spoken up in support of the

Government's position. Where are the rest? If they are happy to vote down the bill tonight simply to say that they do not agree with the general principles, they should tell us why. We have not heard from those members—they have been silent. The Government has taken up more of its speaking time with one individual member—

Rona Mackay *rose*—

The Deputy Presiding Officer: Mr Ross is concluding, Ms Mackay.

Douglas Ross: The Government has taken up more of its speaking time with one individual member because the whips have, I think, been struggling to get even their cannon fodder to stand up and say why they are supporting the Government. That is not a position that I would like to reflect. I am standing down—

The Deputy Presiding Officer: Mr Ross—

Douglas Ross: I am just about to finish, Deputy Presiding Officer.

I am standing down from the Parliament, but even as a member who is standing down and will not be knocking on doors in the next few weeks asking for support, I am proud of how I will vote tonight: to progress the bill. Any SNP member who is not returning to the Parliament, or who is about to embark on the campaign trail—

The Deputy Presiding Officer: Mr Ross, you will need to conclude—thank you.

Douglas Ross: They should do so knowing—

The Deputy Presiding Officer: Mr Ross—

Douglas Ross: —that their vote tonight—

The Deputy Presiding Officer: Mr Ross! Thank you very much.

Douglas Ross: —will come up on the doorsteps.

The Deputy Presiding Officer: I am actually trying to accommodate every member who has pressed their button, but in order to do that, I need co-operation from members in sticking to the time to which they have now agreed.

I call Graham Simpson, for up to two minutes, to be followed by Rachael Hamilton, who will, as we have agreed, have up to one minute.

17:27

Graham Simpson (Central Scotland) (Reform): I am most grateful, Deputy Presiding Officer.

The Government's stance today is both bizarre and incoherent. At the start of the debate, the minister seemed to suggest that the Government actually agrees with the aims of the bill. She said that men should not be able to buy sex. However, the Government is arguing that there is not enough time to get the details right. That is irrelevant—the Government says that it will legislate anyway if it is back in Government, but it will not help the member in charge. That is a new and worrying tactic that is being employed to thwart members with sensible ideas.

It is clear to me that the Government is acting in that way because it does not want Ash Regan to have any success, because she had the temerity to leave the SNP. That is not how to do legislation.

If the Government agrees with the intent behind the bill, it should be supporting it now, because we are voting only on the general principles, and those principles are sound. The legislation seeks to confront exploitation, reduce harm and deliver long-overdue protection for some of the most vulnerable people in society. It recognises a simple truth: that prostitution is not a harmless transaction but a system of commercial sexual exploitation that is driven overwhelmingly by male demand. It is not "work", as Maggie Chapman would have us believe.

By criminalising the purchase of sex, while removing penalties from those who sell it, the bill would shift responsibility to where it belongs: on to the men who—mainly—fuel the trade, not the women who are so often coerced, marginalised or trapped by their circumstances.

Today, the Parliament has an opportunity to reduce harm, challenge misogyny and stand with survivors. Colleagues should reject the Government's flawed logic and back the general principles of the bill.

The Deputy Presiding Officer: I call Rachael Hamilton. You have one minute, please.

17:30

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Thank you, Presiding Officer, for the opportunity to speak. I also express my gratitude to Ash Regan.

The Scottish Government has had plenty of time to consider the bill. It was introduced nine months ago, and it has had plenty of sitting days to look at it. It had a choice, but it has chosen not to allow the bill to move forward and not to support women.

The minister used the excuse in her speech that she did not have "official support". What or who is this official support? Was it a dark force? Was it the First Minister, John Swinney? Was it another party? Key organisations such as Police Scotland, as well as Reem Alsalem, support the bill. Someone must be pulling the strings, and whoever

they are, they have a problem with women. They are shutting down women's voices. No wonder so many women members are leaving this Parliament.

The Greens are also showing their true colours. They did it during the process around gender recognition reform, and they are at it again. Maggie Chapman's views are offensive to women, especially women who carry trauma from sexual assault. I want to distance myself from those appalling views. On the basis of what Maggie Chapman said, I believe that the Greens consider prostitution the only acceptable way of driving the economy.

The Deputy Presiding Officer: Ms Hamilton, you will need to conclude.

Rachael Hamilton: The Scottish public support the bill, but the opposition to the bill on the part of the SNP and the Greens sets a dangerous precedent. Tonight, we should come together, support women and back the bill.

The Deputy Presiding Officer: We will now move to closing speeches. I call on Maggie Chapman to close on behalf of the Scottish Greens. You have up to six minutes, please.

17:31

Maggie Chapman: In my closing contribution, I want to thank members of the Criminal Justice Committee, clerks and SPICe researchers for their careful work during stage 1 of the bill. I appreciate their efforts to hear from a wide range of witnesses—those who share my view on the bill as well as those who strongly and sincerely support the legislation. To those witnesses I say: I am very grateful to you for sharing your sometimes painful and harrowing stories, for speaking candidly of your experiences and for making your voices heard.

I want to address some of the points that were raised this afternoon. I will start with the apparent lack of evidence that the Nordic model does not cause harm. Norway criminalised clients in 2009. Amnesty International's 2016 research found that sex workers are still criminalised, including for working together for safety, and they face forced evictions, investigations, surveillance, prosecutions and increased stigma, with migrant workers in particular being targeted. In 2022, research found that Nordic model legislation was a

"smokescreen for … punitive and racialised policing",

where sex workers were targeted for deportations and evictions.

In France, which criminalised clients in 2016, Médecins du Monde's 2018 report found that, since the law was introduced, 63 per cent of sex workers have experienced

"deterioration of their living conditions",

more isolation and greater stress; 42 per cent are more exposed to violence, including sexual violence, theft and armed robbery; and 38 per cent have found it increasingly hard to demand use of condoms. That sounds like pretty clear evidence to me.

I will turn to the matter of enforcement. When we create new crimes, we must be sure that they are not only justifiable but workable. Evidence that was presented to the committee calls that into question. Although I accept that Police Scotland supports the bill, Detective Superintendent Bertram's evidence to the committee showed that the police are not yet clear on how they would be able to tell if a crime had taken place. He raised the issue of capacity, as he reported that Police Scotland struggles to respond to all reports of brothel keeping, never mind an entirely new offence.

The Crown Office and Procurator Fiscal Service said that it can

"foresee difficulty in proving the accused's intention in circumstances where the offence takes place 'off street' and where there is no admission. In such cases, whilst COPFS would not wish to add to the trauma experienced by those exploited by prostitution, their evidence may be required to prove the accused's intention."

That echoes sex workers' concerns that they will inevitably be dragged into investigations in order for the purchase offence to be proven. Ash Regan wants us to introduce a crime that the police and our prosecution service do not know how they will investigate or prosecute.

I will move on to other parts of the bill. It is clear that Greens do not support the primary purpose of the bill, but there are parts that, guided by sex workers, we would support. Greens would welcome, for example, the abolition of the offence of solicitation. As National Ugly Mugs has said,

"Repeal would reduce stigma and criminalisation, improve access to justice, and help to build trust between sex workers and Police Scotland."

It follows that we should quash any historical offences. We know from evidence given by Scotland for Decrim that

"having a criminal record with prostitution-related convictions and/or a police warning makes it much more difficult for people to leave sex work. Employers are likely to rescind offers of employment, or the worker can be barred from certain forms of employment if they have to undergo a Disclosure Scotland check."

With 10,459 people having been convicted under the soliciting offence since 1982, that would be a major piece of work, but it would be important work to undo a major injustice.

However, we cannot support the main aim of the bill. I cannot support a proposal that people with lived experience—that is, the people with an interest in the proposed legislation—have told us will make them more vulnerable, put them at risk of further harm and create additional stigma. I hosted an event with Scotland for Decrim in Parliament last year, where sex workers were clear that the bill would make them more isolated, more stigmatised and more at risk. It would push already marginalised people further into the shadows. It would empower traffickers and abusers, who would be able to capitalise on those who are forced underground. It would make sex workers who need help less likely and less able to seek help and support.

Criminalisation is not a gift of protection. It is a threat to the rights of working people. Scotland for Decrim makes the case for safety, not criminalisation, and for rights, not rescue.

I will close with the words of a sex worker who is currently working in Scotland:

"As someone who does sex work in Scotland, I find the Prostitution Bill deeply offensive. In 2024, it is standard procedure to give the people you are legislating ... a voice. It is ... patronising ... It is based on sensationalist stereotypes of sex work. Sex workers in Scotland have been organising for worker rights for years. We are well informed: The Nordic model is harmful to workers. We have clear demands: full decriminalisation. We are resilient and organised people. Not powerless victims as we are portrayed in this proposal."

The Deputy Presiding Officer: I call on Katy Clark to close for Scottish Labour. Up to six minutes, please.

17:37

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

Ash Regan has spoken about a number of attempts to get legislation on this issue through Parliament. Given the Scottish Government's previous commitments, it is disappointing that it has not brought forward its own such legislation in this session or engaged meaningfully with the member's bill. I agree with Fergus Ewing that this Parliament needs to show courage.

We all know that prostitution involves abuse and violence. Michelle Thomson spoke about that in graphic detail and about the importance of evidence that comes from lived experience. We also know that most buyers of sex are men, most sellers of sex are women, and that, in Scots law, the women are criminalised and the men's behaviour is deemed lawful. We also know that there is a global, multibillion-pound sex trade that profits from the exploitation of some of the most vulnerable in society, and that it is closely connected with human trafficking and organised crime.

One study found that, in the United Kingdom, around two thirds of those involved in prostitution and sex work had been assaulted by clients. As Pauline McNeill said, survivors of prostitution have described experiencing long-term trauma, hypervigilance and symptoms consistent with complex PTSD. In 2015, potential victims of trafficking for sexual exploitation composed a third of all referrals to the national referral mechanism, the UK's support system for victims of modern slavery. The status quo is unacceptable.

That is why we welcome Ash Regan having introduced the bill and thank her for her considerable work on it. We also appreciate that there is a lack of support for members taking forward bills of this nature.

We consider that it is a good use of the Parliament's time to consider the legal framework in Scots law. We appreciate that the debate is polarised, with strong views on different sides, and we have listened carefully to the arguments.

We note the lack of men who have been involved in giving evidence to the committee, and the obvious lack of direct lobbying from those who profit from this highly lucrative sector. It seems that those who profit from the sex trade did not think that it was a good use of their time to attempt to influence the evidence that was given to us directly. We are also aware that the debate is happening after the release of another tranche of the Epstein files. It is clear from the evidence that the committee received that men from all walks of life buy sex.

We are very aware that the bill contains four measures and that section 1 tends to dominate the debate. Section 1 proposes the criminalisation of the purchase of sex, but there are three other measures in the bill, on the legalisation of soliciting, the quashing of convictions for soliciting and the creation of a legal right to support to exit prostitution. We believe that all four need proper consideration.

There has been legislative change in many other countries in recent decades, with the so-called Nordic model being introduced in some countries and decriminalisation being introduced in others. We appreciate that the evidence is highly contested, but there is evidence that the Nordic model has had the effect of reducing the size of the market—the number of men buying sex—and reducing human trafficking, and that, in countries where there has been decriminalisation, the size of the market has increased.

