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Meeting of the Parliament

Tuesday 3 March 2026

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Scottish Parliament

Tuesday 3 March 2026

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. Our first item of business is time for reflection and our time for reflection leader today is Representative Tsering Yangkey.

Representative Tsering Yangkey: Feasgar math.

Tashi Delek. That is our traditional Tibetan greeting: a heartfelt expression symbolising good fortune, happiness and wellbeing.

Honourable Presiding Officer, Alison Johnstone, and esteemed members of the Scottish Parliament, it is an honour to stand before you today. I am deeply grateful to the honourable MSP Ross Greer for nominating me and to the honourable Presiding Officer for granting me the opportunity to speak in this sacred temple of democracy. It is truly a privilege.

I stand before you to talk about something that transcends borders, beliefs and time: compassion. As a devoted follower of His Holiness the 14th Dalai Lama, I firmly believe that compassion is key not only to personal happiness but to global peace. Compassion has the power to heal wounds, bridge divides and guide us towards a world where conflicts are resolved not through violence, fear, anger or greed, but through understanding, patience and kindness.

At first glance, violence may seem like a solution. However, by creating destruction and division we create only more pain and suffering. Compassion, ethics and discipline are not weaknesses; they are our greatest strengths. Compassion, combined with those other qualities, gives us the courage to overcome fear. When we look beyond actions, we see suffering that is driven by anger, greed and ignorance, and we come to recognise that those who cause harm are also in pain. No one truly wins in a war.

Each of us has the potential to be compassionate. Compassion is the very essence of life itself, but it is not always easy. It demands that we treat all beings, human and non-human alike, with equal care and concern. When tragedy strikes, we may feel sorrow, but it often seems distant until it touches us personally. True compassion means feeling for and caring about everyone, no matter who they are or where they are from.

His Holiness the Dalai Lama teaches us that human values are essential for harmony within families, society, communities and nations. Even the smallest act of kindness can change the course of someone's life, but negative actions leave scars that can last for generations, and they tear apart what we have worked so hard to build. Reflection allows us to learn from the past so that we do not repeat the mistakes of history.

I believe that the time has come for all of us—particularly world leaders—to pause and shift our focus from material development to spiritual development, because only through compassion, empathy and understanding can we hope to create a better future for all human beings.

Thank you very much.

Business Motion

14:04

The Presiding Officer (Alison Johnstone): The next item of business is consideration of business motion S6M-20965, 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 revisions to the programme of business for—

(a) Tuesday 3 March 2026—

after

followed by	Topical Questions

insert

followed by	Ministerial Statement: Ferries and Ports
followed by	Ministerial Statement: Ferguson Marine

delete

5.00 pm	Decision Time

and insert

5.15 pm	Decision Time

(b) Thursday 5 March 2026—

after

followed by	Appointment of Board Member to Environmental Standards Scotland

insert

followed by	Financial Resolution: Freedom of Information Reform (Scotland) Bill—[*Graeme Dey*]

The Presiding Officer: I call Edward Mountain.

14:05

Edward Mountain (Highlands and Islands) (Con): I do not want to speak against the motion, but I want to speak about the fact that it has caused some confusion and some issues regarding the Net Zero, Energy and Transport Committee. The political parties in this Parliament learned at 11:47 on Friday that there was going to be a statement on Ferguson Marine (Port Glasgow) in the chamber today. I know that for a fact, because, at that stage, I asked to speak when that ministerial statement was being made. However, it was not until Monday at 13:43 that Ferguson Marine (Port Glasgow) told the Net Zero, Energy and Transport Committee that it was unable to attend the committee meeting that was scheduled for this morning. That was less than 24 hours' notice.

Presiding Office, I do not need to point out to you or members in the chamber the pressure that the Net Zero, Energy and Transport Committee is under at the moment, along with many other committees of this Parliament. Only last week, we had to have three committee meetings to get our climate change report published in time to meet the Government's last-minute deadlines. We are still taking evidence, and we will meet on 24 March, which is the last day when we can meet in the current session of Parliament, to sign off various items that still need to be considered. They include various statutory instruments that are being laid before the committee and a request by the Cabinet Secretary for Transport to consider a legislative consent memorandum on the Railways Bill. Those matters require a considerable amount of work and investigation.

It was therefore deeply unhelpful to be told less than 24 hours before the committee meeting that Ferguson Marine could not turn up because Transport Scotland had told it that it would be inappropriate for it to do so. That left no time for the committee to schedule some of the many other items of business that we could have taken, and we were left meeting at 8.15 this morning with a significant gap in our work programme.

I have two questions. First, does the Parliament think that it is acceptable for Ferguson Marine to have told the committee less than 24 hours before it was due to attend the committee meeting that it would be unable to do so when it must have known, like the Parliament, that the statement was going to take place? Secondly, will the Minister for Parliamentary Business and Veterans find out when Ferguson Marine found out about the statement and perhaps tell it to give due respect to committees of this Parliament, given their workloads? There is a considerable amount of work to be done before the end of the session, and the notice that it gave was totally unacceptable.

The Presiding Officer: I call the minister to respond on behalf of the Parliamentary Bureau.

14:08

The Minister for Parliamentary Business and Veterans (Graeme Dey): I understand Mr Mountain's frustration on behalf of his committee if witnesses call off at short notice. As we have just heard, and as we are all aware, the Net Zero, Energy and Transport Committee has a packed agenda over the remaining weeks of the session. I hope that he will appreciate that, for my part, I sought to give this Parliament, through the Parliamentary Bureau, as much notice as possible of the Government's intention to bring not one but two statements to the chamber today. That is as much as I can control.

I cannot comment on the actions of Ferguson Marine, but, in a general sense, I expect people to

give due consideration to the demands on committees, although I am not sighted on all the detail on that. I hope that, when Ferguson Marine comes before the committee—I believe that its appearance has been rescheduled—it will turn out to be a productive session for Edward Mountain and his colleagues.

Martin Whitfield (South Scotland) (Lab): The challenge is that an incredible level of discourtesy has been shown towards the committee by others outside this place. Given the discussions that we have had about the challenges that sometimes exist in getting witnesses to this place, does the minister envisage that the environment will perhaps change in the next session and that the requirement to attend committees may become much higher? In the past, committees have accepted it where people have been unable to attend, but this level of discourtesy from such an important a witness raises the question of how we can ensure attendance at our committees.

Graeme Dey: That will be a matter for the next Parliament and its committees. It is not for the Government to have a view on that. However, I recognise the frustration that Mr Mountain has articulated. As a former committee convener, I understand the challenges that are faced, particularly at this late stage in a parliamentary session. However, as I said, when Ferguson Marine comes before Mr Mountain's committee, I hope that it will be a productive session.

Motion agreed to.

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

(a) Tuesday 3 March 2026—

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followed by Topical Questions

insert

followed by Ministerial Statement: Ferries and Ports

followed by Ministerial Statement: Ferguson Marine

delete

5.00 pm Decision Time

and insert

5.15 pm Decision Time

(b) Thursday 5 March 2026—

after

followed by Appointment of Board Member to Environmental Standards Scotland

insert

followed by Financial Resolution: Freedom of Information Reform (Scotland) Bill

Topical Question Time

14:10

Middle East Conflict (Support for Residents in Scotland)

1. **Jamie Greene (West Scotland) (LD):** To ask the Scottish Government what discussions the Cabinet Secretary for Constitution, External Affairs and Culture has had with the United Kingdom Government regarding any assistance that the Scottish Government could provide, within devolved competence, to support anyone resident in Scotland who might be affected by the escalating situation in Iran and the Gulf region. (S6T-02931)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): The Scottish Government has been in daily contact with the United Kingdom Government's Foreign, Commonwealth and Development Office since Israeli and US military action began against Iran. The FCDO has responsibility for consular support of British citizens overseas, and I am grateful for its updates and co-operation so far.

The Scottish Government has been proactively amplifying FCDO travel advice for all UK citizens in the region, and I encourage all members to do likewise. Anyone who is affected should monitor FCDO travel advice and any official updates. The FCDO has asked British citizens in Bahrain, Israel, Palestine, Qatar and the United Arab Emirates to register their presence in order to ensure that they receive updates. If anyone needs consular assistance, they should contact the nearest UK diplomatic mission—be that a consulate, an embassy or a high commission—or the FCDO's 24-hour helpline, which is on 0207 008 1500.

At the First Minister's request, officials across the Scottish Government are working at pace to understand and mitigate any impacts that the conflict may have for Scots at home and abroad. That includes any steps that can be taken to reassure different communities around Scotland.

Jamie Greene: I thank the cabinet secretary for that helpful update. I do not think that any of us is in any doubt that the Iranian regime oppresses minorities, suppresses and murders peaceful protesters and, indeed, threatens the very existence of its neighbours. However, conflict in the middle east has rapidly destabilised that region; currently, at least eight countries have been hit with retaliatory strikes.

An estimated 40,000 Scots live in the middle east, which has long been a popular destination for expats. Many people who live in Scotland—Iranians, Israelis and others—will have family in

the middle of the conflict. What further work can the Scottish Government do to offer them assistance?

Angus Robertson: Jamie Greene is absolutely right to highlight those two groups. First, although estimates vary, it is thought that there are 300,000 UK citizens in the affected region; pro rata, that would be about 24,000 people from Scotland—it might be slightly more or slightly less. Some of those people are permanently resident in one of the territories or countries that I was talking about a moment ago; others are visiting those areas. Many of us have constituents who have been finding it very difficult to get back. We are working with the FCDO on that issue.

Mr Greene is also right to highlight that Scotland is a country in which there are people from all backgrounds and all parts of the world. There are people living in Scotland who are originally from Iran or other countries that are impacted, and they have friends and families.

I assure Mr Greene and colleagues across parties that work is proceeding across Government to understand ways in which we can support community cohesion, find out whether any help or support is required and make sure that the consular advice that has been issued is reaching the people who need it most. I would be grateful if Jamie Greene and colleagues from across the parties amplified the advice that has been issued by the FCDO and the Scottish Government, to help people understand where they can get the maximum information.

Jamie Greene: I thank the cabinet secretary for that update. It is important that we are on guard for an increase in antisemitism and Islamophobia in Scotland.

Although most people would welcome regime change in Iran, it is also true that international conflict must be legal and must limit civilian casualties. If we are honest with ourselves, Mr Trump is not famed for consistency of rationale on these matters, and history has painted a very dim view of how US-led regime changes in the past have left humanitarian crises in their wake. Millions of innocent civilians often pay the price for conflicts that they did not start.

How will the Scottish Government use Scotland's international development role and budget to support the world's most vulnerable? In the face of a growing number of voices that say, "No refugees here," will the cabinet secretary confirm that Scotland will continue to welcome those fleeing conflict and war, wherever they come from?

Angus Robertson: I thank Jamie Greene for his follow-up question. There was much to it. The First Minister has outlined the Scottish Government's position that we support international law and has outlined our concerns. Those concerns are shared by a great many people around the country and around the world and—no doubt—by members in the chamber.

We are very much seized of the issue of community relations. There will be a lot of people who, on the one hand, are delighted to see the demise of a dictator in Iran who has the blood of tens of thousands of Iranians on his hands, including opponents of the regime, people of different minorities and LGBT people—I could go on. However, at the same time, a conflict is on-going. People are dying and, understandably, people have grave concerns about what is happening.

Returning specifically to the scope of the question about what the Scottish Government is able to do, I assure Mr Greene that we are working across Government to establish where there is a locus for us to be helpful and supportive to people in Scotland and to think about Scottish residents who find themselves in the war-torn and impacted region.

Keith Brown (Clackmannanshire and Dunblane) (SNP): I very much associate myself with the comments and questions of Jamie Greene. I will ask the cabinet secretary a question on a related note. The Prime Minister's decision to allow UK military bases to be used by the United States in this operation has drawn the UK into this conflict. There should be real cause for concern about the risks and dangers that are faced as a result of that decision. What communication has the Scottish Government had with the UK Government in that regard?

The Presiding Officer (Alison Johnstone): With regard to the substantive question, cabinet secretary.

Angus Robertson: As the First Minister has said, it is not clear that the actions taken by the United States and Israel were compatible with the international rules-based system. The Iranian regime is, of course, repugnant and repressive, but we all still have to operate within the law.

The Prime Minister was correct not to be involved with the initial intervention. However, there is now a significant risk towards UK interests due to the fact that the Prime Minister has made UK bases available to the United States for defensive action. That demonstrates the severity of the situation and the risks that we now face. The international community must apply pressure to ensure that we seek a diplomatic solution and avoid further escalation.

Scottish Government officials and ministers have held regular discussions with the UK Government over the past few days. We have heard its position and discussed with it the importance of consular support for people from Scotland who are in the region.

Middle East Conflict (Scottish Airports)

2. **Mercedes Villalba (North East Scotland) (Lab):** To ask the Scottish Government whether Scottish publicly owned infrastructure, such as Prestwick or Wick John O'Groats airports, has been used by the US Air Force for the recent strikes on Iran. (S6T-02933)

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Glasgow Prestwick airport and some Highlands and Islands Airports Ltd airports are an important stopover point for many air forces—including the United Kingdom's Royal Air Force and those of other NATO partners, such as the United States—and have been for many years. That is in line with UK law, international aviation standards and long-standing agreements between allied nations.

Prestwick is a civilian facility, and there are, of course, a plethora of military bases available to the United States in the middle east. We have no information on whether any aircraft that recently passed through Scotland, or whatever nation, were involved in operations against Iran. That said, we believe that it is essential that all nations abide by the international rules-based system. The events in Iran over the past few days do not suggest to us that the United States and Israel have done that.

It is also the case that the UK Prime Minister has said that UK military bases must not be used in US or Israeli offensive operations against Iran. The same must apply to non-military bases. We are therefore seeking clarity, not least from the UK Government, that no aircraft passing through Scottish Government-owned airports are part of offensive operations against Iran.

Mercedes Villalba: I thank the cabinet secretary for his response. I also welcomed the First Minister's statement yesterday, which questioned whether the US and Israel have abided by the international rules-based system with their strikes on Iran. I am pleased to hear the cabinet secretary repeat that today.

The Prime Minister is right not to involve the UK in those strikes, but does the Scottish Government agree with the mounting expert legal opinion that the strikes were unlawful? Will the Scottish Government condemn any such military intervention that breaches international law?

The Presiding Officer: On devolved competence, cabinet secretary.

Angus Robertson: The Scottish Government is clear in our support for international law, but Mercedes Villalba will have to accept that I am not a lawyer, so I am not in a position to judge. The First Minister has been absolutely clear about the concerns that we have about the nature of the offensive action conducted by the United States and Israel.

Specifically on the question, Presiding Officer, I draw Mercedes Villalba's attention to the fact that non-UK military flights are required to obtain diplomatic flight clearance from the UK Ministry of Defence in order to fly in UK airspace and land in the UK; I also note that aviation, national security and defence are all reserved issues. Notwithstanding those points, we are seeking clarity from the UK Government that no aircraft have passed through Scottish Government-owned airspace as part of offensive operations against Iran.

Mercedes Villalba: I thank the cabinet secretary for his response and remind him that, in 2024, following public pressure and intervention from the then First Minister Humza Yousaf, the Scottish Government confirmed that Scottish Government-owned Prestwick airport had taken the decision not to conduct further business with the Israeli air force. Given the First Minister's publicly stated concerns about the escalation of the US-Israel strikes on Iran, and his call for diplomacy, de-escalation and a return to negotiations, will the Scottish Government now act again to ensure that publicly owned infrastructure, such as these airports, is not used by the US in this war?

Angus Robertson: I think that I have already answered that question. We have made approaches to the UK Government to seek clarity, because we want to be assured that no aircraft passing through Scottish Government-owned airports have been part of offensive operations against Iran. I have now said that twice. We are in the process of establishing clarity on that. Should there be any updates in regard to that question, I would be happy to keep Mercedes Villalba and other members of the chamber updated.

Patrick Harvie (Glasgow) (Green): It is simply not good enough to say that it is unclear whether the US and Israel have complied with international law. Pete Hegseth, the US defence secretary, said yesterday that the US action would continue

"regardless of what so-called international institutions say".

He said that there would be

"No stupid rules of engagement … no democracy building exercise, no politically correct wars."

The US is being quite explicit that it has contempt for international law. What more will it take for the Scottish Government, as the owner of Prestwick and other airports, which are therefore within devolved control, to say that it will not do business with US military forces under any circumstances?

Angus Robertson: The first thing that I would say to Patrick Harvie is that, as he knows, the Scottish Government's position on international law and maintaining international law is absolutely clear, and the First Minister has outlined that.

I remind Patrick Harvie that I sat in the House of Commons and voted against Iraq military operations in past decades, so my record on the subject is absolutely clear. The Scottish Government's position is absolutely clear. We support international law.

I have pointed out that we are seeking clarity from the UK Government in relation to aircraft passing through Scottish Government-owned airports. We have no information, as I have already said, that any such aircraft have taken part in offensive military operations, and we are seeking clarity from the UK Government on that point.

Katy Clark (West Scotland) (Lab): It is believed that almost 800 Iranians have been killed because of the missile and air strikes undertaken by the United States and Israel. Those strikes are clearly in defiance of international law. They have inflamed regional tensions and there has been loss of life and damage in other countries across the middle east. Will the cabinet secretary outline whether the Scottish Government has made any representations to the US consulate in Edinburgh in relation to concerns that international law has not been followed by the US? Does he think that that kind of action would be appropriate?

The Presiding Officer: I must remind members that, within devolved competence, it is important that they consider the substantive question when they come to put supplementary questions.

Angus Robertson: The First Minister has made public his views and the views of the Scottish Government for everyone to hear, so I have no doubt that they have been heard by the United States consulate in Scotland. The Scottish Government's position in relation to the United States and Israeli offensive in Iran has been made absolutely clear.

On the specific question, I have updated Parliament on the position as we find it. We have no information about any aircraft passing through Scottish Government-owned airports taking part in direct military operations. Of course, there is a great distance between Scotland and Iran, so the attacks by US and Israeli forces have been taking place from that theatre. Nevertheless, questions have been raised about the use of Prestwick and other airports, and we are seeking clarity from the United Kingdom Government on that.

Assisted Dying for Terminally Ill Adults (Scotland) Bill (Funding)

3. **Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government, further to the Cabinet Secretary for Health and Social Care's letter to the Health, Social Care and Sport Committee regarding the funding required for the Assisted Dying for Terminally Ill Adults (Scotland) Bill on 26 February, what current NHS services would potentially be reduced to meet such costs. (S6T-02930).