There is some evidence that the approach results in fewer men buying sex. As Ash Regan

pointed out, in Sweden, in 2008, 8 per cent of men reported paying for sexual services, compared with 13 per cent before the legislation was brought in there. We accept that there is a great deal of dispute about the evidence, but we are also clear that many survivors in Scotland are saying clearly to us that they believe that the framework in the bill needs consideration. The Parliament also needs to consider the wider impact of the status quo on society as a whole—on girls and women, and on boys and men. That point was made to me by one of the survivors of the sex trade.

We have looked at the bill in detail and believe that there is a need to amend each of the four measures in it. We have proposals regarding how the bill could be amended, and I know that Ash Regan intends to lodge amendments. We believe that the bill can be amended but, most of all, we believe that the debate is too important for the Scottish Parliament to curtail scrutiny of the bill that is before us. Therefore, we will support the general principles of the bill when it comes to a division.

17:43

Tess White (North East Scotland) (Con): I thank Ash Regan for her courage, and I thank her incredible team. I also thank the survivors of prostitution who shared their harrowing stories with MSPs. Today, we vote as a Parliament for the principles of this bill to put an end to state-sanctioned torture of women and girls. The bill responds to evidence of serious harm—evidence from women whose lives have been shaped by exploitation and violence.

I speak today as someone whose views on the issue have changed. When I lived in the Netherlands shortly after prostitution was legalised there, I accepted the argument that regulation would improve safety and reduce abuse. Brothels were licensed and standards enforced to protect those selling sex. However, over time, I saw the horrific outcomes as they became apparent. Sex tourism increased, more women were being violated, organised crime became entrenched and human trafficking got worse.

Today, in my own region, there are pop-up brothels in towns, women are trafficked and there are alarming indicators of exploitation. We know that there are links between prostitution, grooming gangs and serious organised crime. In 2025, a Romanian gang was convicted in Dundee for trafficking, rape and sexual abuse connected to prostitution—those are not isolated incidents. As we have heard today, the central issue is demand. As Pam Gosal outlined, prostitution exists because men are enabled to buy sex, rape and abuse women and girls. As long as that demand is left unchallenged, exploitation and harm will continue. The bill seeks to address that reality directly by shifting responsibility away from the abused to the abusers—those who create the demand and those who profit from it.

Voices have been raised about prostitution being driven underground, yet that is not borne out by evidence from countries such as Sweden. Traffickers and pimps depend on visibility and access. Their profits rely on men being able to purchase and abuse women easily. Reducing demand reduces the scale of harm and exploitation.

Ash Regan pointed out that sexual exploitation exists because those with the power choose not to act. Liam Kerr and Pam Gosal challenged the argument that was laid out that the Parliament does not have the time to discuss the issue. Liam Kerr and Pam Gosal gave example after example of when time was made available at the beginning of the day or at the end. I am not allowed to say that the Scottish Government was lying, but it was a misrepresentation of the truth.

I thank Ruth Maguire for her intervention on Maggie Chapman, because we were cringing at her speech. My colleague said that it was just offensive, but we cringed when we listened to Maggie Chapman eulogise sex work. Ruth Maguire asked whether, if it is the case that sex work is work, we should set up work experience. She showed how ridiculous Maggie Chapman was being.

Rona Mackay tried to intervene several times, and I say to her: violence from prostitution is not a myth.

Finlay Carson (Galloway and West Dumfries) (Con) *rose—*

Tess White: I am afraid that I will not take an intervention from my colleague.

I thank Rhoda Grant, because she made us pause for a moment. She asked the question: if this was your mother, sister or daughter, how would you feel? As my colleague Stephen Kerr said, is this a country we want to bring up our daughters and granddaughters in?

The SNP has been in power for two decades. Fergus Ewing said today that it has become a nest of fearties, and I agree with that. The Government's argument has been destroyed today. The SNP Government condemns violence against women and girls, yet prostitution is a form of violence that it has never tackled in legislation.

The bill would reduce demand, disrupt organised crime and, crucially, provide a framework of better support for those who want to exit prostitution. It is supported by a long list of organisations, including the Crown Office, Police Scotland and Scottish Women's Aid.

The Deputy Presiding Officer: You need to conclude.

Tess White: At its core, the bill is about the protection of vulnerable women and girls and reducing organised crime, including grooming and human trafficking. Let right be done today. I say to the SNP members who are just sitting there looking at me: do not be cannon fodder for your whips.

The Deputy Presiding Officer: Ms White, you need to conclude.

Tess White: A vote for this bill at stage 1—

The Deputy Presiding Officer: Ms White, you need to conclude.

Tess White: —is a vote to support the general principle of the bill.

The Deputy Presiding Officer: We are well over our time, and we must make some progress.

17:49

Siobhian Brown: I share the passion and the drive that have been clearly evident from all of today's contributions. This is self-evidently a complex and sensitive issue that needs to be addressed in a way that everyone can agree on, particularly women who are involved in prostitution. Ms Regan and other members have spoken in defence of the bill, but we cannot ignore the voices of women involved in prostitution who have said that they will be at risk of violence and harm if it is passed.

Carol Mochan: Will the minister take an intervention?

Siobhian Brown: I am going to try to make some progress.

We have about 22 sitting days left in this parliamentary session. Do members really believe that there is enough time to sufficiently address that concern and the many other flaws that have been highlighted in the bill? I am clear that we cannot dismiss the comments from women involved in prostitution who are "terrified" of the proposals. That should make us all pause.

Ahead of today's debate, members received many briefings that highlight the risks, but I appreciate that opinion is divided on the issue.

Finlay Carson: Will the minister take an intervention?

Siobhian Brown: I am not taking interventions at this stage, as I have a lot to get through.

For example, one briefing said that the bill would

"make life more dangerous and difficult for those selling sex, by driving the industry underground".

In the open letter to MSPs that I mentioned—well, I was going to mention it in my opening speech, but I did not get the chance—the 126 signatories said:

"for us this means our working conditions worsening, and the rate of violence we experience rising. We ask that you vote against the bill."

Ash Regan: The logic of those on the other side of the argument seems to be that, if we decriminalise similar crimes—if we decriminalise, say, rapists or domestic abusers—that will somehow make women safer. Surely we can understand that that is not the case and that we need to hold these men to account to reduce the level of violence.

Siobhian Brown: That has not been our argument whatsoever.

I support the committee's recommendation to establish an independent commission on the issue, because, importantly, that will allow for further engagement with women who are currently involved in selling sex and offer an opportunity to hear from those with technical experience on how best to respond to online exploitation, specifically in relation to the support that women need. There is currently no detail in the bill on that and, if it were to progress, we would have no time to consult or engage with women in prostitution at the moment.

Further work is also clearly needed to ensure that future legislation is deliverable for the police. I am sure that many members will be aware of the concerns that Police Scotland raised yesterday about operational costs that could arise as a result of the bill. In relation to what Fergus Ewing said regarding yesterday's announcement from Police Scotland, I highlight that that was the first time that I had seen those figures, but I am told that that was in response to a question that Ms Dowey from the Conservatives asked in the committee's meeting on 5 November last year.

We have also heard about the issues with the bill as drafted relating to the definition of the criminal aspect in the bill and to enforcement. For example, in its briefing to MSPs, the Law Society of Scotland, which does not take a position on any of the bill's policy intentions, states that it envisages that

"the behaviours excluded from the scope of the proposed offence may lead to confusion",

and it agrees with the committee's stage 1 recommendation that any new proposed offence should

"have a clear definition consistent with current legislation and the policy intentions of the Bill."

I will reflect on some of the contributions from members. I appreciate that the issue is very emotive, but I feel that some members have been

very disingenuous in relation to some of the facts that they have portrayed. Liam Kerr, you referred to the Victims, Witnesses, and Justice Reform (Scotland) Bill as one of the reasons for having time for all these amendments—

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

Siobhian Brown: That bill was introduced in June 2023, but it was late last year when it was finally passed, so that process took more than two years. There are also more than a dozen bills to get through in the next 22 sitting days.

Pauline McNeill, I will address some of the things that you highlighted.

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

Siobhian Brown: Sorry, Presiding Officer.

You mentioned the evolving landscape—

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

Siobhian Brown: The member mentioned the evolving digital landscape with women being filmed, which was on the news yesterday. That reiterates that we need the expertise to feed that into the discussions on how we move forward with the bill.

I know that Katy Clark and Pauline McNeill asked why this legislation was not in the programme for government. I have to clarify that there was a commitment in the 2020-21 programme for government to consult on challenging men's demand for prostitution. That led the Government to develop a model for Scotland that effectively tackles and challenges men's demand for prostitution. We published that strategic approach back in 2024. The Government is crystal clear that that work will continue—

The Deputy Presiding Officer: Minister, please resume your seat for a second. I have a point of order from Pauline McNeill.

Pauline McNeill: I apologise for raising a point of order during a speech—I would never do that, but the minister started a sentence by saying that she would name the members who have been disingenuous. I do not know whether she meant me, but I think that I am owed an apology because what I said was what I believe. I will not stand here and be called disingenuous by the minister. I thought that we shared some common ground on the fact that the wider harm to women is something that we all agree about. Therefore, can I have an apology, please?

The Deputy Presiding Officer: I thank Ms McNeill for her point of order. That is indeed a point of order. Under our standing orders, all members, including ministers, are required to treat every other member with courtesy and respect. I hope that the minister has noted that point.

Siobhian Brown: I have noted that. I was addressing some of the comments from other members, not all comments. I do apologise. It was not meant for that member.

In my opening speech, I was going to mention operation begonia and a Crimestoppers campaign on commercial sexual exploitation that will be launched on 23 February. We have also funded the development of a resource to support police training that will be introduced this year. During its committee evidence, Police Scotland highlighted the importance of local support and how it will go hand in hand with its work. The new resource will build on the work that we have been undertaking with Police Scotland to strengthen the connections between police and local support services.

Next month, as part of our wider work to improve support, we will also launch an employability and training guide for women who are looking to exit prostitution. As I said earlier, there is £400,000 in our draft budget to provide support in this area, with a further £65,000 being provided to the Women's Support Project to support women exiting prostitution.

I commend Ash Regan for ensuring that the Parliament has recognised the need to change the legislation around prostitution and the majority agrees with the fundamental principle of criminalising the purchase of sex. However, we have also heard about significant concerns with the bill that would take time to address. Time is not available in this parliamentary session.

Liam Kerr: Will the minister take an intervention?

The Deputy Presiding Officer: The minister is concluding.

Siobhian Brown: We have heard the consensus, and this is an issue that needs to be addressed in the next parliamentary session. A commission that can examine and consider the many issues that have been aired today and act quickly in the next session is the way forward ahead of legislation that the Parliament can scrutinise and amend, knowing that it has the time and, importantly, that the proposals have been developed with those who are involved in prostitution. Women have clearly stated that, as drafted, the bill would put them at an increased risk of violence. I do not think that the bill can be amended sufficiently in six short weeks to allay those concerns and the other flaws in the bill.