The Cabinet Secretary for Health and Social Care (Neil Gray): The Scottish Government is neutral on the Assisted Dying for Terminally Ill Adults (Scotland) Bill. The letter to which Mr Mountain referred states:

"we recognise the challenges of accurately estimating the costs of delivering this Bill, particularly given that, at this stage, the Bill does not set out a model of delivery. There remain many uncertainties as to the overall costs of the Bill, not least as there may be amendments at Stage 3 that further impact these considerations."

Given that, any funding reprioritisation would need to be assessed if and when the bill is passed and its final form is known.

Edward Mountain: I thank the cabinet secretary for the answer, but, in that letter, he said:

"the Scottish Government does not agree with the assumption that much of the provision of assisted dying would be absorbed into existing budgets",

nor does the Scottish Government agree with Liam McArthur's assertion

"that the Bill will have minimal cost".

Surely the cabinet secretary is able to indicate rough costings on the bill as it currently stands. Are we not talking about tens of millions of pounds, cabinet secretary?

The Presiding Officer: Always through the chair, please.

Neil Gray: As I said in my initial answer, it is difficult at this stage to be able to alight on a figure, not least because there are amendments still to be considered on the back of the closing of the submission period for amendments at noon today. Until such time as those amendments are considered and the bill in its final form is considered and voted on, it will be difficult to ascertain a final figure.

However, there is always prioritisation and reprioritisation and the seeking of efficiencies to ensure a sustainable future for our national health service. The Government has embarked on that work over a number of years, culminating in the

publication last year of three strategy documents setting out how we can reduce demand on our health service, make our population healthier and ensure the safe and sustainable delivery of services over the coming years.

Edward Mountain: I am afraid that I am looking for an answer on the bill as it stands. When I come to the chamber and ask for something, the Government always tells me, "If you want to fund something, tell me whose care you will cut." With regard to funding this bill, we know that the palliative care budget cannot be cut, as one in three people already do not get their care needs met. We know that the funding cannot come from the cancer care budget, because that is still not on target.

Can you tell me, cabinet secretary, which group of patients will lose out on their care in order to fund the bill? You must have thought about that.

The Presiding Officer: Always through the chair, please, Mr Mountain.

Neil Gray: Mr Mountain sets areas in which we are making significant progress. "Palliative Care Matters for All: Palliative care strategy (2025–30)", which was published last September sets out areas in which we want to improve performance on palliative care. We have seen data on performance against the 31-day cancer target that demonstrates that we are meeting the target. Indeed, from the time of decision to treat, the median wait for patients on a cancer referral pathway is two days, so it is clear that significant improvements have been made in the performance of our health service.

Again, I reiterate that the Government is neutral on the proposition in the Assisted Dying for Terminally Ill Adults (Scotland) Bill. It is a matter for debate next week when the amendments are considered, and then, at the conclusion of the bill process the following week, there is a decision for Parliament to take. We will ensure that we do what we can to set out the Government's position where it is relevant for MSPs, but ultimately it is a decision of conscience for MSPs to take, and colleagues will have a free vote on the bill.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): In the light of consistent international experience, including data from across Australia, where record additional investment in palliative and end-of-life care accompanied the introduction of voluntary assisted dying, does the cabinet secretary agree that decisions about whether to provide a safeguarded option for terminally ill adults should be determined not solely by projected cost but by whether we are prepared to respond compassionately to dying people who are asking for choice and dignity at the end of life?

Neil Gray: I understand Elena Whitham's question, but I reiterate that the Government is neutral on the issue of assisted dying and Mr McArthur's bill. It is for members of the Scottish Parliament to consider all the evidence that is put before them to determine whether assisted dying should be legalised in Scotland.

Regardless of the outcome of the final vote on the bill, the Scottish Government is committed to ensuring that everyone has dignity and respect at the end of their life. To that end, for example, we updated our palliative care strategy in September and we have committed £9.4 million in the budget to help hospices to achieve parity with NHS pay levels for their staff. As I have said previously, Parliament's decision should be based on the merits or challenges of assisted dying rather than any other consideration.

Michael Marra (North East Scotland) (Lab): The Government clearly shares the Finance and Public Administration Committee's concerns about the challenge of costing the bill, which were set out in the committee's report. We are about to vote on the most significant legislation of this parliamentary session, but fundamental details of the cost and implementation remain unclear.

Last week, the Scottish Fiscal Commission highlighted the crisis that our NHS faces, stating that

"Most waiting times standards are not being met".

The cabinet secretary might not want to name—or maybe cannot name —areas where he thinks there will be cuts or challenges, but can he at least acknowledge that dealing with these challenges in our NHS would be made more difficult if an as yet unspecified portion of the budget were redirected to assisted dying?

Neil Gray: We are building an NHS that is recovering from the pandemic and has turned a corner in its performance. The figures that were published today on performed operations over the past year demonstrate that. We now have eight months in a row of falling long waits, and figures today demonstrate year-on-year and month-on-month progress in activity in the health service. I therefore do not take the position that Michael Marra offers on the state of the health service.

The discussion to be had next week and the week after on assisted dying is about the principle of assisted dying. We will have a discussion and debate on that, and members will have a free vote. Parliament will need to come to a position as to whether it should legalise assisted dying.

Liam McArthur (Orkney Islands) (LD): The health committees here and at Westminster heard evidence from Australia and elsewhere confirming that the introduction of an assisted dying law of this

type does not lead to cuts in services. Indeed, such laws often go hand in hand with increased investment in and access to palliative care.

Does the cabinet secretary accept the need for all MSPs to look at the evidence of what happens in practice? Does he agree that, with an election in May, all parties are free to propose additional investment in health and care while also delivering more choice for dying Scots, which recent polling by John Curtice—for the social attitudes survey—confirms enjoys overwhelming public support across Scotland?

Neil Gray: I reiterate that the Government is neutral on Mr McArthur's bill. It will be for Mr McArthur to set out the points as he wishes and persuade—or otherwise—members of this Parliament as to the merits or challenges of assisted dying.

We have put record levels of resource into the national health service. As I have pointed out to Mr Marra and Mr Mountain, we are seeing a sustained improvement in the performance of our health service, thanks to the hard work and efforts of our staff. We are proposing reforms and changes to the way in which we deliver health in this country, so that a more sustainable health service can address the issues that the people of Scotland are facing.

The Presiding Officer: That concludes topical questions. I will allow a moment or two for members on the front benches to organise themselves.

Ferries and Ports

The Presiding Officer (Alison Johnstone): The next item of business is a statement by Fiona Hyslop on ferries and ports. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:35

The Cabinet Secretary for Transport (Fiona Hyslop): In this statement, I intend to give an update on the Clyde and Hebrides contract and ferry services in the northern isles. I also intend to highlight significant progress in key ferry investments for vessels and ports across our lifeline services.

We are now approaching the end of the first period of the Clyde and Hebrides ferry services contract following the direct award to CalMac Ferries last October. Those new arrangements are a step change in how services are delivered and they are bringing flexibility and community focus to the heart of how operations are managed. That includes new key performance indicators, which have been developed with community input and a focus on lived experience.

Scottish ministers have embedded the ferries community board in the legal agreements, and I was pleased to see an advert launched to seek a new chair in the near future—I thank Angus Campbell for his term as chair. Ministers and Transport Scotland officials have hugely valued our engagement with the board, which will continue to play a key role in strategic issues across the network. I have also welcomed my engagement with individual ferry committees in recent weeks.

Examples of how CalMac has responded to community asks include the provision of extended services on the secondary route to Arran and the Sound of Barra route in the winter, which is bringing added resilience to those islands. An enhanced area manager structure has been introduced as a permanent feature of the new Clyde and Hebrides ferry services contract. I have heard directly from communities that they want to see those roles strengthened, and I confirm that Transport Scotland and CalMac are looking at further improvements to support that.

MV Glen Sannox entered the fleet in January 2025 and is expected to return to service from her annual overhaul in the next few days. The order for seven new ships as part of the small vessel replacement programme was placed in March 2025 and construction is progressing well. The first vessel is due to be delivered in 2027.

MV Isle of Islay has now arrived in Scottish waters and is undergoing preparations to enter service on Islay. I will be visiting the vessel tomorrow and would like to take this opportunity to share my thanks to and admiration of the crew undertaking her journey from Turkey, not least for the skill and bravery that was shown en route in undertaking a rescue operation north of Morocco.

MV Isle of Islay's sister vessel, the Loch Indaal, is due to follow this summer. Her greater capacity will add to that of the Isle of Islay, which will further enhance the service to Islay. Investment in upgrading ports for Islay, including the replacement of life-expired infrastructure, was also completed at Kennacraig and Port Askaig last year.

I also announce that I have approved funding for developments in Port Ellen. I am pleased to confirm that Caledonian Maritime Assets Ltd will be awarding the contract this week to completely redevelop Port Ellen. That £107 million project will provide an essential additional marshalling area to safely use the full capacity of existing and new vessels, in addition to improving resilience and increasing the efficiency and flexibility of freight operations, which will support communities and the economy of Islay. Work will start in the summer and is expected to complete in early 2029.

I turn to the port of Ardrossan, which the Government is clear will be the primary mainland port to service the island of Arran. I confirm to the Parliament that negotiations and wider legal agreements have now been concluded and will be signed shortly to confirm the purchase of the port of Ardrossan this month by CMAL. The purchase will secure the port in public ownership, which will allow us to focus on the redevelopment of the facility as the primary mainland port for Arran.

I cannot confirm the full details until the commercial deal and related agreements have formally concluded, but my previous updates have been clear that this has been a complex negotiation to bring about wider benefits for our ferry services in the longer term. In the interests of transparency, I confirm that the process has involved a shareholder direction to the CMAL board to allow the purchase to be concluded. I have also provided written authority to Transport Scotland. We will shortly share the details of that with the Net Zero, Energy and Transport Committee and the Public Audit Committee, and we will also publish the details in line with previous commitments.

There is work to be done to move forward to tender for the port redevelopment, but CMAL has already been considering short-term work to ensure resilient operations while the MV Caledonian Isles continues to operate from Ardrossan. We are committed to funding a two-port service until the major work starts.

I thank the teams at CMAL and the Peel Ports Group for their work on getting to this point. I also add my thanks to the Isle of Arran ferry committee and their representative on the task force for their input throughout and for constantly championing the use of Ardrossan. This evening, I will meet the task force to discuss the immediate steps following purchase.

I will now move on to further vessel procurement. I can announce—the Deputy First Minister will expand on this in her statement, which will follow mine—that ministers propose to include the two new vessels for the Sound of Harris and the Sound of Barra from the next phase of the small vessel replacement programme as a direct award to Ferguson Marine as part of a wider suite of publicly funded and directly awarded vessel projects. The proposal is subject to a detailed internal due diligence process that is under way to assess viability, including examination of structural organisation matters and subsidy control. Engagement with the Competition and Markets Authority would also be among the steps that are required before any formal contract award decisions can be made.

Separately, I can also announce that CMAL will now move to the open market competitive procurement of the replacement for the MV Lord of the Isles in the next few weeks, with a view to placing an order with a shipyard later this year. When I met the community and businesses in South Uist last year, I was clear that the business case would be developed this financial year, and this announcement is confirmation of that commitment.

I turn to the Little Minch. Work on the Little Minch ports was completed last year, and CMAL has now confirmed that MV Lochmor is expected to be handed over later this year and MV Claymore early next year—although it will continue to work with the yard to bring forward these dates if possible. The introduction of this new two-vessel service will bring added capacity and resilience to the Western Isles, as will the investment in the new MV Lord of the Isles vessel and the next phase of the small vessel replacement programme.

I turn now to services to Orkney and Shetland. The First Minister confirmed when he was in the northern isles recently that the peak seasonal fares for Orkney and Shetland islanders using the NorthLink services will be removed from 26 March 2026 and eligible island residents will now only need to pay low-season passenger, car and cabin rates all year round. The Scottish Government has also introduced free interisland travel in the Western Isles and the northern isles for those

under the age of 22 on council-run services, and we have extended the voucher system to more of our young people across both of the networks that are the responsibility of Scottish ministers.

For the northern isles, tomorrow, we will launch the prior information notice, which is the initial phase in procurement for the next northern isles ferry services contract, which will be in place from the end of June 2028. Transport Scotland recently published the report on the extensive public consultation exercise that took place last year. My officials received more than 1,100 responses to the consultation, which is substantial for a project of this nature. Work is on-going to refine the specification for the next NIFS contract and the responses will help to inform the process.

One of the key messages in the northern isles consultation was about vehicle deck capacity and availability of cabins. Ministers understand well those needs, which have informed the development of the new freight flex vessels that will replace the existing freighters, with capacity for around 200 passengers in peak seasons. The tender process for the vessels is on track and we expect to announce the award of the contract later this month, subject to concluding the commercial processes. I note that no United Kingdom yard bid for the freight flex vessels and that the size was outwith the maximum that could be accommodated at Ferguson Marine.

With our on-going work in investing in ports, harbours and vessels, with 11 vessels under construction, three of which are in active procurements, and further investment in vessels for Mull and the second phase of the SVRP, along with these key announcements today, this Scottish Government is demonstrating our continuing commitment to supporting lifeline ferry services and the island communities and economies that they serve.

The Presiding Officer: The Cabinet Secretary for Transport will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on 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 button.

Sue Webber (Lothian) (Con): I thank the cabinet secretary for the advance copy of her statement. I welcome her remarks regarding community involvement with decision making and on the investment in Port Ellen, which is vital for whisky distilleries on Islay, which were grateful for that.

I recognise the commercial sensitivity regarding the purchase of the port of Ardrossan, but residents of the town of Ardrossan and businesses on Arran were promised that years ago. Can the cabinet secretary provide timelines for when the Scottish Government expects the harbour to be upgraded? How much has been budgeted for that?

I am also quite interested in what is not in your statement, cabinet secretary. Could we get an update on the MV Glen Rosa, and could you provide more details on when the MV Glen Sannox is expected to return to full service and not go in for yet more repairs? With the announcement that the charter for the MV Alfred will be extended yet again, does the cabinet secretary think that that is value for money, considering that taxpayers have spent more money to hire that ferry than it cost Pentland to build it?

The Presiding Officer: All questions should go through the chair, please.

Fiona Hyslop: It is vitally important that we provide on-going resilience where possible. The deployments that CalMac makes and the investment that has been made in the MV Alfred are necessary to do so.

I said in my statement that the MV Glen Sannox will return to service in the next few days.

The budget provides for the purchase of Ardrossan this financial year as well as funding to help with the initial works. The funding in the ferries and ports line in the spending review, which, the member will notice, has been substantially increased compared to previous years, includes the investment for Ardrossan to take place.

The member says that the purchase of Ardrossan has been planned and promised for years. That is not the case—I announced it to Parliament barely a year ago. I have been pursuing a solution with our partners Transport Scotland, CMAL and Peel Ports that will unlock the vital investment that will allow that major development. I am pleased that the member welcomes that decision.

Rhoda Grant (Highlands and Islands) (Lab): I, too, thank Angus Campbell for his work on the communities board.

The cabinet secretary's statement is equivalent to the photo op of the Glen Sannox with painted-on windows. Anyone would think that there was an election looming. The statement suggests that the Scottish Government lives in a parallel universe. There is no mention that the MV Glen Sannox was in reality rebuilt by plundering the MV Glen Rosa for parts. Indeed, we will soon revert to calling the MV Glen Rosa hull 802, because it will be that diminished.

CalMac's app says that a third of sailings today are subject to disruption. Will the cabinet secretary say what she is doing to support the communities

that are suffering those disruptions? When will the Scottish Government face up to its responsibilities and ensure that communities are properly compensated?

Fiona Hyslop: The member has missed the point that we are about to go into procurement for the MV Lord of the Isles, which will serve the Western Isles. That will be very welcome indeed. We are also announcing the direct award of two vessels to be built by Ferguson Marine. Those things have been a long time in development and planning, but the investments that have been taking place, particularly in the ports and harbours across the Clyde and Hebrides services, have been happening through the course of this year. The Government is committed to investment. A third of the entire Clyde and Hebrides fleet is being replaced, in terms of procurement and building activity, as we speak.

On support for businesses, I am pleased that my colleague Mairi Gougeon announced the island business resilience fund, which has benefited a number of islands. Indeed, it has been of such benefit that we have extended it with a further tranche of funding.

The Government is investing in our islands and in our communities. I am in some sorrow that there was nothing in my statement that the Labour Party lead could find to support in any way whatsoever.

Kenneth Gibson (Cunninghame North) (SNP): Today's announcement finally rights the wrong-headed 1992 Tory privatisation of Ardrossan harbour, which ensured that maintenance of that crucial infrastructure was left at the whim of private interests. I am deeply grateful to the cabinet secretary and the First Minister for delivering on that issue. Talk is cheap, and there has been much of it, but the Scottish ministers are delivering for the people of Ardrossan and Arran.

Now that the harbour is finally being returned to public hands, can the cabinet secretary confirm that neglect of the harbour is a thing of the past and that, going forward, it will receive the attention and investment that such a key lifeline port needs and deserves?

Fiona Hyslop: I thank the member for his interest. Kenneth Gibson, who is the MSP for Cunninghame North, has long and persistently—indeed, quite critically at times—made sure that the Government knows the importance of investment in Ardrossan. His question cuts to the chase and is about why that is important. We need to purchase the port to help the wider development of Ardrossan and to support that community as well as to ensure the service to Arran.

I am conscious that there will be a need for support, which is why I have ensured that there will continue to be funding for the two-port service until the major development takes place. I am pleased that the Ardrossan task force, of which Kenneth Gibson is a member, will now be able to focus on the redevelopment of Ardrossan, which is what the communities of Ardrossan and Arran need.

Jamie Halcro Johnston (Highlands and Islands) (Con): The impact of the crisis that the Scottish National Party has overseen in our ferries fleet has, thankfully, been lessened by the role that has been played by the Pentland Ferries vessel MV Alfred, although that has meant that that new and larger vessel has been taken away from its home route in Orkney for three years now. Can the cabinet secretary confirm whether there has been any increase in the reported £1 million per month that has been paid to Pentland Ferries to charter the MV Alfred? Given that the charter has been repeatedly extended, and might be again, can she tell us definitively that the total charter cost will not exceed the £44.5 million per vessel for the new ferries that are being built in Turkey?

Fiona Hyslop: Clearly, the MV Alfred arrangement is a commercial arrangement with CalMac, which is responsible for it. CalMac is also responsible for ensuring consistency of service, and the MV Alfred has been extremely helpful in that regard. CalMac will be able to provide the cumulative or comparative figures, should the member contact it.

Stuart McMillan (Greenock and Inverclyde) (SNP): I thank the cabinet secretary for the excellent announcement of the direct award of two vessels to Ferguson Marine. Given the position in which the United Kingdom Government budget has left Scotland, I am proud that the SNP Government remains committed to continued investment in new vessels and improving the infrastructure at our ports. In the face of continued demands on the capital budget, what assurances can the cabinet secretary provide that the issue will continue to be a priority for the Scottish Government?

Fiona Hyslop: I thank the member for his support. He has continuously supported his constituency of Inverclyde and the position of Ferguson Marine, which will be further elaborated on by the Deputy First Minister in the statement that is to follow.

The member makes an important point about seeking security in future funding for vessels and harbours. That is why the comprehensive spending review is important, as is the infrastructure and investment pipeline that has been developed, as well as the infrastructure strategy that is currently out for consultation. Along

with the islands connectivity plan, all that sets out plans for investment in vessels in a continuous, orderly and organised way that will take us right up to 2045.

Katy Clark (West Scotland) (Lab): After a strong local campaign, in 2017, the Scottish Government announced that the Ardrossan to Brodick route would continue and that a redevelopment of Ardrossan harbour was needed. I welcome the announcement today but, given that we are nine years on, the cabinet secretary will appreciate that local people want to know when the port will be fully operational again. Can the cabinet secretary therefore advise when the work that is needed to start a tendering process is likely to start and be completed, when redevelopment work is likely to start and when the harbour redevelopment could be finished to allow the new ferries to operate?

Fiona Hyslop: When I came into post in June 2023, there was no prospect of investment in Ardrossan harbour, because there was a tripartite arrangement and one of the bodies involved was a private company, Peel Ports. Obviously, any negotiation for development or investment required decision making and investment from it. The solution that I have come up with—I have kept the Parliament updated regularly since—was to purchase the port and put it back into public ownership. That is something that this Government has done when previous Labour Governments did not do it after the privatisation of Ardrossan harbour by others.

On the member's point about investment, the port is currently operational. CMAL wants to do short-term work to secure that on an immediate basis, and funding is available for that. The next stages will be the major development to enable larger vessels to use the port. The task force and the work of Mr Gibson and others will be vital in taking that forward.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Islanders should not be restricted by seasonal ferry pricing. Therefore, it is welcome that, in the midst of the continued cost of living crisis under Labour, this SNP Government is investing £1.8 million in 2026-27 to remove peak fares on northern isles ferries. Can the cabinet secretary tell us more about how that decision is expected to benefit island communities?

Fiona Hyslop: The member is quite right to identify that islanders consistently face increased costs in a variety of areas. That is why the decision to provide £1.8 million to help to tackle the situation on the northern isles, where islanders faced peak fares in the summer, has been taken. For example, a family of four from Shetland with a car and cabin can save up to £193 per return journey, which is a considerable amount at a time when families face increasing bills.

We are also investing in two new freight flex vessels, which will help to improve capacity for islanders. Islanders should not be penalised when they travel. I am delighted that we are helping not only young islanders but also families with their travel.

Edward Mountain (Highlands and Islands) (Con): I welcome the purchase of Ardrossan harbour and the work that has gone into it. I will park the fact that it should have happened in 2015, when the Glen Sannox was ordered. We ordered a boat that was longer than the length of the pier, which needs to be lengthened and strengthened, and the harbour needs to be supported by a new terminal and new liquefied natural gas storage facilities. Before buying the harbour, the cabinet secretary must have worked out all the costs that are involved in doing that. Will she tell the Parliament the costs of the repairs and when they will start?

Fiona Hyslop: I recall that, in 2017, I was the Cabinet Secretary for Culture, Tourism and External Affairs, so I was pursuing that agenda instead. In his capacity as convener of a number of committees at different times, Edward Mountain has fully examined at length all the issues that he referred to. He might want to dwell in 2017, but I want to dwell in 2026. In fact, he wants to go back to 2015, which is even longer ago.

It must be remembered that Peel Ports is a private company. Many harbours are private harbours, which means that arrangements have to be made on a commercial basis. There is a difference between repairs and redevelopment. The cost of the short-term repairs will be met by the funding that is to be transferred for the purchase of the harbour in the next few weeks, as part of this year's budget. The cost of the redevelopment work depends on what you want to do, because the cost of the more expansive work and the cost of the work that is required for the vessels are different. Having said that, I reassure Edward Mountain that funding will be made available as part of the ferries and ports budget in the spending review.

Ariane Burgess (Highlands and Islands) (Green): It is good to hear about the Government's development of the ferry fleet. I welcome the introduction of free interisland travel for under-22s and the removal of peak seasonal fares on NorthLink Ferries for Orkney and Shetland residents, which addresses an issue that I first raised after islanders raised concerns with me. I am grateful to the Government for working with me on the issue.

However, I am interested in what is not in the statement: the long-promised ferry fares review, specifically how it addresses freight charges. On the Oban to Craignure route, a 12m truck is charged £426, yet a motorhome of identical length travels for less than £132. That structural inequality effectively escalates the cost of living for our islanders. Will the cabinet secretary commit to publishing the long-promised ferry fares review?

Fiona Hyslop: The fair fares review, which reported some time ago, made reference to ferry fares. The issue around freight has to be and will be addressed as part of on-going dialogue and discussions between officials and relevant bodies.

I started my statement by saying that we have done something fairly substantial by making a direct award to CalMac for ferry services. It is important that those services and systems—as well as the KPIs, which are informed by local communities—are bedded in. The community-needs assessment, which will address the needs of freight and passengers, must also run its course for particular routes.

On some routes, one thing that is being introduced is a directive that freight is liable for payment if it does not show up for its booking, which helps to ensure that space is freed up for locals. It is a continuous process. The whole point of the direct award to CalMac is to allow it to work with a public service ethos as opposed to working only to contract.

Emma Harper (South Scotland) (SNP): It is hugely welcome that the SNP Government is making record investment in public transport in 2026 and 2027, including the investment for Ardrossan in response to Kenneth Gibson's request. Will the cabinet secretary expand on how the investment will be used to deliver wider ferry service improvements and port upgrades?

Fiona Hyslop: In my statement, I set out a number of areas of improvement. We should emphasise that a third of the whole CalMac fleet will be replaced, but ports and harbours do not get as much attention. Work has been done to enable improvements on the Little Minch, and a series of other works are taking place in various ports. Funnily enough, Rhoda Grant did not mention the Gasay development work, which will also help, particularly on the Western Isles. Such investment will continue and is part of a pipeline of wider publicly available capital projects.

Given what has happened over the past 14 years of austerity, when capital budgets have been severely constrained and emergency budgets have taken capital funding out of the Scottish Government's budget, I hope that everyone in the chamber will welcome the fact that we have been able to plan and plot a route forward, which includes the announcements that I have made today and the investment that we are making.

Jamie Greene (West Scotland) (LD): I welcome the move to take Ardrossan port into public ownership. It is a good move, and I commend the efforts of local campaigners, who have been fighting for that for some years.

However, the reality is that Ardrossan remains a difficult place to do business. There are still problems with services to Brodick from Ardrossan. Today and tomorrow, all services to Brodick are cancelled because of technical issues on the MV Caledonian Isles. That leaves local Ardrossan businesses bereft of footfall and cash for all that time. Once again, I make a plea to the cabinet secretary to extend the island business resilience fund to Ardrossan businesses.

Will CMAL, the new owners of the harbour, undertake any more immediate remedial work on the port to make it more reliable? We simply cannot wait a number of years for the full redevelopment of the harbour.

Fiona Hyslop: I thank Jamie Greene for his welcome of the purchase of Ardrossan harbour. The Ardrossan economy in North Ayrshire has wider challenges, and I hope that the move will give a bit of hope and confidence that investment will be made to give Ardrossan port a long-term, sustainable future. The work of the task force and our work with North Ayrshire Council will be really important, because more has to be done to ensure that investment is made.

Jamie Greene is correct to identify that some technical issues mean that the Ardrossan-Brodick route is not operating currently. However, as I said, we expect vessels to be redeployed in the coming days and weeks to provide support.

In relation to Ardrossan accessing the island business resilience fund, the clue is in the name—it is an island business resilience fund. We have had to prioritise islands that have experienced the greatest degree of disruption. The threshold was initially set at a 15 per cent reduction, and then it went down to a 10 per cent reduction, so we have extended the fund to more islands, which is to be welcomed.

Jamie Greene makes an important point about what will happen to Ardrossan in the future. I have made it clear—although this will be for another minister, because this is probably the last statement that I will make in the chamber—that my advice is that, at the time of that major development, there will be a need for business resilience for Ardrossan.

On Jamie Greene's question about immediate remedial work, I have been quite clear that the answer is yes. When the asset is transferred, one

of the first things that will happen will be work to support the port's resilience.

The Deputy Presiding Officer (Annabelle Ewing): I can squeeze in two more questions, but I need succinct questions and answers.

Bill Kidd (Glasgow Anniesland) (SNP): When the Scottish Government was developing its vessels and ports plan last year, stakeholders highlighted reliability and resilience as key priorities for vessel and port investment. How is the Scottish Government working to deliver on those priorities?

Fiona Hyslop: It is clear that reliability and resilience are important. I come back to the impact of continuous severe weather, which is part of what we will have to deal with, so the resilience of ports will become increasingly important. That is why I have given as much attention to ports as I have to vessels in my statement.

Reliability means that there has to be interoperability between vessels so that different vessels can cover at different times. That is what we have been doing with the procurement, so there will be further interoperability between different vessels that can berth at different harbours to help with that resilience.

Graham Simpson (Central Scotland) (Reform): I am interested in the cost of redeveloping Ardrossan. I heard the cabinet secretary say that there could be different figures, but because she is a diligent cabinet secretary, I know that she will have a budget in mind. Can she tell us what the range of figures is?

Fiona Hyslop: The range of figures is covered in the provision in the budget and comprehensive spending review. However, as the member will know, as with any commercial tender, if I were to suggest how much that would be, I might not get the best value for the public purse or secure best value for public investment. I reassure the member that the figures are there, but I also ask him to understand that there will have to be a competitive tender to secure the best value for that development work.

The Deputy Presiding Officer: That concludes the statement. There will be a short pause before we move on to the next item of business.

Ferguson Marine

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Kate Forbes, the Deputy First Minister, on Ferguson Marine. The Deputy First Minister will take questions at the end of her statement, so there should be no interventions or interruptions.

15:06

The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes): I welcome the opportunity to update the Parliament on Ferguson Marine. My statement will build on the Cabinet Secretary for Transport's statement and set out clearly the Scottish Government's commitment to doing all that we can to secure the yard's long-term future.

Ferguson Marine is the last commercial shipyard on the Clyde. It supports skilled employment in Inverclyde, and it plays an important role in Scotland's wider industrial capability. In 2019, the Government brought the yard into public ownership to safeguard jobs and shipbuilding skills and to complete the Glen Sannox and the Glen Rosa. Our priority now is to secure a sustainable future for the yard, with clear work, improved delivery confidence and a modernised facility.

Progress on current vessels is important context for the decision that I will set out. The MV Glen Sannox has now completed her first year in service, and the MV Glen Rosa continues to make progress, with delivery anticipated to be in the fourth quarter of 2026. I recognise the frustration felt by the Parliament, island communities and the workforce as a result of the delays and cost pressures associated with the Glen Sannox and the Glen Rosa. I also recognise the impact on those affected, particularly the island communities that rely on the ferries for work, family life and essential services. Their frustrations are justified, and I understand the strength of feeling.

Delivery challenges have rightly led to scrutiny of the yard's performance and of past decisions. That scrutiny is both necessary and appropriate, but it is also a catalyst for change. As the Glen Rosa build enters its latter stages, we also need to address the longer-term future of the shipyard. A new senior leadership team is in place, with stronger commercial disciplines, clearer accountability and improved assurance reporting. Oversight has been strengthened and governance arrangements have been tightened. The annual accounts for 2024-25 and Audit Scotland's accompanying report were published in December. Taken together, they demonstrate measurable improvement in governance and controls compared with previous years. Those

arrangements are designed to support better planning, firmer cost control and more consistent delivery. It is on that strengthened foundation that I am now able to set out the next steps.

Securing the long-term future of the yard requires a clear and credible pipeline of work. In her statement, the Cabinet Secretary for Transport set out that the Scottish Government proposes to directly award the contracts for two ferries under phase 2 of the small vessel replacement programme to Ferguson Marine. In addition, I can also announce that ministers propose to award contracts for a further two vessels to Ferguson Marine—replacements for the marine research vessel Scotia and the marine protection vessel Minna. Together, that represents a programme of four new vessels that it is proposed will be built in the yard. That is a substantial and clear demonstration of our confidence in Ferguson Marine.

Ministers must, of course, ensure that public contracts are awarded in accordance with legal requirements and that they demonstrate value for communities and for the taxpayer. A detailed due diligence process is under way in the Scottish Government to closely assess the viability and implications of the proposals, and engagement with the Competition and Markets Authority is among the steps that are required before any formal contract award decisions can be made.

It is important to be clear about why the vessels in question are a strong fit for the yard and why we have confidence in Ferguson Marine to build them. First, they are of a scale and technical profile that match the yard's facilities and workforce capability. The proposals are supported by strengthened governance and assurance, so that progress, costs and risks would be properly managed throughout delivery. Secondly, there is continuity of experience. In several cases, the new vessels will replace vessels that were previously built at the yard, building on knowledge of similar vessel types and public service requirements. Thirdly, the proposed programme would support steady delivery, because a pipeline of vessels would allow the workforce to move from project to project and would support investment in training, apprenticeships and productivity.

The proposed programme is intended as a bridge to the future, but it is not the limit of our ambition for Ferguson Marine. A sustainable shipyard must be able to win and deliver work beyond a single customer, so ministers intend to return the business to the private sector when the time is right. The proposed programme would provide a stable baseline that would allow the yard to plan its workforce, strengthen its supply chain and invest in improved ways of working. It would also provide the yard with an opportunity to re-establish itself as a credible and competitive shipbuilder by demonstrating consistent delivery, controlling costs and delivering vessels that perform in service.

The proposed four-vessel programme would form the core of the yard's workload over the next five years. Alongside that, the yard would continue to have capacity to take on other commercial work, where that can be planned and delivered without compromising the delivery of the public service vessels.

I have previously announced a commitment of up to £14.2 million over two years to support the modernisation of Ferguson Marine, which, again, is subject to due diligence in advance of formal investment decision making. In the current financial year, interim investment has focused on essential repairs, health and safety improvements and targeted equipment upgrades. Those measures were necessary to stabilise operations and support the delivery of the MV Glen Rosa, but they were not transformational. Further modernisation must be aligned with the needs of the proposed vessel delivery programme, so that investment supports efficient production and improved productivity.

Our proposal to progress with four new directly awarded vessels provides the clarity that is needed to plan modernisation properly. We are working with the yard to optimise sequencing and to develop an updated business plan that must undergo legal, commercial and subsidy control assessments before formal decisions on contract awards can be made. By linking workload to modernisation and governance, the yard would upgrade infrastructure, improve productivity and streamline production practices while vessel projects were under way. That approach would provide continuity for the workforce, stability for the supply chain and a stronger foundation for a competitive and sustainable future.

The substantial proposals that we are announcing today would deliver for Ferguson Marine, for island communities and for Inverclyde. We are strengthening ferry resilience and connectivity for communities that rely on dependable services. At the same time, our plans for new vessel awards would support skilled employment and industrial capability in Inverclyde, where Ferguson Marine remains an essential part of the local economy and a shipyard of national industrial importance.

I have spoken about investment in the yard and in new vessels, but I also place on record my sincere thanks to the workforce at Ferguson Marine. Through a prolonged period of challenge, scrutiny and uncertainty, they have continued to demonstrate professionalism, resilience and a

deep commitment to their craft. Shipbuilding is highly skilled and demanding work that requires precision, teamwork and pride in delivery. Despite the pressures surrounding recent projects, the workforce has remained focused on completing complex vessels to a high standard and on maintaining the yard's reputation for engineering expertise.

I also recognise that uncertainty affects not only those who are employed at the yard, but their families as well. Stability and clarity matter deeply to the people whose livelihoods depend on Ferguson Marine, and I acknowledge the constructive role of trade unions in supporting stability, reform and improvement. Their engagement is important in helping to steer the yard through difficult times and towards a more secure future. I spoke to Alex Logan and Kenny Meechan of the GMB again this morning, and they stressed the need to retain the young workforce at Ferguson Marine.

My statement makes clear that the Scottish Government is committed to doing all that we can to secure a competitive, productive and sustainable future for Ferguson Marine. With our proposal to award a four-vessel programme to the yard, we are setting a clear ambition for Ferguson Marine's future—one that is built on shipbuilding confidence, capability and continuity. We rescued Ferguson Marine for a purpose, and we are determined to see it succeed.

The Deputy Presiding Officer: Before we move to questions, I highlight that the Presiding Officers should not read in the media that details of an announcement of this significance are in circulation shortly before it has been made to Parliament. That is extremely disappointing, and it is disrespectful to this Parliament and its elected members.

The Deputy First Minister will now take questions on the issues raised in her statement. I intend to allow about 20 minutes for questions, 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 would press their request-to-speak buttons.

Sue Webber (Lothian) (Con): I thank the Deputy First Minister for advance sight of her statement. I welcome the announcement that the Scottish Government intends to return Ferguson Marine to the private sector

"when the time is right".

Securing international contracts is the best way to ensure that shipbuilding remains on the Clyde. That being said, while the yard remains in public hands, it should be expected that it will provide value for money for taxpayers and deliver for our island and coastal communities.

What engagement has the Deputy First Minister had with the board of Ferguson Marine on the MV Glen Rosa? Does she envisage any delays and cost increases before the latest promised delivery date for the vessel, which is the end of this year?

Secondly, given the long-standing issues with the construction of the MV Glen Sannox and the MV Glen Rosa at Ferguson Marine, what guarantees has the Deputy First Minister had from the yard that the four new vessels will be delivered on time and on budget?

Kate Forbes: I engage very regularly with the chief executive, largely, and the chair of Ferguson Marine about the Glen Rosa. I have said to the Parliament before that the priority is to deliver that vessel. Sue Webber will be aware that, with the yard having an additional pipeline of work, there is an even stronger incentive to complete the Glen Rosa on time, because further work is coming.