Stephen Kerr: Six weeks! Did the minister not hear a word that has been said?

The Deputy Presiding Officer: Members, the minister needs to conclude.

Siobhian Brown: I cannot and will not dismiss that clear concern for women's safety that the committee has heard, which MSPs have reflected on today and which several stakeholders have outlined in their briefings. That concern needs to be at the forefront of our minds today, which is why the Scottish Government cannot support the bill at stage 1.

The Deputy Presiding Officer: I now call Ash Regan to wind up the debate. You have up to eight minutes, please.

17:58

Ash Regan: It has been an interesting afternoon. I reiterate my point that the Parliament is at its best when we are wrestling with such debates. However, it is very clear to me that the approach that I outlined in my bill has won the argument decisively in the chamber this afternoon. There have been excellent speeches from Michelle Thomson, Ruth Maguire, Fergus Ewing and Stephen Kerr. However, we have not heard from the buyers.

The bill criminalises the purchase of sexual access, yet, throughout the committee's scrutiny and throughout its evidence, the people whose behaviour would be criminalised are very conspicuous by their absence. There were no sex buyers—no men coming in front of the committee to account for or justify why they believe that their power entitles them to purchase access to another human being's body. That matters because, when concerns are raised about safety, as they have been again today, we are told again and again that criminalising men will make women less safe, sellers will screen more carefully and women will be forced to vet in order to survive. Let us be honest: screening is not a safety measure; it is an attempt at a survival strategy that is used by women to try and navigate all the risks that are stacked against them—risks that are created by male entitlement, power and demand. It does not offer protection from violence.

I am sorry, minister, but if you had taken the time—

The Deputy Presiding Officer: Always speak through the chair.

Ash Regan: If she had taken time to listen to survivors, the minister might have heard people explaining that point.

There is a question here that is never answered.

Rona Mackay: Will the member take an intervention?

Ash Regan: I will not.

If men are refused by those at the very top who are able to do some kind of vetting, where do those men go next? I will tell members where they go: they just go down the chain, to women who are poorer, more desperate and more vulnerable. That is a choice, but too many people in prostitution do not have a choice. They do not have agency, and they do not have an ability to plead.

We are told that sex buyers are ordinary men, and I believe that they are. They are men who want privacy. The evidence—academic, operational and survivor led—tells us a different story, however. The Lord Advocate put this in her written evidence to the committee. She said that

"women involved in prostitution are disproportionately likely to be—"

Tess White: On a point of order, Presiding Officer.

The Deputy Presiding Officer: Could you please resume your seat, Ms Regan? We have a point of order from Tess White.

Tess White: Presiding Officer, the rules say that MSPs need to show respect to other MSPs. There is a conversation going on beside me, involving a cabinet secretary and a minister, while I am trying to listen to Ash Regan's closing speech. I think that that is disrespectful.

The Deputy Presiding Officer: Thank you, Ms White. I have noted your contribution. Obviously, every member would wish to extend courtesy and respect to all other members, and we should all be paying attention to the member who has the floor.

Ash Regan: The Lord Advocate said that

"women involved in prostitution are disproportionately likely to be victims of serious … offences,"

but the men

"who purchase sex, whether on or off the street, are statistically more likely to perpetrate domestic abuse and other forms of violence against women and girls."

She went on to say that

"It is therefore essential that the issue is considered within the broader context of public interest and societal harm."

That is not ideology; that is Scotland's chief legal officer, giving her evidence, having had a long career as a sexual crimes prosecutor. The academic literature aligns with that. Across countries, and for decades, men who buy sexual access score higher on sexual entitlement, acceptance of coercion, hostility towards women and rape myth acceptance, which is one of the strongest predictors of sexual aggression.

What does that look like in their own words? One buyer describes meeting a woman who was visibly

unwell and disoriented. He said, “She looked like she was under the effect of chemicals. She was disorientated when I tried to talk to her, but I decided to give her a go anyway.” Another writes: “It truly is like living in a fantasy world, getting to pick from a range of girls to suck my cock and be fucked by me—all my teenage fantasies right there.” We hear again and again the language of ownership, the language of consumption and the language of contempt.

Another punter said: “If you want the best head, a junkie will do it best. I saw her when she was homeless. She wore that bikini for weeks on end, and I would fuck her unshaven, unkempt, unshowered. I’d do it again if I had the chance. She is an object placed there for men like us to use.” When women do not perform enthusiasm, they are punished, financially and verbally. Another review says: “Avoid. Let her learn the hard way that there’s no such thing as a free lunch.” This is the mentality of the men that members are being asked to protect by not backing my bill.

Evidence suggests that about 11 per cent of men have bought sex. That figure is out of date, however—I think that it is higher now. Most of them are in relationships and are economically stable. Many hold positions of authority and power—headteachers, senior professionals, princes and politicians.

Police and prosecutors understand, and they see the pattern repeatedly. They back my bill. Men who are arrested for sexual assault often turn out to be sex buyers. Domestic abuse perpetrators frequently have a history of buying sex. Men who are stopped for kerb crawling already have previous offending against women. Digital evidence shows patterns of purchasing surfacing across different crimes.

Demand for sexual access is not a separate behaviour. It sits as part of the wider continuum of violence against women and girls. That is why the Nordic model is such a game changer, because it does not criminalise the sellers—Maggie Chapman and I have that in common. The model does not pretend to manage the harm; it targets the demand and the entitlement that drives the system.

If we fail to pass the bill, we are not protecting women’s safety; we are protecting men’s violence. We are shielding the minority of men who, in their own words, reveal exactly what they believe women to be for. Let us be clear: hiding sex buyers behind claims of women’s safety is not protection; it is exploitation. The silence that the buyers hide behind is not innocence; it is entitlement enforced by power. The Parliament now has to decide who it stands with: the exploited or the exploiter.

My bill, including the title, is four and a half pages long and has 11 sections. Among all the issues raised at the committee—I have listened carefully to what has been said at stage 1 and have committed to a number of amendments to address those issues—the Government has not articulated one issue to me that I had not already covered in my various conversations with the minister. If it is a matter of money, what price does the Government put on the safety of women and girls? I even presented a Christie commission-based public-value case to the Government, showing that the bill will actually save Scotland money.

The bill would enact a law that is backed by Police Scotland, the Crown Office, the UN special rapporteur on violence against women and girls and the Lord Advocate—a law that has been in force in eight countries for more than 26 years—and it reflects the Government’s own strategy. If this is beyond the capability of the Parliament and 128 MSPs, in the two remaining months of a five-year parliamentary session, the public will ask us what we are doing here.

I got to this stage 1 debate with just my own small team, alongside brave survivors, many of whom are in the public gallery, and a network of women’s rights and child safeguarding campaigners. I thank them. They have done and are doing what women have always done when those in power fail to act on our behalf: organise at kitchen tables between dinner and tea. I have had no support from the Government or privately funded lobby groups. I have not even had the NGBU resource that the public would assume that the public purse funds for all members’ bills. I have had radio silence from the Government on technical issues that are within its control and even on requests from survivors to meet the Government, which is shameful. I am sorry, Presiding Officer, but that is shameful.

I have been a Government minister for four years and a back bencher in the Parliament for five years. Colleagues, I have to tell you that I have never been more ashamed of the lack of courage that is being displayed in the Parliament—not even to meet survivors of exploitation, which is probably happening metres from this building, let alone to stand up and be counted on a matter that is life or death. This is not about greyhound tracks that are not even operational; this is about life or death for vulnerable women and girls—but, you know, the Parliament is too busy.

The state has a duty to protect women and girls from sexual exploitation by abusive, dangerous men. If it does not act, I am afraid that all members will be complicit in that harm.

As I look around the chamber this evening, I see some MSPs sitting here who know that they should register an interest, but I am sure that they will not, for varying reasons. The vote on the bill is not a conscience vote, but I believe that it should be, as such votes have been for other members' bills. I also see former colleagues and friends on the benches who I know back the bill and support the principle. I wonder whether they will have the courage to say so with their votes—I hope that they will.

Millicent Fawcett famously said, "Courage calls to courage". The most courageous people in the Parliament today are the survivors of prostitution. They have called to us all. They have bared their deepest trauma and shame in the hope that we will listen to them and in the hope that we will save the next wee girls who are targeted to have their bodies accessed by entitled, abusive sex buyers. Will you finally heed their call to courage? Will you listen to and act for them? MSPs who hide behind the polished lies that are directly out of the sex trade handbook should be ashamed, frankly.

I want to address the point of harm. The only thing that would be harmed by my bill is the sex trade, and there is no excuse not to apply critical thinking and research to this debate, as other legislatures, even in the UK, have done and have told us about. They are watching this Parliament today.

The Deputy Presiding Officer: Ms Regan, you will need to conclude.

Ash Regan: What rational person thinks that the vulnerable are kept safe by shielding the men who have queued around the block to buy access to these wee girls' bodies and then rape them like takeaway meals on the vile Punternet community sites?

There are sliding-door moments in politics, and today is one of those sliding-door moments. I gave survivors, who have been ignored for generations, a voice in their national Parliament. Now, members, it is over to you. What are you going to do?

Are you going to listen, are you going to act, or are you going to stand for shielding sex buyers and tolerating the collateral damage that they inflict? If that is for you, that will have to be between you and your conscience.

Survivors do not want your praise.

The Deputy Presiding Officer: Ms Regan, please complete your speech.

Ash Regan: They do not want your sympathy; they just need your vote. Those who vote against the bill today will find that it will become a stain on their voting record.

The Deputy Presiding Officer: Ms Regan, we need to have your conclusion now.

Ash Regan: I will conclude, Presiding Officer.

For all the survivors of prostitution here, in Scotland and across the world, I commend the motion in my name.

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

Scottish Hospitals Inquiry

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Neil Gray on the Scottish hospitals inquiry. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

18:11

The Cabinet Secretary for Health and Social Care (Neil Gray): I welcome the opportunity to update Parliament in response to the motion that was passed on 28 January 2026.

Before turning to the detail, I again recognise the profound distress experienced by patients and grieving families and by staff who have dedicated their careers to caring for others. For many, the recent inquiry hearings looking into the evidence relating to the Queen Elizabeth university hospital have reopened long-standing and deeply painful wounds. My thoughts remain with all those affected.

Let me be clear: when families or staff raise concerns, they must be heard; when problems are identified, they must be investigated; and when systems fail, there must be accountability, but that accountability must be based on due process and evidence. That is precisely why the Scottish hospitals inquiry was established: to interrogate decisions taken and decision-making processes, in order to assess responsibility, wherever it lies, and to shine a light where answers were lacking. Its independence from ministers, from this Parliament and from national health service boards is fundamental. It ensures that the truth can be uncovered without interference or political motivation.

The evidence before the inquiry is extensive. While it is for Lord Brodie to draw his own conclusions, it is also important to clarify some of the assertions made in recent days in the media and by members of this Parliament. I recognise the strength of feeling, but we must be led by evidence, and I am pleased to put on record some clarifying points.