I note that Ferguson Marine formally advised the Net Zero, Energy and Transport Committee that the target delivery date for the MV Glen Rosa is now quarter 4 of 2026, and that it provided additional information on the cost to complete the vessel, which had increased to £192 million.

I reassure Sue Webber that that engagement happens regularly, but I have often heard it said that, with an additional pipeline of work, the incentive to complete the ship to that schedule increases significantly.

Neil Bibby (West Scotland) (Lab): I thank the Deputy First Minister for advance sight of her statement. The number 1 reason why we do not have a resilient ferry service is that we do not have a resilient ferry fleet. The SNP has taken almost 19 years to equal the number of ferries that were built under the Scottish Labour-led Government in the previous eight years.

I welcome the decision to directly award two ferries and two marine vessels to Ferguson Marine. The yard has a track record of building such vessels, and Scottish Labour has said before that the Scottish Government needs to lead by example by awarding the yard future work.

I join the Deputy First Minister in commending the work of the GMB, and particularly Alex Logan. There has been a lot of blame going around about the ferries fiasco, but the one group of people who have been blameless throughout are the workforce.

When does the Deputy First Minister expect work on the vessels to start and to be completed by? When will the business plan for yard modernisation be updated? To give confidence to the Parliament, the public and the workforce, will

the Deputy First Minister say which of those measures will be completed by the time she leaves office?

Kate Forbes: It is worth putting on record what my colleague said a few moments ago—that a third of the vessels in the fleet are being replaced as we speak, and we have, today, set out plans for further work.

When it comes to timescales, due diligence and formal approvals are required, so I will reserve my position on when the work will start. However, we understand that the sequence will be the completion of the Glen Rosa, then the bridge to those four additional vessels. As I said in my statement, we expect the proposed programme to provide additional work over the next five years but, critically, it will also allow for the yard to secure additional work on the open market.

It is critical that that pipeline of work is understood as a means to bridge the gap. It is not a case of wanting Ferguson Marine to work with only one customer—namely, the Scottish Government.

Stuart McMillan (Greenock and Inverclyde) (SNP): I thank the Deputy First Minister for what is an outstanding announcement and show of support for our yard and my community. It will be welcomed by the workforce, their families and all of Inverclyde. I pay particular tribute to Alex Logan, the GMB shop steward, who has been tireless in his efforts for many years to safeguard the yard.

My father worked at the yard before he passed, so today's announcement means so much more to me. It is about the future of shipbuilding in Port Glasgow and Inverclyde.

Can the Deputy First Minister provide assurances that the announcement gives the current apprentices the security that they need to plan their futures, allows more apprentices to be taken on and have a future at Ferguson Marine, and gives the management the opportunity to push ahead, deliver those vessels, win more orders and turn around the negativity about the yard that has, sadly, been apparent for many years?

Kate Forbes: Stuart McMillan has been a tireless advocate for the future of Ferguson Marine and has often made the point to me that Ferguson Marine is more than just an employer. It is an absolutely critical part of the Inverclyde economy and is loved by the wider community, who recognise the role that it has played over many generations. I am grateful to Stuart McMillan for his representation of his constituents.

He talked about apprenticeships. It is critical that apprentices have confidence that there is a future for the yard. I hope that delivering the pipeline of work of those four additional vessels will give apprentices in particular the confidence that they will have work for many years to come.

Currently, Ferguson Marine employs 38 apprentices. Since nationalisation, the yard has created 91 apprenticeships. The proposed programme of four vessels will enable the current apprentices to complete their apprenticeships. As we all know, given the scale of shipbuilding in Scotland right now, there is huge competition over those extremely talented and skilled apprentices. My hope through the announcement is that they will continue to support the workforce at Ferguson Marine.

Edward Mountain (Highlands and Islands) (Con): We in the Net Zero, Energy and Transport Committee have heard that the underrecoveries for Ferguson Marine run at about £1 million a month. That is required just to keep the lights on, and there will be considerably larger costs to run the yard between now and when the contracts come on stream. Will the cabinet secretary confirm that the figure that was given to the Net Zero, Energy and Transport Committee—of costs of 20 to 25 per cent over and above the costs at any other yard—is what it would cost to award the vessels to Ferguson Marine? Effectively, she is ordering four boats, but she could have bought five somewhere else. Is that figure of 20 per cent no longer valid?

Kate Forbes: I will talk about the principle then come to the specific figure.

On the additional cost, we know how critical it is for the yard to undergo a programme of modernisation. If Ferguson Marine is to meet the objective that I have set—to secure work on the open market—it needs to be as competitive as possible. We have provided the additional capital investment in order to support Ferguson Marine's modernisation objective, and it has been very clear about how it could invest in additional equipment and so on, so that it is internationally competitive. It has not been possible to release all that capital before there was work, because it needs to be clear that that investment is aligned with income that is coming into the yard. With the announcement that I have made today, we are now able—subject to all the due diligence points that I have previously made—to release additional funding from that capital commitment.

The 20 per cent figure is not one that I am familiar with. It is important to state that, in undergoing the programme of modernisation, Ferguson Marine will need to work with the Scottish Government and others to ensure that the costs are appropriate. That is the reason for undertaking the due diligence work. However, I would be very sceptical of figures that are provided at this point, because they are in advance of both

the due diligence process and the modernisation work that is required.

Kenneth Gibson (Cunninghame North) (SNP): I warmly welcome the announcement of new vessel procurement at Ferguson Marine. However, given the difficulties in the construction of the Glen Sannox and Glen Rosa, will the Deputy First Minister elaborate on the Scottish Government's future vision for the yard and how it will be supported to secure future contracts and long-term careers for the workforce?

Kate Forbes: The commitment is to support Ferguson Marine to compete on the open market for additional work in order to safeguard its future. We will support it to do that in two ways: first, through the capital funding that has been announced to support modernisation and, second, through this bridge of four additional vessels.

All of us in the chamber know that Ferguson Marine has been subject to extensive debate. When it comes to Ferguson Marine operating or securing work, it needs to be able to demonstrate delivery. We believe that the four vessels are consistent with the technical capabilities of Ferguson Marine and the skills of the workforce; indeed, in many cases, they are replacements for vessels that it previously built. They are an excellent fit and will allow it to demonstrate that it is able to deliver vessels on budget and according to the timescales that I have outlined, which I believe will help it to secure work on the open market.

Richard Leonard (Central Scotland) (Lab): I remind members of my voluntary register of trade union interests.

We have said all along that we just want these workers to be given a fighting chance to win orders, so I certainly welcome today's news.

Back in October, the Deputy First Minister told me that, of the £14.2 million set aside for capital investment in the yard, only £570,000 had been spent. When will the rest of the capital investment be released?

The Deputy First Minister talks of working with the yard to optimise sequencing. Will the Government learn the lessons of the past 10 years and listen less to directors, management consultants and retired rear admirals and much more to the skilled and experienced workforce and their trade unions on how best to optimise sequencing?

Finally, when will the results of the Grant Thornton forensic audit of the £124 million of public money that was handed over when the yard was in private ownership be published?

Kate Forbes: That allows me to specifically name Alex Logan and put on the record how grateful I am to him for his absolutely tireless and unwavering commitment to the yard. I am sure that he could have spent any free time that he had in other ways, yet his dedication to the people of the yard and to the future of Ferguson Marine is absolutely remarkable. If nothing else, this Parliament should come together in acknowledging the phenomenal work that Alex Logan has done. It has always been a great pleasure to engage with him, and I have learned so much from my engagement with him.

On the question about additional capital funding, I said in my answer to Edward Mountain that, to date, we have focused on stabilisation, essential repairs, health and safety improvements and targeted equipment upgrades. However, securing this additional pipeline of work enables us to release the additional capital, because it is aligned with projects. We obviously have to navigate our way through the due diligence process associated with subsidy control, but it enables us to release the additional capital.

The Deputy Presiding Officer: I advise members that a number of members seek to ask a question—one question, not three. It would be helpful if we could have succinct questions and answers, otherwise those members will not get their questions asked.

Jackie Dunbar (Aberdeen Donside) (SNP): Can the Deputy First Minister say any more about the choice of the four vessels and why they are ideal candidates for the development and success of the yard?

Kate Forbes: In terms of the support for the workforce and for the yard, we will continue to keep Parliament updated on the progress that we make. I am very conscious that, over the next three weeks, before the pre-election period, we will make rapid progress within Government on the steps that I have outlined, so we will return to Parliament with additional information after the election.

Lorna Slater (Lothian) (Green): Lack of a detailed engineering design specification at place of order was what kicked off the difficulties with the current vessels and, at the time, caused those of us who worked in marine construction to raise our eyebrows in shock. What is the status of the design specification for the new vessels? Does Ferguson Marine actually know what it will be building?

Kate Forbes: Obviously, there has been engagement up to this point, particularly from Marine Scotland. The member will appreciate that, within Government, there are quite tight lines of communication. My responsibility is to Ferguson

Marine, which, in this case, would be constructing the vessels. Quite rightly, I am not particularly close to the parts of Government that would be procuring the vessels—namely Transport Scotland and Marine Scotland. That is for a very important reason. However, I understand that there has been a sufficient exchange of information to know that these vessels are a good fit for Ferguson Marine.

Jamie Greene (West Scotland) (LD): I absolutely welcome any intention to give the yard some work. It has cross-party support and the yard has been crying out for it for a number of years, so any move towards that is positive and I am grateful for it.

However, I feel a little bit of uncertainty around the ministerial statement. I read carefully the language used in the statement and listened carefully to the Deputy First Minister's language around the uncertainty of CMA approval for this. At stage 1, the Government was adamant that it could not make a direct award, so what has changed in the interim period? Is it an intention to award more work, is it a hope to award new work, or is it a desire to award new work? Also, when will we know, finally, whether that is possible?

Kate Forbes: There is a very thorough process and we know what steps are required. Officials are progressing a dedicated programme of work to assess and enable the proposed approach. The programme brings together all the relevant policy, legal, commercial, finance, procurement and delivery teams across Government. We always balance the tension of letting Parliament know the direction of travel before all the work is done, because Parliament keeps asking—for good reason—and also because, once that work is under way, it is sometimes harder to keep a lid on some of the material. I know that Parliament has always called for additional scrutiny, so we are making the announcement having done initial work with the support of independent advisers to strengthen assurance and provide external challenge. We are now going to progress with the next steps around ensuring that it is compliant with the CMA, with due diligence and so on. Obviously, compliance is not optional—compliance is required.

Emma Roddick (Highlands and Islands) (SNP): It is vital that we invest in the yard's future sustainability, so I warmly welcome this announcement from the Deputy First Minister. Can she say any more about the expected timeline for delivery of these vessels and the benefits of a confirmed pipeline of work?

Kate Forbes: I said in my statement that it would be over the next five years. There is a programme to complete the Glen Rosa, and it is important to reiterate the requirement for the yard to complete the Glen Rosa. That requirement has been updated to imply that it will be complete in Q4, and we anticipate the work being ready to go shortly after that.

Stephen Kerr (Central Scotland) (Con): I am not entirely sure what we have heard in the announcement, because so much of what the Deputy First Minister has said seems to be uncertain. Indeed, she did not properly answer Jamie Greene's question. It sounds to me like a statement of the direction of travel, or some kind of indication of an intention, rather than the announcement of an actual award. That is probably down to the fact that the £14.2 million is subject to subsidy control and the orders are dependent on that funding.

Can the Deputy First Minister assure members that this is not yet another false dawn for Ferguson Marine and that there is not legal advice that may yet block the intention from becoming a reality?

Kate Forbes: I can unequivocally say that the orders are not dependent on the distribution of the £14.2 million, but we know that that can run alongside the projects. In my earlier answer to Edward Mountain, I was referring to the fact that we need to be able to demonstrate income if we are going to provide funding—that is a fairly basic element of subsidy control. We cannot simply give funding without there being an obvious source of revenue for the yard. That is the point that I was making—it is not that the vessels are dependent on the £14.2 million.

With regard to the announcement today, I have announced our proposal to directly award four new vessels—to which I have referred—to Ferguson Marine. Any award proceeds following the completion of detailed legal, commercial and subsidy control assessments—that is a fairly ordinary, normal part of the work that Government does, and engagement with the CMA forms part of that process. We are setting out today our proposal to directly award four new vessels to the yard, so that is not really up for debate.

David Torrance (Kirkcaldy) (SNP): As the Deputy First Minister set out, Ferguson Marine has seen welcome improvements in governance and reporting, and, alongside today's significant announcement, it is essential that that trend continues. Will the Deputy First Minister let us know what steps the Scottish Government is taking to ensure good planning, cost control and delivery on site, and will she set out how oversight and governance arrangements have been strengthened by senior leadership at the yard?

Kate Forbes: All those points are absolutely critical. We recognise that there have been reputational challenges in the past, but the yard is

demonstrating its wider industrial capability. It has successfully delivered a pilot project for BAE Systems as part of the type 26 frigate programme, and it has secured further contracts from BAE, supporting skilled jobs at the yard. That is a positive endorsement of the workforce and facilities, and it represents an important step towards greater sustainability off the back of the work that we have done to ensure good governance.

Paul Sweeney (Glasgow) (Lab): The four-vessel programme is very welcome news indeed, because demand signal is critical to shipyard viability. However, does the Deputy First Minister agree that it has to be a springboard for the development of commercial shipbuilding in Scotland? Getting the pipeline in place, and getting the facilities up to scratch and world standard, is key. However, if we are going to win contracts on the open market, it is critical that we get shipbuilding finance in place in Scotland, because that is currently the main blocker to winning non-public sector contracts. Can we fix that problem, too?

Kate Forbes: Paul Sweeney has been a regular advocate for, and representative of, the yard, and I pay tribute to him, in particular, for his questions around the direct award. He is absolutely right that what I have announced is a means to an end. It is a springboard—it gives the yard work and it means that it has a future, but that is not the full picture. Ultimately, the yard needs to take the opportunity that is provided by the direct award and the capital investment to modernise and secure work and to ensure that its reputation enables it to engage properly with other customers.

The Deputy Presiding Officer: That concludes the statement.

Contract (Formation and Remedies) (Scotland) Bill: Stage 3

15:39

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is stage 3 proceedings on the Contract (Formation and Remedies) (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 76A—and the marshalled list.

The division bill will sound and proceedings will be suspended for around five minutes if there is a division. The period of voting for the division will be 30 seconds. Members who wish to speak in the debate on the amendments should press their request-to-speak button or enter RTS in the chat function as soon as amendment 1 is called. Members should now refer to the marshalled list of amendments.

Section 4—What constitutes an offer

The Deputy Presiding Officer: I call amendment 1, in the name of the Minister for Victims and Community Safety.

The Minister for Victims and Community Safety (Siobhian Brown): I will be brief. Section 4 specifies what constitutes an offer—that is, a proposal made to one or more persons containing sufficiently definite terms to form a contract and indicating the intention of the offeror to be bound if the offer is accepted by the other party or parties. The current drafting refers to the person making the proposal as the "proposer". In order to avoid arguments about whether the proposer could be a third party and for reasons of consistency with terms used elsewhere in the bill, my amendment 1 substitutes the word "proposer" with the word "offeror".

I move amendment 1.

The Deputy Presiding Officer: Since no other member has sought to participate, does the minister have anything to add by way of a wind-up speech?

Siobhian Brown: No, I do not.

Amendment 1 agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

As members will be aware, the Presiding Officer is required under standing orders to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and

franchise for Scottish parliamentary elections. In the case of the Contract (Formation and Remedies) (Scotland) Bill, in the Presiding Officer's view, no provision relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Contract (Formation and Remedies) (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-20943, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 3. I invite members who wish to speak in the debate to press their request-to-speak button, and I call Siobhian Brown to speak to and move the motion.

15:41

The Minister for Victims and Community Safety (Siobhian Brown): The Contract (Formation and Remedies) (Scotland) Bill is a Scottish Law Commission bill that implements a number of recommendations to reform the Scots law of contract.

I thank the Scottish Law Commission for reviewing the Scots law of contract, which was a substantial piece of work that involved four discussion papers and a report that took the best part of 10 years.

I also thank Professor Hector MacQueen, who was the lead Scottish law commissioner responsible for the project, for his work with the Scottish Law Commission in making these recommendations and for his continued engagement with the Scottish Government as it has considered the SLC's recommendations.

I also thank the Delegated Powers and Law Reform Committee convener and members for their scrutiny of the bill.

The bill is about the formation of contracts and the steps that can be taken when there is a breach of contract. Contract law is important because it affects various aspects of our everyday life, from buying a cup of coffee to significant financial transactions. Many contracts are formed and carried through by parties that have no professional assistance.

One of the bill's principal purposes is to produce legal rules that are clear, certain and accessible, and it delivers on all of those. Currently, the bulk of the law on formation and remedies can be found in the common law. If enacted, this bill will put a number of important rules in a single accessible statute, written in clear English with helpful explanatory notes for laypersons and legal professionals alike.

At stage 1, stakeholders and the DPLR Committee asked me to consider preparing and publishing guidance on the bill's provisions. I was pleased to write to the committee ahead of stage 2 to confirm my intention to do so. Together, the

guidance and the bill will help individuals and small businesses more easily understand the law on contract formation and aspects of remedies, which will help them to be better protected in any contractual negotiations.

Given the variety of circumstances in which people may want to form a contract, one set of legislative rules that applies in all circumstances is unlikely to be flexible enough to cover every eventuality. Therefore, in order to ensure needed flexibility, the vast majority of the provisions in the bill are default. Parties can form a contract relying on these provisions or agree their own. This reflects the principle of party autonomy that was recognised as fundamentally important by stakeholders as well as by the lead committee.

Part 1 of the bill largely restates the current common law about contract formation. The main substantive reform is the abolition of the postal acceptance rule. Under that rule, a contract may be concluded without one party ever having received communication to that effect. The SLC has, with stakeholder agreement, recommended the abolition of that rule for a long time, and I am pleased to be doing so in this bill.

Part 2 of the bill deals with some remedies for breach of contract. The bill will reform parts of the law on the steps that one party can take when the other party has breached their contractual obligations.

Part 2 is not a full statutory statement of the law on remedies for breach of contract, but it is focused on some key areas. First, it covers circumstances in which both parties have broken the terms of a contract. Secondly, it covers circumstances in which a party needs to return a benefit—for example, money or goods—after a contract has been terminated. Thirdly, the bill will bring certainty to the law by making it clear that contributory negligence is available as a defence to claims for damages that are based on breach of contract.

At stage 2, amendments were agreed to clarify and reform the law of contractual retention. That is a remedy that is designed to encourage performance of a contract without one party having to go to court to enforce it. I was pleased that the Delegated Powers and Law Reform Committee agreed to those amendments, which are the end point of work that was undertaken by the SLC and other stakeholders such as Lorna Richardson of the University of Edinburgh. Because of those provisions, the law will now be clearer and more certain, and it will help parties to resolve contractual problems without the need to resort to potentially costly and protracted litigation before the courts.

During earlier proceedings, questions were raised by members about protections for smaller, less legally well-informed parties. The concern seems to be that such parties would be forced to enter a bargain to their detriment. I would like to make it clear that the bill will not affect consumer protection law, nor will it make changes to the unfair contract terms regime for small businesses. I have committed to publishing guidance about the bill, which will also help to protect weaker parties by ensuring that they have clear and straightforward information about the law.

I turn to commencement and transitional provisions for the bill. Stakeholders and the committee raised a concern at stage 1 that the bill's provisions, when commenced, will apply to contracts that have already been formed. That is not the intention of the bill. While my officials will consider that in detail for commencement regulations—which is normal—my view remains that the provisions should apply only to new contracts that are formed after commencement.

I am grateful to the Delegated Powers and Law Reform Committee members for the way in which they have constructively engaged with me as the bill has progressed through the Parliament, and also for the way in which they have engaged with me on the four other SLC bills that have progressed through the Parliament during this parliamentary session. As we now come to the end of the session, I thank members and the clerks for the time that they have spent on the bills and the careful attention that they have given to what can often be technical legal matters.

I also take this opportunity to note that the deputy convener, Bill Kidd, who is a long-time member of the committee, is standing down from the Parliament. I wish him all the very best.

I move,

That the Parliament agrees that the Contract (Formation and Remedies) (Scotland) Bill be passed.

15:48

Roz McCall (Mid Scotland and Fife) (Con): It gives me pleasure to speak in the Parliament for stage 3 of the Contract (Formation and Remedies) (Scotland) Bill on behalf of the Scottish Conservatives. We will be supporting the bill at decision time.

I often wonder if we truly take advantage of the powers that we have in this Parliament to make substantive law that actually takes steps toward helping the people that the legislation is meant to help. We have a vast range of powers in the Scottish Parliament and I am not always sure that we produce good law. However, in this instance, I can whole-heartedly state that this Scottish Law

Commission bill will do exactly what it says on the tin for the people who will need it most.

As I mentioned in the stage 1 debate on the bill, I have not previously had the pleasure of working on a bill that was supported by pretty much everybody who gave evidence. I again take the opportunity to thank everyone who participated in the evidence sessions, and my additional thanks go to the clerks and staff for their hard work.

It has been a pleasure to work on the bill with the minister, who has been, as she stated, constructive and accommodating all the way through the process. It has been a joy.

As we have already heard from the minister, the bill will make provision regarding the formation of contracts and remedies for breach of contract. Many stakeholders have found the legal framework around contract law difficult to navigate, and the Scottish Law Commission's work leading up to the introduction of the bill concluded that some parts of contract law are unclear, difficult to find and in need of modernisation. The bill rectifies that.

As I said, the bill is universally supported. Business wants it. The Federation of Small Businesses supported the bill's overall aims, with Colin Borland stating,

"As a general principle, anything that is done to codify, simplify or clarify the law and to make it easier for us as laypeople to understand has to be a good thing".—[*Official Report*, *Delegated Powers and Law Reform Committee*, 25 November 2025; c 7.]

We cannot argue with that, surely.

Academics want it. Professor Stephen Bogle and Professor Tom Johnson from the University of Glasgow supported the proposed reforms. They said:

"Considering the landscape of contemporary litigation in Scotland, it is increasingly evident that reform is needed".

Furthermore, lawyers want it. The Law Society of Scotland supported the proposed reforms when it stated:

"it is clear that a new statutory regime has the potential to offer benefits to certain parties by offering users a means to form agreements without a detailed understanding of case law or wider academic and institutional writings."

In layman's terms, the bill makes it easier to understand the legalities of contracts and their implications and, if needed, provides the ability to contract out.

Too many times, there is an inequality in contracts, in which one party is favoured over the other. In certain cases, might is not always right. Given the red tape surrounding business today and the many difficulties that businesses have to cope with in order to survive, anything that we can do in this place to minimise bureaucracy has to be a good thing.

I do not have too much to add in the time remaining. If I had to note any small negative in relation to the bill, it is the time that it has taken it to come before us. I mentioned that in the stage 1 debate and I am mentioning it again, as the issue has not really been highlighted. The Scottish Law Commission had been looking at issues related to contract law since its inception in 1965, and it made its recommendations in 2018. We are now in 2026. Before the bill becomes an act, I must ask, especially as it was such a non-contentious bill, why the heck did it take so long?

15:52

Katy Clark (West Scotland) (Lab): I am pleased to speak in the debate on behalf of Scottish Labour. As a member of the Delegated Powers and Law Reform Committee, I was involved in the bill's scrutiny. I thank my colleagues on the committee for their work throughout the process and the stakeholders who engaged with us during our evidence sessions.

The bill seeks to modernise Scots contract law by introducing a statutory set of default rules on contract formation and remedies for breach. Its provisions came in response to recommendations from the Scottish Law Commission, which concluded that certain parts of the current regime may be unclear for many people in that no single piece of legislation covers the topic.

The bill aims to improve certainty and accessibility in this area of law, and it is hoped that there will be no unintended consequences. As has been mentioned by those who have spoken so far, the vast majority of those who have given evidence supported the bill on the grounds that it would make things simpler for laypeople.

Among the bill's provisions is the abolition of the postal acceptance rule, which provides that a contract is formed when an acceptance of an offer is put in the post, as opposed to when it is received. When I spoke in support of the bill at stage 1, I welcomed that this change would allow the law to reflect the role that current communication technologies play. However, I must also say that—the committee discussed this—we simply cannot rely on the Royal Mail as perhaps we once could in previous decades, particularly before it was privatised.

The bill also allows far greater flexibility by allowing parties to contract out of the proposed rules that are set out in it. The bill does not represent a radical departure from, or a total transformation of, the current common-law regime. It simply aims to codify what is believed to be the current law.

The bill does not deal with various aspects of contract law, including the law on the interpretation of contracts or the law on penalty clauses.

At stage 1, I highlighted that there had been a great deal of consensus on the bill's provisions, and its proposals continue to receive broad support from legal academics and business groups. As has been said, the Law Society of Scotland has welcomed the bill and believes that it will improve the law's accessibility for a range of users. The reforms are expected to improve access to justice by enabling users who might lack a high degree of familiarity with contractual agreements to set terms that are best suited to their needs with relative ease and without reference to case law or commentary. It was also said in the discussion around the bill that it might mean that Scots law is more attractive internationally.

The main substantive amendment to the bill at stage 2 was the insertion of a section on contractual retention, which clarified when and on what terms a party to a contract can utilise retention as a remedy. The bill as amended confirms that a party to a contract can

"temporarily withhold or suspend performance of an obligation that is due to be performed under the contract"

in the event of a breach by the other party, in anticipation of such a breach or

"in relation to an obligation subsisting when the contract is ended ... as a result of"

either a

"breach or an anticipatory breach."

We welcome that change to the bill, as we believe that it serves to make general provisions of the law more accessible to individuals and small businesses. As the Law Society of Scotland has stated, such a remedy should be

"available in a flexible manner to facilitate more complex transactions and contractual arrangements that Scottish financial institutions (and other large Scottish business entities) are routinely party to."

Scottish Labour will support the bill at stage 3, as we believe that it represents a careful, considered and proportionate step towards modernising Scots contract law. We hope that the Scottish Government will work closely with legal practitioners, businesses and advice services to ensure that the new statutory framework is well understood and smoothly implemented, with clear guidance, effective communications and on-going review. I thank everybody who has been involved in what has been a very uncontroversial piece of legislation, which I hope is successful in passing today.

The Deputy Presiding Officer: I call Lorna Slater to speak on behalf of the Scottish Greens.

15:56

Lorna Slater (Lothian) (Green): Although this is a technical bill, its implications are far reaching. Contracts underpin everyday life, from employment to housing to business. The bill seeks to modernise Scots contract law by clarifying how contracts are formed and what remedies apply when obligations are not met.

Scots contract law is historically based on common-law principles, which are scattered across case law and are often hard to access. The Scottish Law Commission identified in its 2018 report that parts of the law were unclear, outdated and difficult to find, creating uncertainty for businesses and individuals.

The reforms in the bill follow the Scottish Law Commission's recommendations and aim to provide greater certainty and accessibility. The bill introduces statutory rules on offers, acceptance, withdrawal and lapse. It also codifies remedies for breach, including restitution and valuation of benefits where no price is agreed. Those changes are intended to make the law clearer and more predictable.

There are questions about how the rules will interact with existing consumer protection frameworks. Consumers will still need to exercise caution when entering into contracts and read the small print. The bill allows parties to contract out of statutory provisions. Although that respects commercial freedom, some consumer advocates fear that it could weaken protections for individuals in asymmetric relationships. For example, if a consumer pays for a service that never occurs but the contract says that there are no refunds under any circumstances, under the bill, that policy might be enforceable if the consumer agreed to the contract, even though the default law would allow recovery.

A welcome change in the bill is the clarity on the right of retention. The bill confirms the right of a party to withhold payment when the other party is in breach. That means that you can withhold the payment if someone does not do what they said they were going to do and in doing so, you would not be in breach of contract law. That was always the case, but the bill has made it clearer. There are conditions and limits to that, of course. Retention only applies where obligations are reciprocal, and withholding must be proportionate to the breach. By clarifying that, the bill aims to reduce the need for court intervention, giving parties a clear legal basis for resolving disputes themselves.

The Scottish Law Commission has publicly welcomed the bill as a legislative implementation of its proposed reforms. The Scottish Greens are content to support the bill at stage 3 today.

15:59

Siobhian Brown: I thank everybody who has contributed to the debate. I have listened to what has been said and I am pleased with the recognition of the importance of the bill and the valuable work that the Scottish Law Commission has done in keeping our law up to date.

I want to touch on Roz McCall's point about why the process has taken so long. I cannot speak to the reasons why Governments back in the 1970s and 1990s did not take forward contract law reform proposals. However, since 2013, there has been a lot of work involving the DPLR Committee and its predecessors, the Scottish Parliament and the Scottish Government to create a framework for quickly implementing Scottish Law Commission recommendations for law reform. Since 2013, 10 such bills have gone through. In this session alone, we have passed the Trusts and Succession (Scotland) Act and the Judicial Factors (Scotland) Act, and I hope that this bill on contract law will be passed, too. To my mind, the only older Scottish Law Commission report that remains unimplemented is that on section 53 of the Title Conditions (Scotland) Act 2003, so we are making progress with the Law Commission's recommendations.

Contract law is fundamentally important to our everyday life. The bill will modernise important parts of Scots law of contract while clearing up doubts that have arisen over the years. The bill largely restates the common law on formation of contract to improve accessibility of the law, and it makes important reforms to clarify and modernise the law. The provisions are a result of a significant law reform project that was undertaken by the Scottish Law Commission, which included four discussion papers on different areas of contract law. The overwhelming majority of consultees agreed that the law needed reform.

On contract formation, the principal reform is the abolition of the postal acceptance rule, which has been a repeated recommendation by the SLC for more than 50 years. As Professor Hector MacQueen told the committee, to abolish the postal acceptance rule without partial codification of the law on contract formation would likely lead to less clarity.

Part 2 of the bill deals with remedies for breaches. Notably, the bill now includes the provision on the law of contractual retention. In 2018, the Scottish Law Commission said that, although the law of retention needed clarification, it should be left to the courts to do so. However, by 2024, stakeholders thought that legislation was needed to bring clarity to the law. We consulted on a scheme for reform of retention, which a majority of respondents agreed with. That came through clearly at stage 1, and amendments were lodged at stage 2 and agreed to by the committee.

I again thank the Scottish Law Commission and Professor MacQueen for the significant and comprehensive work that has been undertaken to review the Scots law of contract and for the Law Commission's recommendations, to which the bill gives effect. The Scottish Law Commission serves a valuable function in reviewing our laws and making sure that they are fit for a modern Scotland. I thank it for the work that it has undertaken on the four other SLC bills that have been introduced in this session of Parliament and for its continued engagement with the Scottish Government in taking them forward. I commend the motion in my name.

The Deputy Presiding Officer (Liam McArthur): That concludes the debate on the Contract (Formation and Remedies) (Scotland) Bill.

European Charter of Local Self-Government (Incorporation) (Scotland) Bill: Reconsideration Stage

16:02

The Deputy Presiding Officer (Liam McArthur): The next item of business is reconsideration stage proceedings on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill. In dealing with the amendments, members should have before them the bill as passed at stage 3—that is, SP bill 70B—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter RTS in the chat function if they are joining us remotely.

Members should now refer to the marshalled list.

Section 2—Duty to act compatibly with the Charter Articles

The Deputy Presiding Officer: Group 1 is on the compatibility duty. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 to 5.

The Cabinet Secretary for Finance and Local Government (Shona Robison): The amendments that I have lodged to the European Charter of Local Self-Government (Incorporation) (Scotland) Bill on the Scottish Government's behalf are designed to achieve three things: to retain as much of the bill's original purpose and practical effect as possible; to frame the applicable duties and remedies clearly within the boundaries of devolved competence to address the Supreme Court judgment's findings; and, possibly most importantly, to minimise the possibility of a further Supreme Court referral.

As I confirmed when speaking in the debate on the motion to move the bill to the reconsideration stage, my officials have engaged constructively with United Kingdom Government officials for a significant time, which has involved sharing draft amendments and pursuing a co-operative dialogue on the implications of the Supreme Court judgment for the bill's key operative provisions. That engagement, and the process of developing amendments, ultimately highlighted once again the challenging practical effects of the restrictions on the Parliament's scope to legislate that result from section 28(7) of the Scotland Act 1998—the provision that states that the power of the Scottish Parliament to make laws for Scotland "does not affect" the power of the UK Parliament to do so—and the Supreme Court's judgment. As members have had cause to reflect in recent committee discussions on children's legislation, that can create uncertainty in situations in which devolved compatibility duties might be argued to bear on the effect of UK Parliament legislation operating in devolved areas, including pre-devolution enactments.

The amendments in this group all concern section 2 of the bill, which places a duty on the Scottish ministers to act compatibly with the charter. Section 2, as passed, was confined to devolved functions but silent about the source of those functions. As such, it included devolved ministerial functions that derive from pre-devolution UK legislation. Although section 2 was not part of the original Supreme Court reference and was not mentioned in the judgment, the current uncertainty about the effect of section 28(7) means that, if left unamended, the bill might be subject to a further Supreme Court referral—an outcome that Mark Ruskell, the Convention of Scottish Local Authorities and the Scottish Government all wish to avoid.

The group 1 amendments that I have lodged therefore seek to amend section 2 in order to carve out ministers' functions that sit in UK acts or secondary legislation that has been made under UK acts. That means that devolved functions under pre-devolution UK legislation would not be covered by the compatibility duty. The duty on ministers to exercise functions compatibly with the charter would apply only when they exercise functions that are conferred by acts of the Scottish Parliament, Scottish statutory instruments that are made under acts of the Scottish Parliament or common-law powers. The duty would still apply to UK act amendments that are made to acts of the Scottish Parliament, unless the relevant UK legislation expressly requires or permits ministers to act incompatibly with the charter. However, provisions that are made by acts of the Scottish Parliament that are inserted into UK acts would not be subject to the duty, because the amendments provide that a function that is conferred by words inserted by one enactment into another enactment is regarded as conferred only by the modified enactment.

The amendments to section 2 are similar to the approach that was taken at the reconsideration stage for section 6 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 and have the

full support of COSLA, which is the representative organisation of local government in Scotland—the bill's key stakeholder. Although we do not consider the changes to be strictly necessary in order to bring the bill within competence, they are necessary to minimise the possibility of a further referral and the inevitable delays that would result from that. As such, I consider that they provide the best opportunity to complete reconsideration in this parliamentary session and secure royal assent while still retaining much of the spirit of the bill.

The rationale for that approach is accepted by COSLA and was accepted in many of the stakeholder responses to the Local Government, Housing and Planning Committee's request for written views on my amendments last month. It was also recognised in the recent University of Glasgow centre for public policy report on the impact of the Supreme Court jurisprudence on section 28(7) of the Scotland Act 1998. Ministerial colleagues and I welcome the report as a significant contribution to the discussion around what section 28(7) of the act means for devolved lawmaking, and I encourage members to read it.

I move amendment 1.

Alexander Stewart (Mid Scotland and Fife) (Con): Group 1 deals with the compatibility duty. We voted for the bill back in March 2021, and we will support the cabinet secretary's amendments in this group, which will narrow the compatibility duty in section 2 so that it applies only to functions conferred by Scottish Parliament primary legislation, Scottish Parliament secondary legislation or common law. We accept that that is a necessity in the light of the Supreme Court's judgment.

However, in its briefing, the Law Society of Scotland states:

"It is not in the interest of good law making that reconsideration has been delayed by more than 4 years."

It argues:

"Future Bills which are determined … to be outside the competence of the Scottish Parliament should not have reconsideration delayed beyond two years from the date of the decision."

Had the Government progressed with this bill as it did with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill back in December 2023, this bill could have been on the statute books well over a year ago.

However, as I have indicated, we will support the amendments in this group.

Mark Ruskell (Mid Scotland and Fife) (Green): I thank the cabinet secretary for taking the lead in moving the amendments in this group and in the next group.

It is important to underline that it has taken some time to reach agreement, but the position that we have now reached has been warmly welcomed by COSLA, which accepts that the bill's scope has to be tightened. That has also been accepted by other stakeholders, including me.

I have nothing further to add other than to say that I urge members to vote for the amendments that the Government has lodged after lengthy consideration with the UK Government.

The Deputy Presiding Officer: I call the cabinet secretary to wind up the debate.

Shona Robison: I have nothing further to add.

Amendment 1 agreed to.

Amendments 2 to 5 moved—[Shona Robison]—and agreed to.

Section 4—Interpretation of legislation

The Deputy Presiding Officer: Group 2 is on the interpretation duty. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 7 to 24.

Shona Robison: The amendments in group 2 will revise section 4, on interpreting legislation compatibly with the charter articles, and section 5, on declarations of incompatibility. They will also make consequential changes to section 7, on limiting the retrospective effect of certain court decisions.