First, as is a matter of public record before the inquiry, the Scottish Government was informed of water contamination issues at the QEUH only on 1 March 2018. The hospital infection incident assessment tool—or HIIAT—red alerts received by the Government prior to 2018 and referenced by members of this Parliament and by the media over the weekend did not suggest that there were wider problems with the Queen Elizabeth university hospital. Indeed, that evidence is already before the inquiry, and HIIAT alerts can be assessed as red for a range of reasons, including severity of illness and impact on service delivery, and are not necessarily an indication of a wider problem.

Secondly, on the point about pressure, the evidence before the Scottish hospitals inquiry is unequivocal in demonstrating that there was no political pressure applied by Scottish ministers to open the hospital prematurely. Counsel to the inquiry made that clear during the final hearing, and NHS Greater Glasgow and Clyde has confirmed that no external pressure was applied. Importantly, it is a clear matter of public record that the Government took steps to pause the opening of the Royal hospital for children as soon as matters of safety were brought to our attention.

The motion that was passed last week suggests that the inquiry should examine political decision making. However, under the Inquiries Act 2005, it is for the chair—not ministers, and not MSPs—to determine what evidence is relevant. Any attempt by Government to direct an inquiry would compromise the independent scrutiny that families fought to secure and that is enshrined in legislation. If there was any attempt to do so, we would rightly be held to account by this Parliament. That is why we could not support the motion as it was drafted. Nevertheless, the Government respects the will of Parliament and I will, therefore, set out the measures that are being taken to respond to last week's motion.

On the important element of transparency, the Government has already provided extensive material on ministerial decision making—submissions, minutes, Cabinet papers and correspondence—and ministers and officials have given evidence under oath. If the inquiry seeks further documentation, it will be provided. That commitment is unequivocal.

The motion also calls for the immediate disclosure and preservation of communications. I will place on the record the comprehensive steps that have already been taken. Under section 35 of the Inquiries Act 2005, all relevant parties must not destroy, alter or conceal documents. That duty applies from the start of an inquiry, not only when a written notice is issued. Since 2021 and throughout the inquiry, the Scottish Government has responded to a wide range of statutory information requests. Officials working with the Scottish Government's knowledge and information management division conducted deep searches across corporate and non-corporate systems, identifying around 1 million documents, all preserved in their original locations. Every single formal submission to the inquiry has included an explicit confirmation that we have complied with our overarching obligations under the law.

I can therefore say with confidence that all relevant material has been preserved and provided to Lord Brodie. As the First Minister has stated, and as I have also confirmed, if Lord Brodie requires any further material, we will, of course, make that available to the inquiry. The Government's duty of co-operation is absolute and on-going.

The Scottish Government has also fully complied with requests from Police Scotland to have information shared as part of its independent and on-going investigations into deaths at the QEUH campus.

We remain committed to fully supporting both of those processes by making available all records and access to relevant persons, where necessary, to address specific lines of inquiry.

My officials are now examining how the documents that are referred to in the motion that was voted on by Parliament can be released safely and lawfully, and I will update Parliament in due course. However, let me also be clear in stating that this Government will not risk the integrity of the independent inquiry or seek to interfere in its work or that of the Crown Office purely to satisfy the political appetite of some members in the chamber. At the heart of this matter are families who deserve the truth, and that will be delivered by Lord Brodie's inquiry and the Crown Office investigation. I will not interfere with that process.

Turning to the Greens' amendment, which the Government supported, it is important that Parliament is guided by the independent evidence that is now available. Recent assessments provide clear reassurance about the safety systems that are currently in place at the Queen Elizabeth university hospital. As part of the hospitals inquiry, Lord Brodie commissioned a series of expert reports and audits from Andrew Poplett, who is an independent specialist in healthcare water and ventilation systems. In his expert evaluation, Mr Poplett concluded that the hospital's current management of its water systems is suitable and safe. Giving evidence to the inquiry in September 2025, he stated that, while there had been historic concerns, the system is "currently extremely well managed", reflecting what he described as "significant improvement". He noted that the facilities team is exceeding standard guidance and adopting a proactive and preventative approach that prioritises patient safety and resilience.

Ventilation governance has been subject to equally rigorous scrutiny. In March last year, Healthcare Improvement Scotland was asked by me to review progress made by NHS Greater Glasgow and Clyde in addressing requirements arising from its June 2022 inspection. Healthcare Improvement Scotland reported that the original inspection covered more elements of the healthcare associated infection standards than had been covered in any other single inspection, underlining the depth of that inspection. Healthcare Improvement Scotland further confirmed that the subsequent action plan showed that all four requirements had been completed. Experts to the inquiry have since advised that governance arrangements for both water and ventilation systems are now optimal. That independent judgment is an important marker of the progress that has been made and of the seriousness with which patient safety is now embedded in day-to-day operations.

There is also new leadership at NHS Greater Glasgow and Clyde, and I have absolute confidence in the leadership of the board and the chief executive and their ability to ensure that there is the cultural change that is needed in Glasgow.

While ministers are assured of the safety of the hospital, we recognise the need to boost public confidence, given the significant political and media scrutiny in recent days. Therefore, in light of the amendment from the Greens, which was passed, I confirm today the creation of a new safety and public confidence oversight group. This group will be co-chaired by the chief executive of NHS Greater Glasgow and Clyde and the eminent Professor Lewis Ritchie, who, Parliament will know, has overseen a number of reviews and reports over the years. Professor Ritchie's input will provide relevant independent scrutiny, and the group will report to the NHS Greater Glasgow and Clyde board and the Scottish Government.

The group will be broad and inclusive and will involve active engagement with patients, families, the wider public, staff, whistleblowers and other key stakeholders. The group will also make use of external independent scrutiny by Healthcare Improvement Scotland and the NHS Scotland assure service. The group will cover environment and facilities compliance and assurance; leadership and organisational development; public and political confidence and engagement; and implementation of the issues, findings and future recommendations of the Scottish hospitals inquiry. Importantly, it will not interfere with the work of Lord Brodie in the inquiry. He must be given the space and time to review all evidence, free from political influence.

I also confirm that I will write to members across the chamber to offer an opportunity to meet me and the chief executive of NHS Greater Glasgow and Clyde to discuss the remit of the group.

This work sits alongside Scotland's wider, long-standing national approach to improvement—the Scottish patient safety programme, which was launched in 2008 as the first national initiative of

its kind and which continues to deliver safer care and better outcomes.

Ensuring patient safety also requires creating an environment where staff can speak up without fear. Let me state this as clearly as possible: when staff raise concerns—often in very demanding and distressing circumstances—they must be protected and their concerns must be taken seriously. I fully support that principle, and I have made that clear on the record repeatedly.

Effective whistleblowing systems are essential to ensuring that any concerns that are raised are followed by proper action. Last week, I met with the Patient Safety Commissioner, and tomorrow I will meet with the national whistleblowing officer. These meetings are to discuss the issues that matter and to make my support for both roles absolutely clear.

The inquiry is now in its final stages and it is vital that we give Lord Brodie the time and space that he requires to write his final report. Families and patients who have waited so long deserve a report that is thorough, fair and grounded entirely in evidence. When that report is published, the Scottish Government will respond with the seriousness and transparency that the public rightly expects—taking whatever action is necessary to restore confidence, strengthen safety systems and ensure that lessons lead to real and lasting improvements.

I know the intense interest in this matter and I am happy to take any questions that members have.

The Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move to the next item of business. I would be grateful if members who wish to put a question were to press their request-to-speak buttons now.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising national health service general practitioner.

This is about the deaths of cancer victims as young as 10, whose families were lied to, gaslit and made to wait for more than a decade for the truth to be forced out in the most sleekit way possible. Rightly, the people of Scotland feel disgusted by the callous nature of the cover-up. The very board that threatened and silenced whistleblowers is now being put in charge of the so-called oversight group. Basically, the cabinet secretary is asking an arsonist to investigate why the house burned down. That is exactly how to silence whistleblowers and intimidate them from coming forward.

Fourteen red and amber alerts were issued about serious infection outbreaks at the Queen Elizabeth hospital between 2015 and 2018, and the former Scottish National Party health secretary Alex Neil said that he was informed about alerts when he was in office between 2012 and 2014, yet Neil Gray has just told us that the Government did not know about the infections until 2018. When Alex Neil said that ministers were told but went on to do nothing, he was right, was he not? He said:

> "At best, it is negligence, at worst it is a criminal conspiracy – either one caused death and avoidable suffering."

NHS infection expert Annette Rankin said that SNP health secretaries had been uninterested in the infection outbreak alerts. Why did successive SNP cabinet secretaries ignore those alerts? Every day brings new and horrific revelations that ministers cannot run away from.

As Nicola Sturgeon's career was rising, standards at the Queen Elizabeth hospital were falling. She was health minister during construction and First Minister during the scandal. Will the cabinet secretary ask the former First Minister to make a personal statement on what happened on her watch?

Finally, in 2015, Shona Robison categorically promised this Parliament that an independent safety audit would be completed before the hospital opened. That, I believe, never happened, with catastrophic results. Has an independent safety audit throughout the hospital finally been implemented—yes or no?

Neil Gray: Dr Gulhane raises a number of points. First, I reiterate that patients must be at the heart of the process. The families, to whom I pay tribute, must get the answers that they are seeking, and that will come through the public inquiry that this Government commissioned being allowed to conclude its work and report. I am confident that Lord Brodie will do that, and I ask that he is given the space to do that.

As I set out in my statement, those families will also be involved in the oversight group, the independence of which is confirmed by the co-chairing of Sir Lewis Ritchie, whose reputation everybody will be aware of. The group will also report to Government.

There is also new leadership in NHS Greater Glasgow and Clyde, who—as I said in my statement—I have full confidence in, in relation to their responding to the issues of culture that need to be responded to.

In terms of what we knew as a Government and when, the evidence before the inquiry clearly shows that the Scottish Government was made aware of a water contamination issue at the Queen

Elizabeth university hospital only in March 2018. That is a matter of record from the public inquiry. [*Interruption*.]

With regard to the current situation, I have set out my confidence in the safety of the hospital. I also sent in Healthcare Improvement Scotland to carry out an inspection to look at the whole hospital and its systems. I set that out in detail in my statement in March of last year.

However, I recognise the need to provide greater confidence to colleagues here, as well as to patients, families and the wider public. That is why we have established the oversight group with NHS Greater Glasgow and Clyde.

Anas Sarwar (Glasgow) (Lab): It has been seven years. For seven years, families, staff and I have been raising concerns about the Queen Elizabeth hospital, and, for seven years, Scottish National Party ministers told us that there was nothing to see. We have had seven years of dither, denial, lies, gaslighting and bullying—that is the context that the health secretary ignores today.

Families have got to where they are today because they fought the system—a system that protected reputations rather than patients.

Let me tell the health secretary this: nobody believes him when he says that there were no warnings of issues until March 2018, and nobody believes him when he says that pressure was not applied. They will be found out.

Although I welcome the new oversight group, the truth is that we have been here before. As I said last week, on current issues, I will not be satisfied until the brave doctors who exposed the truth are satisfied. If the health secretary believes in honesty and transparency, and if he is to have a shred of credibility in his job, he needs to answer the basic questions that he could not answer last week. Can he now answer these questions? Has the hospital been validated: every ward and every unit? Has that report been shared with those three infection control doctors? Has it been independently verified, and will he publish the reports—yes or no?