The Supreme Court found sections 4 and 5, as passed, to be outwith the Scottish Parliament's legislative competence. Therefore, my amendments will confine the application of those sections to acts of the Scottish Parliament and Scottish statutory instruments that are made under acts of the Scottish Parliament. Insertions into UK acts by acts of the Scottish Parliament would not be subject to sections 4 and 5. Only wording originating from an act of the Scottish Parliament would have to be read compatibly with the charter and would potentially be subject to a declaration of incompatibility. The amendments will also ensure that sections 4 and 5 do not apply to text inserted into acts of the Scottish Parliament or SSIs by UK legislation, or to SSIs that are made under powers in UK acts.

That approach seeks to retain as much of the original bill as possible and align it with the amendments that were made to the UNCRC bill during its reconsideration stage in order to minimise the possibility of a further Supreme Court referral.

The amendments to section 7 seek to mirror the revised scope of sections 4 and 5 by ensuring that it applies only to acts of the Scottish Parliament and Scottish statutory instruments that are made

under acts of the Scottish Parliament, instead of it making broader reference to "subordinate legislation" and "primary legislation". That is necessary as a consequence of the amendments to sections 4 and 5, because section 7 relies on the wider compatibility framework elsewhere in the bill.

Section 7 is about the courts being able to remove or limit any retrospective effect of a decision about incompatible legislation, so it stands to reason that references to incompatible legislation in section 7 need to be narrowed to correspond with the narrower focus of sections 4 and 5.

As with group 1, the amendments have the full support of COSLA, the representative body of the bill's key stakeholder. They were also broadly accepted by stakeholders who responded to the Local Government, Housing and Planning Committee's call for views last month as the only realistic way of ensuring that the bill remained within devolved competence and avoided another referral to the Supreme Court.

I move amendment 6.

16:15

Alexander Stewart: The group addresses the position of the Supreme Court that the bill is outwith competence. The interpretation duty and the powers to make declarations of incompatibility are now restricted to Scottish Parliament legislation only, and the remittal powers are similarly narrowed. The changes are necessary, and we will support them.

I also draw members' attention to the evidence from the Faculty of Advocates, which stated that narrowing the scope of the bill does not address the concerns about the lack of establishing case law around the charter. The Faculty of Advocates argued that, if the Parliament wished to protect the power, status and autonomy of local government, a more obvious and effective way would be through enacting primary legislation and increasing the powers of local government, particularly in respect of finance.

That is all that I need to say on the amendments. We will support them.

Amendment 6 agreed to.

Amendments 7 to 10 moved—[Shona Robison]—and agreed to.

Section 5—Declaration of incompatibility

Amendments 11 to 18 moved—[Shona Robison]—and agreed to.

After section 5

Amendments 19 and 20 moved—[Shona Robison]—and agreed to.

Section 7—Power to remove or limit retrospective effect of decisions etc

Amendments 21 to 24 moved—[Shona Robison]—and agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

As members will be aware, at this point in the proceedings, the Presiding Officer is required, under standing orders, to decide whether, in her view, any provision in the bill relates to protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the case of the bill, in the Presiding Officer's view, no provision of the European Charter of Local Self-Government (Incorporation) (Scotland) Bill relates to a protected subject. Therefore, the bill does not require a supermajority to be approved at reconsideration stage.

European Charter of Local Self-Government (Incorporation) (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-20934, in the name of Mark Ruskell, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at reconsideration stage. I invite members who wish to participate in the debate to press their request-to-speak button now and I call Mark Ruskell, the member in charge of the bill, to speak to and move the motion. You have around six minutes, Mr Ruskell.

16:17

Mark Ruskell (Mid Scotland and Fife) (Green): The European Charter of Local Self-Government (Incorporation) (Scotland) Bill is about strengthening local democracy and, as such, I am pleased to be able to play my part in bringing the bill into law.

As the member in charge of the bill, it is incumbent on me to move the motion to enable the reconsideration stage to progress. Although the reconsideration stage is rarely used by the Parliament, I believe that it is a valuable process to ensure that legislation that the Parliament has decided to pass can be fixed and implemented. I will therefore be happy to move the motion in my name.

I thank the cabinet secretary and her officials for progressing the amendments. I also thank key stakeholders, such as the Convention of Scottish Local Authorities, for maintaining pressure throughout most of this parliamentary session so that progress was made. As we are getting very close to the end of the session, I am pleased that time is being made available so that we do not lose the opportunity to complete the process.

I thank Roz Thomson and the entire team of legal advisers with the non-Government bills unit who have done a phenomenal job in this session of helping members to bring forward what has been a kaleidoscope of legislative proposals.

I also thank Andy Wightman, who was the original member in charge of the bill in the previous session and the driving force behind making the policy law. This is a somewhat unique situation, in that it is, I believe, the first reconsideration stage involving a member's bill at Holyrood. Given that Mr Wightman was not returned in session 6, it fell on me, as the additional member in charge, to bring the bill back.

I would have liked to have moved to this point earlier in the session. The Supreme Court ruling was made in 2021 and it has taken until now for there to be something approaching agreement between the Scottish and United Kingdom Governments on the scope of amendments and for reconsideration to be scheduled. My approach all along has been to hold open a space for the bill to be fixed and, although I could have moved to reconsideration earlier in this session of Parliament, the issue has, at its core, been one for Governments to resolve by mutual agreement and I am pleased that they have now reached that point.

It might be helpful in informing this final debate on the bill if I briefly highlight some of the contributions to the consultation held by the Local Government, Housing and Planning Committee.

The Law Society of Scotland observed that

"the draft amendments are complicated and illustrate the way in which provisions must be drafted to address the Supreme Court's interpretation of the effect of section 28(7) of the Scotland Act 1998"

and acknowledged that

"the effect of the amendments is to narrow the scope of the Bill and accordingly limit its practical impact."

COSLA focused on what the remaining policy in the bill could mean, arguing that

"The passing of the Bill to incorporate the European Charter of Self Government into law is a huge opportunity for national and Local Government to work together to improve lives across the country, and give Scotland's communities rights that are already commonplace internationally."

It went on to say that

"Council Leaders from across Scotland have already unanimously supported the passage of the bill and are supportive of the proposed amendments to address the Supreme Court ruling."

With all those proposed amendments now debated and agreed to, the bill is, in my view, ready to be approved and to go forward for royal assent.

Finally, Professor Chris Himsworth summed up the overall situation well in my view, stating in his consultation response that he was

"very pleased to see that, in the light of all that has happened since the final passing of the Bill, it has been revived and is now once again on track to reach the statute book"

and that

"although the Bill offers no silver bullet, it has the capacity to contribute to better central-local relationships".

I hope that that is something that we can all agree on, and I look forward to members' contributions to the debate.

I move,

That the Parliament agrees that the European Charter of Local Self-Government (Incorporation) (Scotland) Bill be approved.

16:22

The Cabinet Secretary for Finance and Local Government (Shona Robison): I begin by thanking COSLA, Mark Ruskell and officials for their continued commitment and support ahead of today's reconsideration debate, and Andy Wightman for his work before that. I thank the Local Government, Housing and Planning Committee and the stakeholders who engaged with it on my reconsideration amendments, and I also thank my officials, who have worked hard and supported me to reach this point.

Following the referral of this member's bill to the Supreme Court, the Scottish Government confirmed that we would do all that we could to support Mark Ruskell to progress the bill to reconsideration as soon as practicable. That commitment was reaffirmed in the Verity house agreement.

On 1 October 2024, I confirmed in writing that the Scottish Government would lodge and speak to the necessary amendments, drawing on our experience with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. That is what we have done. The amendments agreed to today address the issues identified by the Supreme Court and I am confident that they will bring the bill within the legislative competence of this Parliament.

I have been clear that my amendments reduce the reach of the charter provisions in Scots law. The Scottish Government had hoped to preserve more of the bill as originally passed, including our hope to avoid restrictions to section 2, which the Supreme Court did not specifically adjudicate on. However, despite extensive engagement with the UK Government, we were unable to rule out the possibility of a further referral of the bill to the Supreme Court unless a more cautious approach was adopted. Given the limited time left in this session of Parliament, we therefore agreed with Mr Ruskell and COSLA that the priority must be to complete reconsideration swiftly while minimising the possibility of a further referral. I welcome Opposition members' acknowledgment of that in the debate on 4 February.

I emphasise that, even as amended, the bill remains an important step forward. It embeds charter principles in Scots law, providing legal protection for local government that is not available elsewhere in the UK, and signals this Parliament's commitment to respecting local democracy and fostering the cultural change that that requires.

My amendments broadly align with the approach taken during reconsideration of the UNCRC bill, ensuring coherence across the legislative framework. Key provisions of real value remain intact, including the duty on ministers to promote local government and the requirement for charter compatibility statements for every new bill. COSLA, as the principal stakeholder, has been clear that enacting the bill, even in its amended form, remains far preferable to having no legislation at all, and that the bill will still play a significant role in strengthening the position of local government in Scotland's constitutional landscape.

I am aware that a number of stakeholders who wrote to the committee in response to its call for views have suggested that, in future, the bill's scope could be expanded by, for example, re-enacting relevant UK act provisions as acts of the Scottish Parliament. As I mentioned earlier, the University of Glasgow's centre for public policy recently published a major report that examines devolved lawmaking following the Supreme Court's section 28(7) rulings. That report highlights that, although the Scottish Parliament may amend or repeal UK laws in devolved areas and create new laws, it may not condition the meaning or effect of UK legislation, nor may it make UK Parliament rules dependent on decisions by Scottish ministers or the courts.

Although the report acknowledges that potential workarounds exist, the authors are of the view that an overall solution is required to the issues that have affected the UNCRC act and the bill that we are discussing. As the children's rights scheme that was laid before Parliament in November 2025 records, the Scottish Government is committed to progressing engagement with the UK Government in that regard. However, the report concludes that the Scottish Government cannot resolve those challenges alone. We will consider the next steps, including engaging with this Parliament, the UK Government and others on the authors' expert analysis.

As I outlined during the earlier debate, reconsideration of the bill was the logical next step to enshrine existing good practice in law following the signing of the Verity house agreement. I am confident that the amended bill addresses the Supreme Court judgment, brings the bill within legislative competence and minimises the possibility of a further referral to the Supreme Court.

16:27

Alexander Stewart (Mid Scotland and Fife) (Con): I am pleased to open on behalf of the Scottish Conservatives. The amended European Charter of Local Self-Government (Incorporation)

(Scotland) Bill represents a step in the right direction for Scottish local government. The aim of the European Charter of Local Self-Government is to protect and strengthen the powers of local authorities. It is already recognised in the legal system, and successful incorporation of the charter into Scots law will send a clear message about the important role that this level of government can play in people's lives. That was the case five years ago, when we debated the bill at stage 3, and it is still the case today.

COSLA has highlighted that the current relationship between local and central Government depends on good will and the assessment of the Scottish Government. However, we have seen in recent years that that good will can sometimes not be respected.

This is only the second bill that this Parliament has had to reconsider. Although it is welcome that the Parliament is able to vote on the final version of the bill today, this debate has been a long time coming. More than 1,000 days have passed since the Supreme Court made its judgment back in October 2021, and the Law Society of Scotland has made it quite clear that it has taken far too long for the bill to reach the current stage. It stated:

"Future Bills which are determined by the UK Supreme Court to be outside the competence of the Scottish Parliament should not have reconsideration delayed beyond two years from the date of the decision."

We support that.

The introduction of the Verity house agreement two and a half years ago set a new vision for councils and the Government to work together more effectively, but many councils have been frustrated by the lack of progress since that agreement was introduced. There is significant overlap between the principles that are set out in the charter and those in the Verity house agreement. Legislative backing for those principles is therefore an important step in improving outcomes for Scottish local government, and I note that COSLA called for that in its evidence to the Local Government, Housing and Planning Committee. That needs to be combined with an end to the erosion of local government funding and the re-establishment of services that have been cut. Without improvements to the local government funding settlement, councils will still be trying to do their job with one hand tied behind their backs.

Our councils are the closest level of government to communities and it is only right that they are empowered to act in the best interests of those whom they represent. All too often, however, councils are made to act as though they are an extension of the Scottish Government rather than the true form of local government that they are. We will, therefore, support the amended bill at decision time. The onus will rest on the Scottish Government to address the outstanding issues within local government, to ensure that it is able to deliver in the way that local communities rightly expect.

The Deputy Presiding Officer: Mark Griffin joins us remotely.

16:30

Mark Griffin (Central Scotland) (Lab): The bill has always had a simple and widely supported purpose: to incorporate the European Charter of Local Self-Government into Scots law, giving local authorities clear legal rights to require ministers to act compatibly with the charter, and to ensure that Scotland meets the democratic standards that are expected across Europe. It strengthens local autonomy, improves transparency and provides councils with a meaningful safeguard if their role is undermined.

The bill was universally supported when it was originally passed, in February 2021. Getting it on to the statute book should have been the easy part. However, we are here five years later because the Scottish Government failed to act with any degree of urgency after the Supreme Court ruling in October 2021. In May 2022, the then Deputy First Minister promised to work "at pace" to bring forward amendments. However, for years, there was no timetable, no amendments and no visible progress.

COSLA highlighted the lack of apparent movement in early 2023. It is also important to say that the Law Society of Scotland highlighted that the delay

"is not in the interest of good law making",

urging that any future bills that are dealt with by reconsideration following a Supreme Court decision should be dealt with within two years of that decision, to uphold that principle of good lawmaking.

While all that has been going on—or has not been going on—the issues that local government faces and that make the bill an essential component of our democratic system have worsened. Over the past decade, councils have faced more than £7 billion in cumulative cuts. They have been asked to deliver more with less, absorb rising demand and inflationary pressure, and carry an unsustainable financial burden. They have somehow become administrators of Government policy rather than the autonomous decision-making bodies that they are. The Government needs to ask itself how it reconciles the language of local self-government with the lived reality of increasing centralisation, directed or ring-fenced

funds for central policy decisions, and financial constraints.

Rights on paper should surely be matched by respect in practice. Scottish Labour continues to support the legal rights and standards that are enshrined in the bill, but it is incumbent on the Government to get it right—to not just correct what the court identified but ensure that the additional changes that are now proposed genuinely avoid the risk of yet more delay. Local authorities cannot afford another constitutional detour. They need certainty, stability and, above all, a Government that treats them as partners, not administrators of centrally determined priorities.

The bill should not have taken the best part of six years, and it should not have required pressure from COSLA and others to reach this point, right at the end of the session. However, that is where we are. I ask the Parliament to finally approve a competent bill that embeds in Scots law the principles of subsidiarity, local democracy and mutual respect.

16:33

Alex Cole-Hamilton (Edinburgh Western) (LD): Addressing our conference on the 25th anniversary of devolution, the dear departed Jim Wallace said:

"The Constitutional Convention, whose final report is peppered with references to the European Charter of Local Self Government, concluded that in any future review of local government, 'the aim of the Parliament should be, firstly, to safeguard and where possible increase the area of discretion available at the level of the local authority.'

The story of the Scottish Parliament under SNP administrations, however, has been one of increasing centralisation. Local taxation again is dictated by central government. Police and fire services have been centralised in a way which hasn't exactly covered the idea in glory. Local courts have been closed. Local government funding has been squeezed further than overall Holyrood expenditure, thus limiting the scope for local initiative. As someone who believes in decentralised decision-making, this is very troubling."

That is why I am pleased to confirm that the Scottish Liberal Democrats will support the bill at the final vote on its reconsideration. I was proud to be a signatory to Andy Wightman's bill in the previous session of Parliament. At its heart, the legislation is grounded in a straightforward principle that was encapsulated in the words of Jim Wallace that we just heard: namely, that decisions that affect communities should be taken as close to those communities as possible.

For too long, power in Scotland has become increasingly centralised. Local government has too often been treated less as a democratic partner and more as a delivery arm for the will of this national Government. That imbalance has not served our communities well. The bill seeks to strengthen that relationship. Parliament originally passed the legislation with strong cross-party support, of which we have heard something this afternoon. Following the Supreme Court judgment, we have had to revisit certain provisions to ensure that the bill sits clearly within our competence.

The amendments that have been agreed to during reconsideration respond directly and proportionately to that judgment. Although the scope is narrower than first envisaged, the legislation that is now before us is legally robust and capable of moving forward without further delay. That matters, because another referral would only prolong uncertainty for our local government partners and for the communities that they serve.

Crucially, the bill still represents meaningful progress, as it embeds the principles of the European Charter of Local Self-Government into Scots law and strengthens the expectations of that partnership and of mutual respect and shared responsibility between national and local government. Good relationships cannot rely on good will alone. Clear statutory principles help to shape culture, clarify responsibilities and reinforce accountability.

Later in his words to our conference, Jim Wallace said:

"A new balance between the Scottish Parliament and local government and local communities needs to be struck. Parliament, in partnership with local government, should have the confidence and vision to ensure that the spirit of local government and local determination is revitalised. The extent to which Parliament can rise to the challenge of reforming local government finance and revitalising local democracy should be a measure of its success in the next quarter century, if not earlier."

In the lines and pages of the bill that we will pass this afternoon, we are, in some way, reaching for the challenge that Jim Wallace described. That is why the Liberal Democrats will support the bill.

16:37

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am pleased to speak in the debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill. Like others, I pay tribute to Mark Ruskell for his work in getting it to this stage.

As we have heard, the Scottish Government is firmly committed to the bill and to the principles that underpin the European Charter of Local Self-Government. At its core, the legislation is about strengthening local democracy in Scotland and placing our partnership with local government on a clear and durable statutory foundation. It is a significant and forward-looking measure.

By incorporating the charter into domestic law, Scotland will become the first nation in the United Kingdom to do so, which is an important step. It reinforces our shared belief that decisions are often best taken closest to the communities that they affect, and that councils should have the standing and stability required to serve those communities effectively.

The charter sets out core principles that are designed to safeguard the political, administrative and financial independence of local authorities. It affirms the role of councils composed of members who are freely elected by secret ballot on the basis of direct, equal and universal suffrage. Across Europe, those principles have contributed to vibrant local democracies and strong systems of self-government. Through the bill, we bring those principles directly into Scots law.

The bill places duties on the Scottish ministers to act compatibly with the charter articles and to promote local self-government. That is entirely appropriate. By embedding those duties in statute, we help to ensure that local self-government is respected, advanced and sustained over time. Working collaboratively with local government is, and will continue to be, a priority for this Government. The Government is committed to a vibrant and inclusive democracy. We support local self-determination. The bill reinforces the autonomy of the powers of councils and strengthens their status and standing within Scotland's system of governance. It provides an opportunity to enshrine in Scots law a culture of partnership and participation that benefits communities across the country.

As we have heard, the Supreme Court concluded in 2021 that specific provisions were outside legislative competence. Since then, constructive work has taken place to enable the bill to proceed in a way that secures competence and delivers its core objectives, and we have arrived here today.

As we have heard already, the Scottish Government said that it would support the bill, subject to the amendments that have now been agreed to, which will ensure that the bill rests securely within the powers of this Parliament. Although we remain of the view that section 2 is within competence, amendments to limit its effect, alongside changes to sections 4 and 5, will help the bill to progress smoothly and are likely to avoid a further reference to the Supreme Court, as has been outlined by the cabinet secretary. Our approach is guided by a clear aim: to deliver the strongest possible legislation with clarity and certainty.

The bill also sits alongside the Verity house agreement, which already commits ministers to act consistently with many of the charter's principles, including a presumption in favour of local flexibility. Through that agreement, we have strengthened the relationship between national and local government and set out how we will work together to improve outcomes for the people of Scotland. Incorporation of the charter complements that shared endeavour and provides it with an enhanced legal foundation.

By the end of this parliamentary session—which is fast approaching, as we all know—we will have taken significant steps to advance fiscal empowerment and flexibility for local government, including baselining over £2 billion of the general revenue grant, jointly publishing a fiscal framework with COSLA, and progressing work towards a power of general competence. These actions demonstrate that commitment to local self-government is practical as well as principled.

Incorporating the European Charter of Local Self-Government into Scots law affirms that local self-government is an essential part of Scotland's constitutional landscape. It provides greater certainty for councils and strengthens democratic accountability at every level. With it, we take a confident step towards aligning Scotland with the best traditions of local democracy across Europe. I urge members to support the bill at decision time.

The Deputy Presiding Officer: We move to closing speeches.

16:41

Mark Griffin: I thank members for their contributions to this reconsideration debate, because local democracy is not just an abstract principle but the foundation of how essential public services are delivered in every community in Scotland. Scottish Labour will support the bill, as we did when it was first passed. We support incorporating the European Charter of Local Self-Government into Scots law. The principle has always commanded consensus across the chamber, but we cannot ignore how we arrived here. The Supreme Court did not reject the purpose of the bill; it identified flaws in the drafting that meant that the bill strayed into reserved matters. That was constitutional theatre and it was entirely avoidable. Instead, an entire parliamentary session passed before reconsideration was initiated.

Meanwhile, councils' autonomy and financial certainty have been steadily eroded by this Government. Partnership has to mean more than just words on a paper agreement. Over the past decade, councils have absorbed increasing demands while navigating shrinking budgets. Decisions have been made about them, not with

them, by an SNP Government that is obsessed with keeping power as close as possible to itself.

Embedding rights in law is a basic premise of government. As we know, this Government systematically fails to get the basics right. Local government in Scotland has every right to demand enshrined fiscal sustainability and a genuine respect for local decision making. This reconsideration should not have taken six years. It should not even have been necessary in the first place and could and should have been avoided with more competent drafting and more timely action. However, we will not extend that delay any further today. We will finally approve a competent bill, avoid any further referral to the Supreme Court and deliver the legal clarity that local government was promised.

We must ensure that the principles of local self-government are not just in legislation but, from now on, are reflected in how our Scottish Government works with, respects and funds Scottish local authorities.

16:44

Meghan Gallacher (Central Scotland) (Con): The Scottish Conservatives will be supporting the bill at decision time because it protects the political, administrative and financial independence of local government. Of course, as many have mentioned, Parliament unanimously agreed to the general principles of the bill and passed the bill at stage 3 back in March 2021.

However, it is important to touch on the question of why we are back in the chamber today, reconsidering certain elements of the bill. It is because the UK Government referred the bill, under the Scotland Act 1998, to the UK Supreme Court. We should note, too, that the court did not reject the principle of strengthening local government. In fact, throughout the debate, members have referred to the importance of taking the bill forward and the desire from local councils the length and breadth of the country to have the legislation in place. The issue was that the court found that parts of the bill went beyond the Scottish Parliament's competence regarding what it is legally allowed to do.

Alexander Stewart referred to the length of time that it has taken for the bill to be brought back to the chamber and the commentary from the Law Society of Scotland that such delays do not make for good law. I agree with that, and I also agree with the Law Society's comment that reconsideration of the bill should have taken place within a two-year period. This is perhaps an opportunity for the Scottish Government to reflect on those points, given the number of bills that we are rushing through towards the end of the current session of Parliament. If we had had more time to look at this bill earlier in the session, we would not be here today, rushing it through in the last few remaining weeks.

To touch on what Mark Ruskell said, it has been good that COSLA has kept up the pressure and that it wanted the bill to come back to Parliament as soon as possible, because it is a huge opportunity for national Government and local government to work together and to ensure that rights for councils, which are commonplace internationally, can be put in place in Scotland, too. The cabinet secretary also mentioned that the amendments that have been passed today will now be legally competent, which is good to hear. That will be good for councils, and for the former member who originally introduced the bill in the previous session of Parliament.

A lot has been said today about centralisation, and that is a huge point that should perhaps have been raised previously in relation to other matters, not just this bill, in the current session of Parliament. Local government has borne the brunt of quite a lot of the decisions that have been taken in the chamber, and councils have not had the political, administrative and financial independence to decide whether a particular decision is best for their area or whether they face financial or resource constraints on their ability to implement legislation that is passed in the chamber. That needs to be reflected on.

Mark Griffin was right to touch on the need for safeguards to ensure that local authorities can make decisions that best fit their own communities, and to avoid a repeat of what we have seen in previous years under the SNP Government, whereby councils have not been taken into account when decisions have been made.

I will leave my remarks there. The Scottish Conservatives will support the bill at decision time, and I look forward to its being passed.

16:48

Shona Robison: I thank members for their contributions to this short debate, and I will touch on a couple of issues that have been raised. The first is timing, which was raised by Alexander Stewart, Mark Griffin and a couple of others. First, it is important to say that the timing was not wholly within the gift of the Scottish Government, given the substantial engagement that was required with the UK Government. It was a two-way process that—far from being about parliamentary theatre, as Mark Griffin suggested—involved the hard yards of trying to get agreement with two successive UK Governments. To those who have never held ministerial office, I can only say that it is not an easy task to get agreement with another

Government on the detail of issues such as competence. We required the Advocate General to give us comfort that there would not be the risk of a further referral to the Supreme Court, and we did not get that.

We could talk all day about why it took so long, but I say to members candidly that it is difficult to negotiate these matters, in particular where matters are not clear cut. They were complex, and we therefore had to work through all the detail and find a compromise that was acceptable in particular to COSLA, as the main stakeholder. Those were the hard yards that we worked through to get to this point.

On the point about funding, there is a real-terms increase in funding for local government in the budget that was passed last week, without the support of Alexander Stewart or Mark Griffin, who did not vote for that additional funding for local government. Actions always speak louder than words.

I refer to the point that Alex Cole-Hamilton made about the tension between centralisation and localism when it comes to accountability. For as long as I can remember, ministers have always and regularly been held accountable for the delivery of responsibilities, whether those responsibilities sit within this Parliament, including the ministerial responsibilities of the Scottish Government, or with local government.

Alex Cole-Hamilton: Will the cabinet secretary give way?

Shona Robison: Of course.

Alex Cole-Hamilton: I am grateful to the cabinet secretary for giving way. This is often the excuse that her Government leans into when it is rightly challenged about problems that have occurred because of the centralisation that it has undertaken, whether that is with Police Scotland or the centralisation around other emergency services. It is a very convenient excuse, but we will always stand up for devolving power closer to the people whom it serves.

Shona Robison: Given Police Scotland's record on solving crimes of a very serious nature, and the current record low levels of crime, I am a major advocate for having Police Scotland instead of the legacy forces, through which, sexual crimes, for example, were not investigated and prosecuted in the way that they are now.

The point that I was trying to make was not overtly party political. It was more about where responsibility lies and where accountability for delivery lies. If 32 local authorities deliver on their responsibilities with varying levels of success—or otherwise—where does accountability for that lie?

Alex Cole-Hamilton: Will the cabinet secretary give way?

Shona Robison: Go on.

Alex Cole-Hamilton: We have 32 local authorities because we have reached a settled will that that is a fitting number to serve the communities of Scotland.

I point to the national care service. Nothing about the national care service would have made the delivery of care easier in places such as Strathpeffer or Aboyne. It would have asset stripped those communities of the ability to deliver social care in their areas.

The Deputy Presiding Officer: Cabinet secretary, I can give you the time back.

Shona Robison: That was not my point. My point was about responsibility and accountability for delivery. There will always be tensions around where responsibility should lie for the delivery of a particular outcome that is important to people. To be honest, people are not that bothered about where responsibility lies. They want delivery and accountability when things are not delivered as they should be.

Without doubt, these issues will continue to be debated in the next parliamentary session—

Alex Cole-Hamilton *rose*—

Shona Robison: No, I want to finish.

They will continue to be debated in the next parliamentary session, when I will not be here. There are tensions that will always be there. We have to be honest, not just on the Government benches but on the Opposition benches, about the questions of Government and whom Opposition members want to hold accountable for delivery of services.

Presiding Officer, I can see you looking at me with raised eyebrows.

The Deputy Presiding Officer: There is a bit of time in hand.

Shona Robison: I will finish on this point. I hope that members across the chamber, despite some of the challenges that we have just alluded to, come together today to support the amended version of the bill and agree to Mark Ruskell's motion to enable Scotland to become the first part of the UK to incorporate the European Charter of Local Self-Government into domestic law.

The Deputy Presiding Officer: Mark Ruskell, the member in charge of the bill, will wind up the debate.

16:54

Mark Ruskell: I thank the cabinet secretary for her kind words and I thank members across the chamber for their speeches. I have my fingers crossed that I might be heading for an unusual record of getting two member's bills agreed to at Holyrood within a fortnight, but we will see what happens next Thursday. At this point, I should also pay tribute to Andy Wightman, who had the foresight to introduce the bill in the previous parliamentary session.

We in the Scottish Greens undoubtedly have a deep-seated commitment to localism and the need to empower communities. Of course, we do not have a monopoly on localism. Alexander Stewart spoke well about his commitment to the bill, drawing on his experience over many years as a councillor and his commitment five years ago to getting the bill into law. Mark Griffin also spoke about the need for councils to be seen as partners, not administrators, which is an important point.

I was pleased that Alex Cole-Hamilton spoke about the quiet work of Jim Wallace in the Scottish Constitutional Convention. It was part of the blueprint of this Parliament that the European charter would be embedded into our working. That shows how long overdue the bill is and that it should form part of what we do in the Parliament.

I reflect on Jim Wallace's view that we need to strike a "new balance" between the Parliament, local government and communities. There will always be a debate about the will of Government to achieve national objectives and the local accountability that is needed. I am sure that that debate will continue well into the next session of the Scottish Parliament.

Alex Cole-Hamilton: I am grateful to Mark Ruskell for his kind words about Jim Wallace. Does he recognise that, as Donald Dewar said about devolution being a process, not an event, so too is the devolution of power to our communities away from the Parliament?

Mark Ruskell: Absolutely. The bill raises questions about where we are now regarding our levels of government and responsibility. Those questions can be opened up if there is a cross-party consensus in future sessions of the Parliament.

Given that Scotland—and the UK—is one of the most centralised democracies in Europe, it will take time for the bill to empower communities. However, going forward, I hope that the bill will provide a strong basis to do so. If we approve the bill tonight, Scotland will be the first country in the UK to be in compliance with the charter. Being a normal European country that respects communities would feel like progress.

Several members talked about the Verity house agreement. Alexander Stewart referred to some of the frustration that council leaders have at the moment with the agreement's implementation, and Mark Griffin talked about on-going financial challenges. We will not talk about where those financial challenges originate from, which is Westminster. Fulton MacGregor highlighted some of the progress that has been made.

I hope that we can agree that there is a need to ratchet up the reforms. The bill will not give courts the power to declare whether the Local Government (Scotland) Act 1973, for example, is compatible with the charter. That is regrettable. However, if the 1973 act were to be repealed and re-enacted by the Parliament in the future, it would need to be in line with the charter and the important principle of local government empowerment. The window is open for further reform and the bill provides the foundation on which future ambition can be built, if there are the political will and consensus to do that.

I welcome that the cabinet secretary wrote to me ahead of the reconsideration stage. She said:

"In time, it may also be possible to bring more of Ministers' functions within the scope of the section 2 compatibility duty, for example, if UK Act provisions in devolved areas are re-enacted in Acts of the Scottish Parliament or a mutually acceptable solution can be found to the issues around s.28(7) of the Scotland Act."

It is now for the next Scottish Government to take those opportunities.

The Supreme Court took a view of section 28(7) of the Scotland Act 1998 that surprised many people. As Professor Chris Himsworth said:

"It was, for most commentators, I believe, wholly unexpected and constitutionally shocking. At the very least, it has given rise to great uncertainty."

That perhaps speaks to some of the reasons why it has taken so long to bring the bill back to the Parliament for reconsideration.

There is clearly work to do, and reform of the Scotland Act 1998 should be on the table. The cabinet secretary has referred to some of the academic thinking about that, which needs to be taken seriously.

I will leave the last words to COSLA, which has campaigned for this bill for years. It said:

"We believe that there are … key reasons why Scotland should incorporate the Charter … It would improve the outcomes that national and local government can deliver … It would give Scottish communities rights that are already commonplace internationally … It would build partnership working into Scotland's governance for the first time … It would ensure that Scotland fully complies with international treaty obligations",

and it would

"Help give Local Government the powers it needs to deliver lasting, meaningful change for our communities."

It is time to hit the reset button and finally get the European Charter of Local Self-Government (Incorporation) (Scotland) Bill into law.

The Presiding Officer (Alison Johnstone): That concludes the debate on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill at reconsideration stage.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Alison Johnstone): The next item of business is consideration of three Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S6M-20966, on suspension of standing orders, S6M-20967, on committee meeting times, and S6M-20968, on a committee substitute.

Motions moved,

That the Parliament agrees that, for the purposes of consideration of the Visitor Levy (Amendment) (Scotland) Bill, Rule 9.5.3A of Standing Orders is suspended.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Local Government, Housing and Planning Committee can meet, if necessary, at the same time as a meeting of the Parliament after Portfolio Questions and before Decision Time and during Members' Business on Wednesday 4 March 2026.

That the Parliament agrees that Stephen Kerr be appointed as the Scottish Conservative and Unionist Party substitute on the Local Government, Housing and Planning Committee.—[*Graeme Dey*]

The Presiding Officer: The questions on the motions will be put at decision time.

Motion without Notice

17:00

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

The Minister for Parliamentary Business and Veterans (Graeme Dey): This will probably be the last time that I do so in this session of Parliament, given what is ahead of us.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 5.01 pm.—[*Graeme Dey*]

Motion agreed to.

Decision Time

17:01

The Presiding Officer (Alison Johnstone): There are five questions to be put as a result of today's business. The first question is, that motion S6M-20943, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 3, be agreed to.

As this is a motion to pass the bill, the question must be decided by division. There will be a brief suspension to allow members to access the digital voting system.

17:01

Meeting suspended.

17:05

On resuming—

The Presiding Officer: We move to the division on motion S6M-20943, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 3. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gallacher, Meghan (Central Scotland) (Con)

Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
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)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (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)
Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-20943, in the name of Siobhian Brown, on the Contract (Formation and Remedies) (Scotland) Bill at stage 3, is: For 106, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Contract (Formation and Remedies) (Scotland) Bill be passed.

The Presiding Officer: The Contract (Formation and Remedies) (Scotland) Bill is passed. [*Applause*.]

The next question is, that motion S6M-20934, in the name of Mark Ruskell, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)

Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
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)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Ind)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (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)
Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-20934, in the name of Mark Ruskell, on the European Charter of Local Self-Government (Incorporation) (Scotland) Bill, is: For 108, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the European Charter of Local Self-Government (Incorporation) (Scotland) Bill be approved.

The Presiding Officer: The European Charter of Local Self-Government (Incorporation) (Scotland) Bill is approved. [*Applause*.]

The next question is, that motion S6M-20966, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on suspension of standing orders, be agreed to.

Motion agreed to,

That the Parliament agrees that, for the purposes of consideration of the Visitor Levy (Amendment) (Scotland) Bill, Rule 9.5.3A of Standing Orders is suspended.

The Presiding Officer: The next question is, that motion S6M-20967, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on committee meeting times, be agreed to.

Motion agreed to,

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Local Government, Housing and Planning Committee can meet, if necessary, at the same time as a meeting of the Parliament after Portfolio Questions and before Decision Time and during Members' Business on Wednesday 4 March 2026.

The Presiding Officer: The final question is, that motion S6M-20968, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on a committee substitute, be agreed to.

Motion agreed to,

That the Parliament agrees that Stephen Kerr be appointed as the Scottish Conservative and Unionist Party substitute on the Local Government, Housing and Planning Committee.

The Presiding Officer: That concludes decision time.

Accident and Emergency Services (Pressures)

The Deputy Presiding Officer (Annabelle Ewing): The final item of business today is a members' business debate on motion S6M-20795, in the name of Jackie Baillie, on recognising the pressures facing accident and emergency departments.

Motion debated,

That the Parliament recognises the reported pressures facing A&E departments; is concerned that recorded waiting times are persistently high, with the number of people waiting more than 8 hours and 12 hours reported in 2025 as 171,854 and 74,052 respectively; notes the consequent rise in corridor care adversely affecting people in the Dumbarton constituency and across Scotland; considers that using the metric of acute hospital bed occupancy as well as A&E waiting times can help to relieve these pressures, and notes calls on the Scottish Government to ensure that reductions in occupancy act as the mechanism by which the whole system is held to account.

17:10

Jackie Baillie (Dumbarton) (Lab): There was a time when hearing the sirens of an ambulance meant two things: first, that somebody was in trouble and needed help; and, secondly, that they would be rushed to hospital and immediately seen. Sadly, that is not the case any more. Delays happen too often, waits at A and E are too long, and corridor care is the new normal.

On a Sunday morning in December last year—

The Cabinet Secretary for Health and Social Care (Neil Gray): Will the member give way?

Jackie Baillie: No—I am about to tell the cabinet secretary a story.