Neil Gray: I recognise the time that it has taken to get to this point.

On transparency, the public inquiry was established by Jeane Freeman in order to get to the answers that Mr Sarwar and the families are asking for. I recognise the time that it has taken and I recognise that the process is still to conclude, but that is the route through which we will get answers and get to the independent truth, which is why I believe that it should be allowed to run its course.

Mr Sarwar does not need to believe me regarding the issues that we are talking about, either in terms of what the Government knew when or whether there was political influence. Those are matters of public record that have been led in evidence before the public inquiry. That is why I can say those things, as I have, because I am quoting evidence that has come through from the public inquiry.

The public inquiry has also heard about the validation of the hospital. That is a matter of public record, which Anas Sarwar will recognise and understand. I do not wish to second guess the public inquiry's conclusions.

However, I recognise the questions that have been raised by Mr Sarwar and others about the safety of the hospital now. That is why I sent Healthcare Improvement Scotland into Queen Elizabeth university hospital last year to get assurances. We have set up the independent oversight group to look at all those issues so that the public, Mr Sarwar, families and others—[*Interruption*.]

The Presiding Officer: Let us hear the cabinet secretary.

Neil Gray: —can get assurance on the current safety of the hospital, which, I am clear, is safe.

Bill Kidd (Glasgow Anniesland) (SNP): Lord Brodie will reach his own conclusions, but will the cabinet secretary confirm whether it is the Scottish Government's intention to implement any and all recommendations that Lord Brodie may make?

Neil Gray: Absolutely—I have already committed to fully considering all parts of Lord Brodie's final report and, in particular, the recommendations that are made whenever Lord Brodie makes them. We owe it to the families and patients who have been impacted to effect real and meaningful change, and we will fully and transparently implement any recommendations that Lord Brodie makes to the Scottish Government.

Brian Whittle (South Scotland) (Con): I will not ask the question that I was going to ask, because the bottom line is that the safety of patients is paramount. I am really concerned, cabinet secretary, that you cannot categorically tell us—

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

Brian Whittle: —that the hospital is safe and that an audit has been done to ensure safety for the patients and staff who walk through its doors. Has an audit been done? Is the hospital safe?

Neil Gray: I can say categorically that the hospital is safe. I have set out that the evidence that has been led to the public inquiry is a matter

of public record. I will not second guess the conclusions of the public inquiry. However, along with NHS Greater Glasgow and Clyde, we have set up an oversight group with an independent co-chair in Sir Lewis Ritchie in order to provide independent oversight and assurance as to the hospital's safety. I can confirm that I am confident that the hospital is absolutely safe. [*Interruption*.]

The Presiding Officer: Let us hear one another.

Rona Mackay (Strathkelvin and Bearsden) (SNP): As the cabinet secretary said, there are patients and families at the heart of the issues at Queen Elizabeth university hospital who deserve the truth and answers to their questions. It is right that the Scottish Government set up an independent inquiry, and it is important that Lord Brodie be given space and time as an independent chair to reach his conclusions.

With that in mind, will the cabinet secretary set out how legislation, including the Inquiries Act 2005, protects Lord Brodie's important right to investigate free from any political interference?

Neil Gray: The Inquiries Act 2005, which was passed by the United Kingdom Parliament, was further strengthened by this Parliament's passing of the Inquiries (Scotland) Rules 2007. Those pieces of legislation put in place a range of powers that are available to any public inquiry that is established in Scotland. Those wide-ranging powers, which include powers to compel witnesses and the production of all relevant information, are extensive and enshrine the independence of public inquiries, which ensures that they are protected from any undue influence.

It is right that we allow Lord Brodie the space and time to deliberate fully on all the evidence that is before the inquiry, and we look forward to responding to those findings in due course.

Carol Mochan (South Scotland) (Lab): I find myself having to ask the same question as other members. Families deserve to know this: has every ward and every area been audited and validated as safe to be used today?

Neil Gray: As I have said, what has been disclosed before the inquiry is a matter of public record. I will not second guess the conclusions of the inquiry. Improvements to the ventilation systems have been made where practicable, and the inquiry's experts have given evidence that governance of the water and ventilation systems is now optimal. Robust air testing, reporting mechanisms, cleaning regimes and infection management are in place.

Despite my assurances that the hospital is safe—on which I am clear—I am seeking to give additional assurance to Parliament, Mr Sarwar and all colleagues as to the current safety of the hospital. That is why we are setting up the co-chaired independent oversight group to provide that assurance to the public.

Stuart McMillan (Greenock and Inverclyde) (SNP): Safety is of paramount importance to everyone who uses the facilities; it is vital that the public know that the sites that they are attending for their appointments and treatments are safe. Will the cabinet secretary set out how ministers are assured of the current safety measures that are in place at the QEUH?

Neil Gray: The inquiry's expert, Andrew Poplett, reported in 2025 that the water system management is now "extremely well managed" with "significant improvement" made. NHS Greater Glasgow and Clyde continues to monitor safety rigorously and must ensure that the hospital remains safe while the inquiry is on-going. No information through our robust governance arrangements has indicated that the hospital is unsafe.

In advance of publication of the inquiry's findings, NHS Greater Glasgow and Clyde has been working with the Scottish Government and plans to take additional immediate steps to ensure that there is public and political confidence in the safety of facilities and the environment in which services are delivered within the Queen Elizabeth hospital and the Royal hospital for children.

Beyond that, I have also announced today the creation of the safety and public confidence oversight group, which will actively engage with all parties and will be co-chaired by Professor Sir Lewis Ritchie, who I am confident will provide robust and independent scrutiny of its work.

Gillian Mackay (Central Scotland) (Green): I thank the cabinet secretary for advance sight of his statement. The creation of the safety and public confidence oversight group is a welcome development, but will the cabinet secretary provide more detail about the group's membership? He mentioned that there will be active engagement with patients, families, the wider public, staff and whistleblowers, but will he confirm whether there will be patient and staff representatives on the group?

Neil Gray: As I set out in my statement, such involvement in that area would be welcome. I am happy to set out in writing—I plan to write to all Opposition spokespeople—the details of that and how potential representatives can interact with me and with the chief executive of NHS Greater Glasgow and Clyde as to the workings of the group. I am clear that it is a route to provide greater confidence for the public, and for members of this Parliament and others, as to the current safety of the Queen Elizabeth hospital. I am confident of

that, but I recognise that there needs to be greater assurance provided.

Alex Cole-Hamilton (Edinburgh Western) (LD): We have heard Anas Sarwar, Brian Whittle and Carol Mochan all ask the same question about the validation of the safety of the wards and the hospital water supply. It is a yes-or-no answer, yet we have all heard from the cabinet secretary the same circuitous, rambling answer, leaning into the outcome of a public inquiry that might not report for months.

I will therefore ask the question in a different way. The cabinet secretary told Parliament that he instructed Healthcare Improvement Scotland to validate those wards last year. What did it tell him?

Neil Gray: As I set out in my statement, Healthcare Improvement Scotland responded that there has been significant progress made—

Alex Cole-Hamilton: Are they safe?

Neil Gray: Yes, they are safe—they are safe.

The Presiding Officer: Let us not be shouting at one another.

Neil Gray: HIS set out clearly that there is significant progress being made, in the management of the water and ventilation systems, as to the current safety of the hospital, which should give confidence to others.

I wished for that assurance in March last year, which is why I sent Healthcare Improvement Scotland in to carry out that work. I recognise that there is now additional assurance required, ahead of the conclusion of the public inquiry, and that is why the independent oversight group has been established.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Whistleblowers have played an important role in ensuring that issues at the Queen Elizabeth hospital have come to light. What can the cabinet secretary say about the importance of whistleblowers, and how is he working to ensure that they are protected and supported going forward?

Neil Gray: I am clear—I have made these points repeatedly, most frequently in my interactions with Stephen Kerr—that all concerns that are raised by whistleblowers must be taken seriously and investigated thoroughly.

Since the situation in the Queen Elizabeth hospital occurred, the Scottish Government has ensured the development of a robust set of whistleblowing measures to support staff to have the confidence to whistleblow without fear of repercussions. Those measures include setting up the role of the independent national whistleblowing officer, which commenced in 2021; the development of national whistleblowing standards; NHS Scotland's national whistleblowing policy; an independent advice line; and dedicated whistleblowing champions on the board of every NHS Scotland health board. Externally, individuals can also raise concerns directly with Healthcare Improvement Scotland, NHS counter-fraud services, the Health and Safety Executive and Audit Scotland.

Stephen Kerr (Central Scotland) (Con): The Patient Safety Commissioner for Scotland told the Health, Social Care and Sport Committee this very morning that the whistleblowing procedures are not working—that is the reality of the evidence. The cabinet secretary needs to face up to the reality of the evidence that is being presented by the commissioner to a committee of this Parliament. He can say that there are policies and procedures, and there is this and that, but the culture is not right—it does not work.

In relation to whistleblowers, it is disturbing to many of us in the chamber that the cabinet secretary cannot say yes to the question that he has been asked numerous times. Have the hospital's systems been validated by an independent auditor or not? I can tell him that two whistleblowers have come to us in recent days to inform us that staff are telling patients on the cancer wards not to drink the water but to drink bottled water.

Will the cabinet secretary face up to the reality of these issues and deal with them now, and not hide behind the procedural things that he keeps bringing up?

Neil Gray: I respect Stephen Kerr's role in relation to whistleblowing in organisations. I understand the strength and force with which he seeks to make his contributions. I, too, have made those points. I have stated my expectation and that of this Government on culture and on the running of the NHS in Scotland. The chief executives and the chairs that are in post, and the independent whistleblowing champions of every health board, are clear about the Government's and my expectations of how whistleblowers should be treated.

If that is not the case, I want to hear about it, including in my interactions with the Patient Safety Commissioner, whom I meet regularly. I recognise the evidence that she gave this morning. I heard it, I understand it and I meet her regularly in order to try to overcome some of the challenges that she set out. That goes to the heart of ensuring that proper patient safety procedures are followed, because when patients and staff feel able to speak up, that is when we have a system that can be counted on by the public.

Emma Harper (South Scotland) (SNP): Scotland has advanced support for patient safety that has attracted international commendation. I experienced that when I worked in the NHS as a nurse. It is vital that patients are assured of the Scottish Government's determination to maintain a safe clinical environment.

The cabinet secretary is aware that the Patient Safety Commissioner was in Parliament today, giving evidence about her role to the Health, Social Care and Sport Committee. Will he say any more about the commissioner's role in supporting the Government's work to ensure and improve patient safety across our NHS?

Neil Gray: Scotland's patient safety programme, which was world leading when it was launched in 2008, has reduced avoidable harm across multiple areas. We support Healthcare Improvement Scotland's inspection programme to drive continuous improvement. The Patient Safety Commissioner, who was appointed following the Cumberlege review, advocates for patients and systemic improvement.

The patient safety programme leads are working with boards on the co-design and implementation of Martha's rule in Scotland. Parliament has also introduced the patient safety charter, which reflects concerns that have been raised by families, including the family of Milly Main, to whom I pay the utmost tribute.

Liz Smith (Mid Scotland and Fife) (Con): Does the cabinet secretary accept that, although public inquiries are immensely helpful when it comes to establishing the truth, they are by no means the only mechanisms through which to re-establish public trust, and that any Government should not hide behind them in order to avoid answering very specific questions?

Neil Gray: Yes, I do. I hope that my interactions with Liz Smith on another public inquiry will give her confidence in relation to what I am saying here and why I am saying it. I am attempting to ensure that the independence of a public inquiry is respected and that it is allowed to do its work.

I am also conscious that, given the amended motion that was agreed last week, we must give greater assurance to the Parliament and members of the public as to the current safety of the hospital. That is why we have taken steps to provide that through the oversight group that Professor Sir Lewis Ritchie will assist in co-chairing. We are doing that precisely because I want to address the points that Liz Smith makes. I understand the perspective that she is coming at this from.

Graham Simpson (Central Scotland) (Reform): If the cabinet secretary had seen evidence that every part of the hospital was safe, he would not need to seek the additional reassurance that he talks about. What is that evidence, and where is it?

Neil Gray: I am clear that the hospital is safe. I am clear about that from the evidence that has been before me and from the information that has been led through the public inquiry and the additional inspection that I asked Healthcare Improvement Scotland to conduct. However, I recognise that there is a need for wider public confidence and for Parliament's confidence in the safety of the hospital, and that is why I am respecting the will of Parliament in relation to the passage of the motion last week by seeking to provide additional oversight and assurance by establishing the oversight group.

Martin Whitfield (South Scotland) (Lab): The cabinet secretary has in his own mind used the question of the inquiry to ascertain whether the hospital is safe today. At what date can the inquiry publish that the hospital is safe, given that it will not report for many months?

Neil Gray: I have been quoting evidence that has been led in the public inquiry, but I have not sought to make judgments as to the conclusion of the public inquiry. That is the distinction that I am seeking to draw.

I am not concluding that the hospital is safe purely on the evidence that has come through the public inquiry. That is additional—I am making that conclusion on the basis of Healthcare Improvement Scotland's work and the confidence that I have in the current leadership of NHS Greater Glasgow and Clyde.

I think that it is important—I think that Martin Whitfield would also—that Lord Brodie is able to conduct his business and come to his conclusions, independent of any interference, so that the families can get answers. That is fundamental to the effective operation of public inquiries and to the continued confidence of the public in Parliament.

The Presiding Officer: That concludes the ministerial statement.

Anas Sarwar (Glasgow) (Lab): On a point of order, Presiding Officer. It is incredibly important that the Cabinet Secretary for Health and Social Care gives true information in the chamber. That is massively important when we think about safety concerns at the hospital.

The cabinet secretary has this afternoon repeatedly presented evidence from the inquiry as saying that the hospital is safe and he has selectively quoted transcripts of evidence from the counsel to the inquiry. I will quote what the counsel actually said on the final day of the hearings. These are the words of Fred Mackintosh:

"the key point to make today is that the whole hospital ventilation system has not been validated. The general wards have not been validated. It's most concerning that it's still not been done."

This is not a matter of the inquiry concluding and making recommendations. This is a matter of the safety of, and public trust in, our institutions in the here and now. The health secretary must do his job and make sure that we protect patient safety.

The Presiding Officer: Mr Sarwar, with regard to that being a point of order, that is not a matter for the chair. The member will know at this point that the accuracy of the contribution that members make is a matter for them, ordinarily.

Children's Wellbeing and Schools Bill

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-20645, in the name of Jenny Gilruth, on a legislative consent motion for the Children's Wellbeing and Schools Bill, which is United Kingdom legislation. I would be grateful if members who wish to speak would press their request-to-speak button.

18:48

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Today's debate focuses on proposed changes to UK legislation. The changes would give the Scottish ministers powers to make provisions that are consequential on devolved aspects of the Children's Wellbeing and Schools Bill in respect of community-based and secure accommodation.

In June 2025, the Scottish Parliament agreed to a motion extending provisions within the Children's Wellbeing and Schools Bill to Scotland, allowing children from Scotland to be placed in community-based settings in England, once they are developed and if they are judged to be in the children's best interests. It is already possible for children living in Scotland to be placed in secure accommodation in England, although that is rarely done. Importantly, this change does not alter Scotland's existing decision-making processes, nor does it change our commitment to reducing cross-border placements wherever possible. As was made clear during last year's parliamentary debate, placements into provision in England should occur only in exceptional circumstances and, especially, should not occur in response to capacity pressures.

Members will be acutely aware of the previous challenges that we have faced around secure accommodation capacity in Scotland. Although 16 of Scotland's 70 beds are currently vacant, our work with providers and partners to restore and enhance that capacity continues. On 8 January, we launched a 14-week public consultation on the future of secure care in Scotland, which includes questions on the potential development of community-based accommodation in Scotland. We welcome views on how secure provision should evolve to ensure that we continue to meet the needs of our children and young people.

Martin Whitfield (South Scotland) (Lab): Will the LCM or the UK legislation alter the status of English young people in secure accommodation in Scotland, with regard to their human rights and the United Nations Convention on the Rights of the Child, which now applies in Scotland?

Jenny Gilruth: It my understanding that the LCM will not alter things in relation to the specific point that the member makes. It is important to say that the measure is a future-proofing one and is reflective of the powers that are being brought forward for the Welsh ministers, as it is important that we have consistency across the piece.

Last June, we had agreement from Parliament, and further consideration was given to granting powers to the Scottish ministers, as I have alluded to, to make provision that is consequential on devolved aspects of the bill, specifically in relation to accommodation that is used for the deprivation of liberty. Although the provisions that were consented to in June should cover all necessary amendments to Scottish legislation, taking the additional powers that we are considering today would provide flexibility should future changes to Scottish legislation be required. That will ensure that children's rights remain fully protected and that their best interests continue to guide every decision that we make.

Taking these powers also protects the devolution settlement. The provisions that are subject to the motion will ensure that consequential amendments that are made to devolved legislation are made by the Scottish ministers, reflecting the core principle that changes to devolved legislation should be made in this Parliament, unless there are compelling reasons not to do so.

Douglas Ross (Highlands and Islands) (Con): It is important that decisions should be taken in this Parliament, but does the cabinet secretary agree that it is also important that the Parliament's scrutiny role is upheld? The Education, Children and Young People Committee was not able to scrutinise the LCM due to the timing—it has come straight to the chamber. That follows the earlier LCM back in June, when we were given only one day, which meant that it was not possible for us to look into it. Is that something that the Government will consider?

Jenny Gilruth: Yes, it very much is. I am aware that Mr Dey, as parliamentary business manager, has been leading work on that at the Conveners Group. There are wider issues pertaining to the timetables associated with LCMs and lodging, and I recall that Mr Ross raised those exact issues at the end of June. The Secretary of State for Education wrote to me on 7 January, so some timings are outwith the Government's control in that regard. However, to give Mr Ross comfort, we are absolutely committed to looking at those issues in more detail.

I am mindful of time. For the reasons that I have given, I recommend that the Scottish Parliament consents to the motion on giving the Scottish ministers powers to make provision that is consequential on devolved aspects of the Children's Wellbeing and Schools Bill, in respect of community-based and secure accommodation.

I move,

That the Parliament agrees that the relevant provisions of the Children's Wellbeing and Schools Bill, introduced in the House of Commons on 17 December 2024, and subsequently amended, relating to the new clause to be inserted after clause 64, which grants powers to the Scottish Ministers to make provision that is consequential on devolved aspects of clause 11 (Use of accommodation for deprivation of liberty), so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

Decision Time

18:53

The Presiding Officer (Alison Johnstone): There are two questions to be put as a result of today's business. The first question is, that motion S6M-20627, in the name of Ash Regan, on the Prostitution (Offences and Support) (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. There will be a short suspension to allow members to access the digital voting system.

18:53

Meeting suspended.

18:56

On resuming—

The Presiding Officer: We move to the division on S6M-20627, in the name of Ash Regan, on the Prostitution (Offences and Support) (Scotland) Bill at stage 1. Members should cast their votes now.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Thomson, Michelle (Falkirk East) (SNP)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)

Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on S6M-20627, in the name of Ash Regan, on the Prostitution (Offences and Support) (Scotland) Bill at stage 1, is: For 54, Against 64, Abstentions 0.

Motion disagreed to.

The Presiding Officer: The final question is, that motion S6M-20645, in the name of Jenny Gilruth, on the Children's Wellbeing and Schools Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Children's Wellbeing and Schools Bill, introduced in the House of Commons on 17 December 2024, and subsequently amended, relating to the new clause to be inserted after clause 64, which grants powers to the Scottish Ministers to make provision that is consequential on devolved aspects of clause 11 (Use of accommodation for deprivation of liberty), so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time.

Scottish Games Network's "Level Up Scotland: A National Action Plan for the Scottish Games Sector"

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-20521, in the name of Michael Marra, on the publication of "Level Up Scotland: A National Action Plan for the Scottish Games Sector". The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the publication of *Level Up Scotland: A National Action Plan for the Scottish Games Sector*, by the Scottish Games Network; recognises what it considers is the growing importance of the games sector to Scotland's economy, international reputation and high-skilled employment; notes the action plan's ambition to scale the sector to £1 billion gross value added (GVA) by 2030, and the reported productivity of the sector, including an estimated £151,382 GVA per head; further notes what it sees as Dundee's longstanding reputation as Scotland's games capital and the contribution of its studios, talent pipeline and creative ecosystem; notes the view that there should be a parliamentary debate about the action plan and the steps required to support sustainable growth in the sector, and further notes the calls on the Scottish Government to set out how it will engage with the recommendations in the plan, including on skills, investment and support for innovation, to help secure jobs and economic growth across Scotland.

19:00

Michael Marra (North East Scotland) (Lab): It is a pleasure to welcome the publication of "Level Up Scotland: A National Action Plan for the Scottish Games Sector" and to recognise the value of Scotland's games sector to our national economy. I thank all members across the chamber who supported the motion on an industry that can be an ever-greater engine room of growth for our economy.

I welcome to the public gallery Brian Baglow, the founder and director of the Scottish Games Network, and the many others in the Scottish games sector who are tuning in online.

As co-convener, along with Clare Adamson, of the cross-party group on Scottish games ecosystems, I have had the privilege of contributing to the action plan as it has taken shape since the first meeting of our cross-party group, in 2023. I give credit to the authors of the plan for the breadth and depth of their consultation when preparing it.

In common with almost every family in Scotland, gaming plays a daily role in the life of my household: Minecraft, Rocket League, Fall Guys, Among Us, Roblox and a deep emotional—almost

spiritual—investment in the world of FIFA. However, it is the economic impact of Scotland's games sector, particularly in my home city of Dundee, that led to my work on behalf of the sector. The games sector in Scotland already generates £151,382 in gross value added per head of population, which is more than double the Scottish average.

For too long, the Scottish Government has been an analogue operation in a digital age. The pace of technological change is the fastest that it has ever been and the slowest that it will ever be from now on. Grasping the opportunity that is contained in the action plan is just one step towards embracing that reality and all that it entails.

The action plan aims to make Scotland the United Kingdom's first games supercluster by 2030 and a global leader in creative technology. It recognises Scotland's unique opportunity, with key players in the industry situated within reach of each other in Glasgow, Edinburgh and Dundee, as well as in other parts of Scotland.

The action plan's recommendations are ambitious yet practical. They include running a two-year pilot to deliver strategic alignment across portfolios, setting up a pilot fund to support new intellectual property and leverage private investment, establishing a national games and skills education forum to identify skills gaps and connect each stage of education with professional development, and launching a dedicated service that provides business support and mentorship to new and growing studios. The plan seeks to build on the fruits of the two-year pilot by establishing a national games innovation centre to drive long-term growth and cross-sectoral innovation. I look forward to hearing the minister's considered response to the contents of the plan.

Turning to Dundee, I note that my home city's contribution to the global games industry is something for Dundonians to be very proud of. Grand Theft Auto, Minecraft and Lemmings are all household names not just across Scotland, but across the entire world, as part of the world's largest entertainment industry.

Martin Whitfield (South Scotland) (Lab): I compliment Michael Marra on securing this debate, but I am going to scold him, in part. He mentioned the growth of the sector in Dundee, but 4J Studios began life in East Linton, in East Lothian, although it now has a small but significant outlet in Dundee that supports Minecraft and other developments. Does he agree that the games industry is an industry for the whole of Scotland and that our size allows for that, but we need to grow the expertise in some areas?

The Deputy Presiding Officer: I can give you the time back, Mr Marra.

Michael Marra: I fully agree with my colleague. There is a great partnership between Chris van der Kuyl and his business partner, Paddy Burns. The willingness to invest in their communities in East Lothian and Dundee and to support jobs shows the potential for setting up smaller clusters of studios that can support high-value jobs in diverse parts of our country.

A critical mass can be required and can help to create a clustering effect, and our universities play an instrumental part in that. An example of that is the InGAME project that is run by Abertay University—again, in Dundee—along with the University of Dundee and the University of St Andrews. It has upskilled thousands of people who are now working in the sector. In 2023, the economic analysis for InGAME showed that it was expected to generate a total of £84.7 million of gross value added over 10 years, supporting around 175 jobs. It is an example of strategic investments that help to grow our economy.

It is the tangible impact of those innovative studios, which comes in the form of investment, high-value jobs and supply chains, that attracts people to Dundee and the wider region. The question must now be how we can rapidly expand the industry, building on our own track record of innovation.

Finland offers a fine example of what can be achieved by having a focus on scaling appropriately. It has built a £2.5 billion mobile gaming industry from the legacy of Nokia and hits such as Angry Birds.

I want to touch briefly on issues that have arisen recently. Members will be aware of some growing concerns about precarious work and reports of anti-trade union actions and negative working practices in the sector. It would be remiss of me not to mention that tonight, given that members will have been contacted in that regard. It is right that we recognise the challenges that those kinds of cultures and practices pose for the health of workers and the success of the sector as a whole. Governments should carefully consider how to ensure that workers are protected, that talent is nurtured and that people's right to organise is protected in this industry and everywhere else.

I am proud to champion the games industry in Dundee and Scotland. It provides young people with real opportunities for the future that draw on our city's proud history in the sector and look with hope towards the future of the world's largest entertainment industry. There are new studios, new games and innovations happening all the time. I am sure that we will hear about some of them tonight from other members. Future generations can credibly look forward to being a part of all that. That is why the action plan is

important. It sets a clear path for Dundee and the wider Scottish economy to capitalise on the huge opportunity in front of us. At the launch of the plan at Codebase, in Edinburgh, Mark Logan rightly challenged all of us to think about how we can move beyond our pioneering games history and write new stories of success for our national future.

I will conclude by quoting from Marx—not Karl Marx, but Marx Watanabe, a character in a wonderful novel by Gabrielle Zivine on finding purpose in work and the joy of gaming. He says:

"What is a game? It's tomorrow and tomorrow and tomorrow. It's the possibility of infinite rebirth".

Therein lies our chance of building something ever more brilliant for Scotland.

19:07

Clare Adamson (Motherwell and Wishaw) (SNP): I thank Michael Marra for introducing the cross-party group on the Scottish games ecosystem and the work that we have been doing with Brian Baglow and the games sector to get to the publication of "Level Up Scotland" and the launch of the national action plan for the Scottish games sector. The publication is more than a report: it gives us a road map for Scotland's future in the sector that is dynamic, creative and globally recognised. As has been said, the games industry is not just about entertainment; it drives innovation and creates high-skilled jobs, and it can showcase Scottish talent around the world.

We should remember that gaming and gaming technology seep into lots of different areas of our lives. We are looking at the gamification of healthcare, where we use video screens, joysticks and virtual reality to work with people and treat conditions. That touches on something that is close to my heart. My son has a condition called complex regional pain syndrome—CRPS—and one way of treating it is to use a visual device to do a cold therapy treatment that involves people going for a virtual walk in the Arctic in their room, to try to desensitise the pain of the syndrome at that time.

Games technology is used in many aspects of our lives. Games engines are used not just in the development of games, but in the film industry, which is a booming sector in Scotland. All those skills will be there for the future. We must also consider the developments in artificial intelligence and the impact that that might have. To place Scotland at the forefront of all of that is ambitious, but it is not beyond the means of the Scottish people and the games sector to achieve those ambitions.

The plan focuses on a few key priorities, including talent and skills development, which is about nurturing the next generation of developers, designers and technical specialists. Unlike Mr Marra, I am not surrounded by gaming in my own house, other than a Wednesday night Discord session to play Dungeons & Dragons, still with dice but via computer screens—for the avoidance of doubt, as I have said before in this chamber, I am chaotic neutral in that context. However, I see it through the eyes of my son, who is a primary school teacher and uses games in some of the interactions with his pupils. I also see how my grandchildren not only play exciting games but also learn by using things such as Minecraft and other games to build and create. That all builds on the creative aspect of what makes us human.

This creative industry is new. We are coming to terms with it and are still trying to find a place for it in Scotland's cultural landscape, but we are making strides in that regard. The report gives us a firm foundation on which to build in order to truly embrace the creativity, excitement and opportunity of the games sector.

I will give a little shout-out to The Baby in Yellow, which came out of Scotland and was almost our Angry Birds in that it was another viral game—one of many that we will see in the future, I am sure.

I offer huge congratulations to the Scottish Games Network. I thank it for its engagement with the cross-party group and give a special thank you to Mr Baglow for all the work that he has done to drive the plan through.

19:11

Maurice Golden (North East Scotland) (Con): I congratulate Michael Marra on lodging the motion and bringing the debate to Parliament this evening. I welcome the publication of the national games action plan by the Scottish Games Network. Scotland's games sector is a shining example of what is possible when entrepreneurial talent, creativity, innovation and technical expertise come together.

The sector is one of Scotland's greatest modern-day success stories and international exports. As the Scottish Government considers the recommendations of the action plan and the financial commitments involved, it is important to remember that the games sector already has a proven track record of success. The action plan is not making a funding request but asking for an investment in growth. This is not about rescuing a struggling industry or backing a speculative venture but about supercharging a sector that is already thriving and delivering real economic and creative impact.

Scotland's video games industry delivers exceptionally high productivity; it generates more than £150,000 in GVA per employee, which is

more than double the Scottish national average. The Scottish Government should seize every opportunity to grow the sector further and create even more well-paid, highly skilled, export-driven jobs while attracting investment, strengthening regional economies and retaining skilled talent.

The action plan calls on the Scottish Government to recognise games as a national priority; provide strong leadership and co-ordination; invest in studios and talent; support skills development; back regional hubs such as Dundee; and promote Scottish games on the global stage. Those measures are designed to ensure that the sector can grow sustainably and deliver real economic and creative impact across Scotland.

Dundee exemplifies why that support is important. The city is the birthplace and beating heart of Scotland's video games industry. Its success began with pioneering studios such as DMA Design, which was the forerunner of Rockstar North, and it continues today through a thriving cluster of independent studios. The role of Dundee-based companies in the development of iconic games such as Grand Theft Auto and Minecraft cannot be overstated.

Central to Dundee's global reputation is Abertay University, which was one of the first universities in the world to offer dedicated courses in video game development. Abertay has supplied generations of highly skilled graduates who have shaped the industry locally and globally.

Through the delivery of the action plan, there is an opportunity to recognise Dundee's unique role and to deliver targeted support to strengthen its cluster. That includes backing local studios through funding and investment, supporting Abertay and other educational institutions to extend and expand their skills pipelines, and promoting Dundee as a centre of excellence in Scotland's wider games sector.

By building on Dundee's historic achievements and leveraging world-class talent and infrastructure, the action plan can help to cement the city's position as a global leader. I fully support the motion and encourage the Scottish Government to use all the levers at its disposal to support the action plan, and I call on it to set out in full how it will engage with the plan's recommendations.

19:15

Daniel Johnson (Edinburgh Southern) (Lab): Presiding Officer, thank you for tolerating my slipping out early from the debate to attend a reception that I am sponsoring this evening. I am keen to speak in this debate.

I count myself part of a lucky generation, because I grew up with computer games. I got my first computer, a ZX Spectrum, for Christmas in 1984. I then had a Nintendo Entertainment System, and SimCity just about ruined my highers. Indeed, I am not ashamed to say that I built my own personal computer about two years ago, and I get somewhat distracted by a combination of Rust, Cities: Skylines and Assetto Corsa.

The point that I am trying to make is that we sometimes talk about computer games as though they are things for kids—a curiosity and a niche interest—but they are not. For many people of my generation, they are part of our lives and they continue to be so right the way through adulthood. If we look at how people use games, we see that, increasingly, people—young or old—do not think of themselves as gamers, but as people who use games. Even my mother likes to play Scrabble on her phone, and my wife is pretty addicted to Wordle. They are gamers, whether they realise it or not.

Games are pervasive—as pervasive as the devices that we have in our pockets. However, when we look at the strategy that is set out in the "Level Up Scotland" document, we must recognise that we still have a disjointed approach to how we think about computer games and the computer games industry.

The action plan calls for leadership and co-ordination across policy areas; a focus on skills and a skills pipeline; and funding and investment. However, those things should not need to be asked for. This is a sector that we have been saying is a jewel of Scotland's business and industry, yet it is calling out for things that are standard for businesses that we support and seek to nurture. Our approach to games and the games industry is stuck in the 1980s, and we need to get it up to speed.

We should acknowledge that the games industry is a different kind of industry. It is not just about people writing lines of code—in fact, I think that probably very few people working in the games industry write lines of code. It is about writers, designers, artists and people who are involved with the marketing, finance and legal issues. That is why it is a $250 billion industry globally, of which we have a £350 million share. Let us get serious. Let us have a plan. Let us have the necessary leadership, and let us make sure that we deliver the investment so that we can have the next Grand Theft Auto in Scotland.

Let us also be clear that gaming is pervasive. We need to understand that the games sector is not just a discrete part of the economy. Increasingly, as people spend time using games and earning money from doing so—they can earn

money in real life—the interface between games and real life will start to look far less defined and far more blurry than we realise.

We need to take the games industry seriously. It is a Scottish success story, and we should back it with a plan.

19:15

Liam Kerr (North East Scotland) (Con): I am grateful to Michael Marra for lodging the motion and for the opportunity to make a short contribution. The "Level Up Scotland" report and the strategic direction that it sets out for Scotland's games sector represent a serious and evidence-led plan that recognises the sector's economic value and, crucially, the need for better co-ordination across skills, education and enterprise support. In these difficult economic times, particularly for the north-east, I echo the comments in Mr Marra's motion that a parliamentary debate about scaling the games economy in the way that is set out in the plan's ambition would be welcome.

Although we have, rightly, heard a great deal about the contribution that is made by and in Dundee, I put on record that the sector is nationwide, as Martin Whitfield noted in an earlier intervention. There is strong and growing activity in Aberdeen, Aberdeenshire and the wider north-east. For example, North East Scotland College has been delivering industry-linked partnerships and e-sports provisions, investing in specialist facilities, building school-to-college partnerships and securing recognition for its work in digital education and inclusion. NESCol is the first Scottish college to be part of PlayStation first, which is an innovative collaboration with Sony Interactive Entertainment's global academic programme. It gives the college access to PlayStation development tools and support, which enables the students to use the same hardware as is used by professional studios to build games for PlayStation platforms.

Furthermore, the college's higher national diploma games design students have worked with Kemnay academy pupils through the Wood Foundation to build a virtual reality game demonstration that is aimed at helping users to learn sign language. It is a true partnership project: the school has the idea, the college team builds and delivers the platform and, ultimately, the pupils visit the Aberdeen city campus to see the results of the demo. Finally, following the launch of the e-sports hub at Fraserburgh campus last year, NESCol has expanded the principle to the Aberdeen city campus to give computing students access to advanced gaming equipment.

Let us be clear that, as has been noted, the game engine at NESCol is not only about games development; it is about transferable, vital skills that lend themselves to things such as the energy transition or farming. At the same time, Robert Gordon University continues to strengthen progression routes and degree-level provision for the sector, which is helping to retain talent in the region and support the skills pipeline that is rightly emphasised in the action plan. In fact, both of Aberdeen's universities are hosting game jams, which provide opportunities for students to come together, get a brief and build a game over the following days.

It is good that Michael Marra has given us the opportunity to highlight an important report that provides a clear strategic direction for the sector as a whole, and to showcase the excellent work that is being done throughout the north-east and Scotland. I look forward to the minister's response to this important debate.

19:22

Foysol Choudhury (Lothian) (Ind): I thank my colleague Michael Marra for holding this timely debate. The Lothian region is reaping the benefits of having a significant games sector employer, Rockstar North, located in Edinburgh. I am confident that the region will only continue to benefit from the future expansion of the sector. Therefore, I thank the Scottish Games Network for offering such a detailed plan in its report.

I will focus on the report's ambition to create a robust talent pipeline. Although I welcome the report's recommendations on how to do that, more must be said about the need to strengthen the rights of games workers. Current protections are insufficient and the situation is forcing many workers to leave the sector, while new talent may avoid it altogether. Last December, I visited workers who had been dismissed by Rockstar North in Edinburgh without disciplinary hearings and with the absolute minimum notice. The Independent Workers Union of Great Britain—IWGB—is helping those workers to challenge their dismissal.

The dispute is symptomatic of the broader problem with employees' rights in the sector. The industry has been blighted by lay-offs since 2022, driven to some extent by reckless investment during the Covid-era boom. In its "State of the Game Industry" report in 2025, the game developers conference stated:

> "Layoffs have become part of the industry, with announcements now a weekly, if not daily, occurrence."

Unsurprisingly, a wave of unionisation has begun to pass through the sector.

The games workers branch of the IWGB grew by almost 50 per cent between 2022 and 2023,

and it has continued to grow since then. However, the issue is not just lay-offs. The infamous crunch period regularly involves employees being forced to work an unbearable amount of overtime in the lead-up to the release of a game, and there are concerns that the pay and the arrangements for residuals do not provide adequate rewards for developers and other staff.

Developers could choose to work elsewhere, including in defence, virtual reality or the wider tech industry. To keep them in the games sector, we must strengthen their rights as employees. For example, in relation to the action plan's recommendation on the creation of a "Games Scotland" body, trade unions must be represented on any such body. If we share the Scottish Games Network's desire for a robust talent pipeline, we must take steps to ensure that games workers are given the rights and privileges that they deserve.

19:26

The Minister for Business and Employment (Richard Lochhead): I thank Michael Marra for securing the debate and for highlighting the publication of "Level Up Scotland: A National Action Plan for the Scottish Games Sector". I congratulate him and Clare Adamson, along with other colleagues, on being great champions of the games sector in the Parliament. I thank all colleagues for their contributions to the debate.

I recognise the great work of, and pay tribute to, Brian Baglow, who has been an invaluable advocate for the sector. He has helped me, my officials and the Government more widely to gain an even clearer understanding of the cultural, economic and social contributions that games make to Scotland. I remember that, when Shona Robison and I, on behalf of the Government, met him and a number of senior and experienced representatives of the games sector in the Parliament in 2023, the idea emerged of his carrying out work to produce an industry-led games plan for Scotland, which he has now published.

As the plan says, and as many members have said, Scotland has played a truly formative role in global video game culture. Landmark titles such as Grand Theft Auto and Lemmings, which have been often mentioned by members in the debate and were both born in Dundee, have shaped entire games genres and have reached hundreds of millions of players worldwide.

There have also been other contributions, particularly in education. As members have mentioned, Abertay University, which I visited a few months ago for the umpteenth time, established the world's first dedicated video game degree back in 1997, and it is consistently ranked among the top universities globally for video game design by the Princeton Review.

That pioneering spirit has cemented Scotland's international reputation as a place where creativity meets cutting-edge technology, as many members have said, and that legacy continues today. We have 135 computer games enterprises in Scotland, which represents an 800 per cent increase since 2010, when there were 15. Some of the most successful and influential games in the world are still being developed here.

As many members have said, the sector covers all parts of Scotland. For example, a couple of games companies in Elgin, on my doorstep—Code Wizards and Hunted Cow—have produced chart-topping games, so I know that, as well as Dundee, which has led the way and blazed the trail, other parts of the country are benefiting from our growing games sector.

It is anticipated that the new title in the Grand Theft Auto franchise—the most iconic games franchise—will have the biggest launch in entertainment history, and more than 300 million copies of Minecraft have been sold worldwide. Those are both household names. I associate myself with Michael Marra's comments in that respect. I feel that I should own shares in those titles, given my two sons' history of playing video games and the amount of Lochhead investment that has gone into those games over the years.

I remember that, when I was a teenager, one of my friends got a ZX80. I did not own one of them, but I remember seeing it—now I am showing my age. A couple of years after that, I got a ZX Spectrum, and I got addicted to Jet Set Willy, Match Point, Deathchase, Manic Miner and a number of other games. It was actually only a few years ago that I learned that the ZX Spectrum was manufactured in Dundee, and that it led to the emergence from that city of the games industry that is now a national phenomenon. Chris Van Der Kuyl and Paddy Burns, who are well-known figures from Dundee in the games sector and who are behind some of its big titles, told me how it led to coding among local young people and schoolchildren, and others who worked at Timex, and, in turn, to where we are today. It is a fantastic legacy and a great story that we should tell the rest of the world over and over again.

From indie developers and co-working hubs to globally recognised studios, our games community runs the gamut of an entire country. A really important point to make about the timeliness of the plan's publication, and a theme that many members have touched on, is that gaming technology is all about innovation and cutting-edge technology. It is not just about games; the technology is being used by prosthetics

companies and by the military. It is also incredibly important to healthcare—and I am talking not just about the games and apps that are being developed by the games sector to promote healthy living and to help people with their health, but about the gaming technology used by surgeons. It is also being used in finance. Indeed, a company in my constituency told me that it has produced a banking app, so the financial sector is benefiting from games technology, too. Therefore, I agree with the thrust of many people's contributions, which is that we have to recognise that that is a nationally valuable source of innovation in Scotland and it affects many different parts of our economy, not just the games sector. It is at the cutting edge of innovation.

In my final couple of minutes, I should mention that the Government has been supporting the games sector; indeed, we have stepped up our support for it in recent years. Our ecosystem fund has supported Scottish games week, which has shone a spotlight on the sector's remarkable strength and diversity. That very point was made and recognised in the members' business debate on this subject back in 2023.

A few months ago, as part of our Techscaler programme, we took a cohort of 10 games start-up companies out to Japan and gave them the opportunity to meet and learn from some truly influential global leaders, and to attend the Osaka world expo. I was there as minister, helping to lead that delegation of games companies from Dundee, Glasgow, Edinburgh and elsewhere, and it was fantastic to see them taking their products, ideas and vision to the important—and massive—Japanese games market.

Just a few months ago—in September—we were thrilled to host the prestigious DICE Europe conference in Edinburgh. We took a leading role in shaping the conference and the satellite activities, in showcasing all that Scotland has to offer and in welcoming the major global companies that attended. Those companies included Nintendo, whose chief executive I met a couple of times—it was great to talk to him about what was happening in the games sector in Scotland—as well as Xbox and Epic Games, among others.

Michael Marra: I know that the minister is coming towards the end of his time, and he has set out some of the support that the Government is rightly giving the sector. Will he commit to meeting the authors of the report and perhaps to coming and speaking to the members of our cross-party group at some point in the immediate future, so that we can go through the report in detail, look at the recommendations line by line and see what actions the Government can take to support them?

Richard Lochhead: Yes, I would be delighted to do that. I have been hoping to catch up with Brian Baglow since he formally published the report; he met me before its publication to give me an indication of how he was getting on and what he was heading towards. I have now read the final version of the report, and I am happy to meet Brian again as well as colleagues from across the chamber, perhaps at a meeting of cross-party group, which I know does a fine job. Perhaps, if the member would like, that could happen before the recess on 26 March—which we have to make sure happens, too.

I should also say that, during the DICE Europe conference, the First Minister hosted some of the leading games executives at Bute house in Edinburgh, and he was impressed by the feedback that he heard from the prominent companies at the table—and from some Scots who were there—about Scotland's games sector and its global impact and leadership.

The plan is impressive. It is obvious that a huge amount of work has gone into it; it presses all the right buttons and we as a Government will carefully consider its recommendations. As we all know, the parties will have the opportunity to talk about this issue in their own manifestos, and although a new Government is going to be elected in a few months' time, the report is still very timely and contains a lot of really good ideas. We will have to take some time to reflect on what we have read in the report, and we will do so in due course. Of course, as we have heard, the cross-party group is playing an important role in keeping the matter high up the Parliament's agenda.

I once again thank Brian Baglow and everyone who contributed to his report and plan, Michael Marra for securing the debate and all members who have spoken today.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 19:35.

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