On a Sunday morning in December last year, Jean, an 85-year-old great-great-grandmother who has dementia, fell out of bed and broke her hip. Her family called for an ambulance at 11 am, but no ambulance had arrived by the afternoon. After multiple phone calls, an ambulance finally arrived at 4.30 am the next morning, 17 hours after the family first asked for help. Finally, an ambulance drove Jean to Wishaw hospital, only to join the back of a queue of ambulances, because there was no room in A and E. It was 3 pm before Jean was finally taken into A and E, 28 hours after her family first called for help.

Jean's daughter Karyn told me:

"We were sitting in the ambulance outside Wishaw Hospital for seven hours, thinking there must be people in their houses sitting and waiting too.

You hear about the state of the NHS and you think that can't be right, but it is."

One thing that Karyn wanted to make clear was that the paramedics could not have been more helpful. In fact, she felt sorry for them, because they were unable to do their jobs—indeed, not just the paramedics, but the nurses, doctors and other emergency medicine staff, too. They deserve our thanks, because they go the extra mile, and none of this is their fault. People who enter those professions do so because they want to spend their lives helping others. Imagine the frustration of staff who know that, for all their training and compassion, they are fighting a losing battle, because of Scottish Government incompetence.

Jean's MSP, Davy Russell, wrote to the Scottish Ambulance Service about her case, and this was the chief executive's reply:

"I do not feel that this is an acceptable situation or one that I wish to see repeated, however I must acknowledge that the entire system has been under extreme pressure due to limited flow through our acute hospital due in no small part to the approximately 2000 delayed discharges in acute hospital beds."

I remind members that the Scottish National Party pledged to end delayed discharge in March 2015, yet figures published today show that, in January 2026, 1,973 beds were lost to delayed discharge every day, making it the worst January on record.

Neil Gray: I am grateful that Jackie Baillie referenced the staff, because they are not apparent in her motion.

I wish to pick up on a point that Ms Baillie raised at the start of her speech, the suggestion being that, somehow, ambulances will not arrive for patients. Does she accept that it is very important, in this place, that we are careful with our language and that we do not scaremonger patients or, indeed, put further pressure on staff? Will she reflect on that in the comments that she is making? What she said is not accurate.

Jackie Baillie: It was staff in the Royal College of Emergency Medicine who asked me to bring the motion to the Parliament. It is patients who tell stories about delays in ambulances. I am bringing their voice to the chamber, and I hope that the cabinet secretary pays attention.

Jean's story would be shocking if it was a one-off, but it is not. In January, the number of people waiting for more than eight hours and 12 hours at A and E was at its highest point on record. In fact, for waits of over 12 hours, this is the first time on record that the figure has exceeded 10,000.

At the Royal Alexandra hospital, which is used by patients in my constituency, the number of people waiting more than 12 hours rose from 66 in December to 314 in January. The proportion of patients who were seen within four hours declined from 70 per cent to 62 per cent over the same period. Things are actually getting worse, not

better. As Dr Fiona Hunter, the vice president for Scotland of the Royal College of Emergency Medicine, put it:

"This grim milestone should be cause for profound concern among our health service and government leaders. But more importantly, behind this headline figure are individuals who have been let down at their time of greatest need, by a crumbling system that has been neglected, despite repeated cries for help."

It is time that the SNP stopped producing press releases claiming that everything is wonderful and started listening to patients and staff about how to ensure that hospitals are once again run in their interests. I have talked about waiting times, but using the metric of acute hospital bed occupancy can also help to free up A and E. To quote Dr Fiona Hunter again,

"The A&E crisis is not caused by floods of barely-sick people rocking up to our departments, but by a lack of beds in inpatient wards, which is itself driven in no small part by an under resourced social care system."

In other words, it is not, at source, a hospital problem, but a social care problem.

I have spoken many times in the chamber about the current social care crisis, including the £560 million funding gap that is facing health and social care partnerships in the current financial year. At the latest count, there were 26 per cent more people waiting on a social care assessment for a package of care in comparison with the same time last year. In total, that is 10,810 people waiting for social care assessment in February alone.

We know that targeting delayed discharge can improve hospital flow, because the Royal infirmary of Edinburgh does that. Consultants worked with the local health and social care partnerships to fund care packages and help patients out of hospital. The number of patients who were seen within four hours increased by more than a quarter, and there were almost 8,000 fewer 12-hour waits. It is better for patients, and better for staff—what is not to like about that?

We must tackle the pressures on emergency departments now. I do not know any member of NHS staff who signs up to keep people waiting for longer than necessary in A and E, and we know that long waits lead to poorer outcomes. The Royal College of Nursing has highlighted issues with nursing recruitment: 2,800 NHS nursing vacancies are unfilled, and 1,000 fewer people applied to undergraduate nursing courses in 2025 in comparison with 2019. The reality is that NHS Scotland has at no point employed the number of nurses that it says that it needs.

The Scottish Government must act, therefore, to stop the crisis getting worse before it leads to more corridor care, more burn-out and even fewer nurses on hospital wards—[*Interruption*.] I do not think that I have time to take an intervention.

The Deputy Presiding Officer: The member is concluding.

Jackie Baillie: Most of us live our lives trying to avoid A and E as much as we can, but we all want to know that if we call for an ambulance, it will come, and that we will be seen as fast as possible and treated with dignity.

I call on the Scottish Government to adopt the Royal College of Emergency Medicine's metric of acute hospital bed occupancy, but collecting the data is not enough. The Government must also act on the data. It must invest in social care to create more care packages and reduce delayed discharge. It must show leadership and take accountability for the whole system—for what happens not just in emergency departments but in the rest of the hospital, and outside hospital, too. It must invest in primary care so that more patients are seen early and do not need to go to A and E in the first place. It must create a proper workforce plan so that emergency departments can recruit and retain staff.

When the paramedics turned up 17 hours late to collect Jean, they apologised, but it was not their fault. The accountability lies with the Scottish Government. It is time that ministers took responsibility, and took action to get A and E waiting times down.

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

17:19

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank Jackie Baillie for bringing the debate to the chamber. I will start on a point on which I can agree with her: there are, of course, huge pressures in our A and E departments—I would be telling an untruth if I was to stand here and say that I did not know that. Like, I am sure, every other member in the chamber, I have a significant volume of queries from constituents who have had to experience long waits, often being left in corridors and so on. Everybody will be aware of those general queries that we get from constituents; most of my constituents use the A and E at Monklands hospital.

That is the starting point on which I agree with Jackie Baillie, and I think that we need to make changes in that area. I know that the cabinet secretary will refer to that situation in summing up, because he is obviously aware of it. However, that is probably where my agreement with Jackie Baillie on the issue ends, because I feel that the rest of her speech was about targeting the

Government, as if the issue with A and E departments has simple solutions and is unique to Scotland. It is not unique to Scotland: we all watch the national news and see that, across the United Kingdom, there are issues with A and E just now. They were there before the Covid-19 pandemic—we all know that; let us face it—but they were exacerbated by Covid and they have not really recovered since.

We in this Parliament need to look at how we, as politicians, work together to try to alleviate some of the difficulties that A and E departments are facing.

I will highlight some of the stuff that the Scottish Government is doing. One of the big things just now, which I am sure that the cabinet secretary will touch on, and which he has spoken about over a number of weeks, is bringing down waiting list times. That is crucial, because the more people are being seen for the treatment that they need, the less likely they are to present at A and E, so that will have an impact.

In addition, the Government is investing in general practitioners—Jackie Baillie mentioned GPs—and in the new walk-in clinics, which I am really hopeful will have an impact with regard to who needs to present at accident and emergency departments. I hear regularly from constituents who are unable to access their GP and are then referred to A and E.

Stephen Kerr (Central Scotland) (Con): Will the member give way?

Fulton MacGregor: I have quite a lot to get through. It depends on how strict the Deputy Presiding Officer is going to be with time.

The Deputy Presiding Officer: A lot of members want to speak, and I am keen that they all get a chance to have their four minutes.

Fulton MacGregor: I will continue on just now, then—sorry, Mr Kerr.

We also need to be more innovative with new solutions that are out there to enable people to look after their own healthcare.

Those are all things that the Scottish Government is doing. Sometimes, in my view, people think mainly about A and E when they think about healthcare, because it is perhaps the only place, other than their GP surgery, that they access. The situations in which people attend A and E—I have had cause, in the past year or so, to be in A and E with a family member—can be quite frightening, and they can be busy and difficult places. There is a lot going on, and people may be seen in different places in an A and E department. They are difficult places, but there is a lot of good stuff going on in the national health service in Scotland in general that I think will bear fruit for A and E departments as well.

As the cabinet secretary said in his intervention, we cannot forget the absolutely fantastic staff who work in A and E under pressure. One of our good family friends has been the head of A and E at Wishaw general—another NHS Lanarkshire resource—and I have had many discussions with her over the years. She tells me often what a demanding, difficult and high-level job it is, but she does not often recognise the negative political discourse that she hears in the Parliament. The lesson of that for us is that we all have to come together—both the governing party, whoever that is, and the Opposition parties—and work together to find solutions to what is a very difficult issue that is affecting A and E departments everywhere in the UK, not just in Scotland. We need to make our A and E departments better, and we need to do so by working together.

17:24

Sharon Dowey (South Scotland) (Con): I thank Jackie Baillie for bringing the debate to the Holyrood chamber this evening.

It is a busy period, and Parliament is debating a number of new subjects, while the news continues to carry more extraordinary stories of global instability each day. However, one topic that has never gone away concerns the quality and efficiency of accident and emergency departments in Scotland. Ever since the Scottish Government first came to power in 2007, admission times have been a constant source of difficulty for the NHS, and they have gradually got worse over time.

It seems a distant memory when it was considered poor for a health board to see fewer than 95 per cent of patients within a four-hour timeframe. However, after years of cuts and incompetence, a performance even remotely close to that would today be considered a triumph. In fact, four hours used to be pretty much the only standard by which we would measure these things. The idea that someone would wait for eight, or even 12, hours, was so far-fetched that hardly anyone even bothered to record it. As we have heard, however, all of that has changed for the worse.

I am particularly concerned about the wellbeing of casualty departments in rural areas. I understand that the big city hospitals tend to get the headlines, but the constant threats to the very existence of rural health facilities haunt people in communities outside the central belt, who are already forced to travel long distances for certain treatments and appointments. The rural nature of those communities and the appallingly poor infrastructure are additional elements that people

across South Scotland have no choice but to factor in.

We know well the impact that poor A and E services has on patients. There is the short-term pain of long waits, sometimes in extremely uncomfortable settings, and the medium-term impact of those delays on their health. In addition, in the long term, the issue plays into their fears that the NHS is quite simply not there for them when they need it. There is an impact on hard-working, hospital staff, too. None of this is their fault, and it impacts their wellbeing as well. Nevertheless, they are the ones who have to front up the consequences, constantly apologising for something that is in no way a reflection of their professionalism, attitude or ability.

Hospital staff are not the only workers who are affected by the A and E crisis. Paramedics, whose job on the streets is hard enough, are often stuck at the back door, as part of the delay, when they need to be back on the front line. Police officers, too, are being dragged into the mess. Just today, we read comments from the chief constable of Police Scotland, whose patience appears to have snapped with her force being used as a mental health intervention service. She rightly points out that police officers are there to deal with matters of law and order, not to spend their shift responding to repeated mental health call-outs. That is placing incredible strain on an already stressed policing frontline.

Whatever the Scottish Government is doing in relation to accident and emergency waiting times, it is not working, and it has not worked for years. We need to know how the ministers in charge of that intend to turn the tide. A failure to do so harms pretty much everyone involved, and—as we have heard tonight—a badly performing casualty unit provokes problems not only across the rest of the hospital, but across other vital emergency services, too.

17:27

Davy Russell (Hamilton, Larkhall and Stonehouse) (Lab): My thanks go to Jackie Baillie for bringing this incredibly important debate to the chamber, and for recounting the experience of one of my constituents, Jean.

I fully expect that the Government will judge Jean's experience to be "unacceptable" or "not what we want to see"—I do not think that it would disagree with that—but the sentiment is hollow when it is not followed by prompt remedial action. Perhaps that feeling of unacceptability will be wiped away by the notion that the issue is anecdotal or that it would not happen today. However, my office has been handling cases such as the one that Jackie Baillie highlighted for months and months. My constituents have been left in pain and panic, trying to get an ambulance to the same A and E departments that they share with the health secretary's constituents.

The issue is not anecdotal—it is systemic. Time and again, I hear from constituents with a long list of praise for the health staff once they get there or when their family member has been seen. We simply must extend our appreciation to our emergency health staff who, day after day, go above and beyond the call of duty. It is only because of those countless extraordinary individuals that our emergency departments have lasted this long, and not one ounce of blame for the current mess should land at their feet.

Jean is not alone in having to wait 17 hours for an ambulance. I know that there are worse cases out there. She is also not alone in having to wait nine hours in the back of an ambulance outside A and E. I heard from a constituent who had three separate ambulance crews spend their whole shift waiting with them outside A and E.

In the past couple of weeks, I have heard about the inevitable escalation of the situation from another constituent who was suffering from the side effects of his diabetes. An ambulance was called for him, but it did not arrive for nine hours. By the time the paramedics arrived, he needed to be resuscitated. An ambulance had been dispatched after seven hours, but it had been diverted to someone in even more dire need.

It is inevitable that, without immediate and transformative change in our A and E departments, people will die. The health secretary must immediately look at the real situation on the ground, not his own press releases. He must heed Jackie Baillie's warning and look at the statistics that bear out what we have seen in relation to issues such as acute hospital bed occupancy, so that we are working towards real improvement and real increases in the quality and pace of patient care.

The health secretary must also listen to the words of the chief executive of the Scottish Ambulance Service, who points to mismanagement and a lack of planning in our social care sector on the part of the Government working its way up the chain to our acute medicine settings, with potentially deadly results.

17:31

Tim Eagle (Highlands and Islands) (Con): I declare an interest, in that my wife is a practising GP with the national health service.

I thank Jackie Baillie for bringing this important debate to the chamber. We had a bit of back and forth with Labour's business manager about the

content of the motion, but that was not about what the motion said; it was about how we can ensure that we deliver the best for our staff, as well as the patients.

As I always do when talking about the NHS, I start by acknowledging that, as has been said already, there are some amazing staff doing incredible jobs. In particular, I pay tribute to the staff in Dr Gray's hospital and Aberdeen royal infirmary in my region. The NHS is a sprawling organisation, and things go wrong sometimes. It is important that, when things go wrong, managers are on top of that and try to get things right. However, I recognise that, every day, staff on the ground are doing incredible work.

The main reason why I wanted to speak in the debate and was keen to support the motion is because it feels like, every day, I am having more and more conversations with constituents—particularly in Grampian, but also across the Highlands and Islands—about ambulance waiting times and ambulances stacking outside hospitals. I believe that NHS Grampian is still among the worst in Scotland in that regard. The briefing that we were given by the Royal College of Emergency Medicine told us that the issue is caused not by demand but by problems with flow through the hospital—again, that has been mentioned in the debate.

I am not here to lay blame, but at the heart of our NHS are people who are often in very vulnerable circumstances, and they look to the Government to make effective change. What they are saying to me is that they are not seeing that change.

I know that community hospitals have shut. I was on the integration joint board in Moray when some were shut down in that area, and I disagreed with the move then. A few weeks ago in the chamber, I asked the cabinet secretary when we were going to get more beds in Grampian, because a lack of beds has an impact on the ability to get patients through accident and emergency. If we can get more people out of A and E and into beds, we can stop ambulances stacking outside. However, he did not really answer that question, so I am asking it again today. Given all the money that is being spent, NHS Grampian must get more beds in Aberdeen royal infirmary and in Dr Gray's hospital. That is of critical importance if we are to reduce waiting times.

We also need to think again about community hospitals. If it is true that we cannot get care packages in place and that, despite the desire for care in the community, that approach is not working, we will have to find another solution that gets people out of acute beds and into community settings, which will allow a better throughput in our major hospitals.

I want to address the issue of minor injuries. After the Covid pandemic, almost suddenly, and without much consultation, NHS Grampian shut down its minor injuries units across the north-east of Scotland. There were widespread questions from a lot of communities about why that happened, because surely those units were taking some of the demand off the acute A and E settings.

What I am trying to say in all of this is that A and E departments are critically important in life-and-death situations for people across Scotland, and particularly in rural areas such as those in my neck of the woods in Moray and across the north-east, and I want them to work well for staff and for patients. At the moment, we have a lot of patients in corridor care, and that is not good enough. We need the Government to deliver, and, in the next session of Parliament, we will have to make that change.

17:35

Carol Mochan (South Scotland) (Lab): I thank my colleague Jackie Baillie for bringing this important debate to the chamber.

In 2007, the Scottish Government set a target that 95 per cent of patients should wait no longer than four hours to be seen and admitted, discharged or transferred. However, data that was released this morning revealed that, as of the end of January, there were recorded waits of more than eight hours and more than 12 hours, which are the highest since records began. More than 15 per cent of patients spent more than eight hours in A and E, while 8 per cent spent more than 12 hours there—both of those figures are well above the monthly average for 2025. I know that the cabinet secretary understands that it is our responsibility to bring such issues to the chamber.

In NHS Ayrshire and Arran—the health board that covers the area where I live—the A and E department of Crosshouse hospital exceeded capacity by 50 per cent in December 2025. Staff were left with no choice but to treat patients in corridors. It is important to be clear that that was not just a winter issue—Crosshouse A and E exceeded capacity in seven months last year.

Paul Sweeney (Glasgow) (Lab): A similar situation prevailed at the Glasgow royal infirmary. Does the member agree that the main issue has been the collapse of social care beds in Scotland over the past decade or so? That means that people are backing up into hospitals and A and Es and causing system failure, and it needs to be addressed at a system level.

Carol Mochan: I absolutely agree. Members across the chamber can see the situation that we are describing, but what we do not see is action happening to change that.

Constituents have contacted me to say that they have had to spend hours and hours in A and E and that they are suffering as a result. As other members have said, they describe that as being the result of the Government's incompetence. They have nothing but positive things to say about the staff; they feel that the issue is about Government mismanagement.

As we have heard, it is not just patients who are paying the price. Long waits in A and E and issues such as corridor care not only affect patient safety but have a detrimental impact on the wellbeing of our staff. Working in an overstretched and overcapacity environment can lead to staff burnout, occupational injuries and lower job satisfaction. I know that the cabinet secretary has read the report that reveals that nurses say that they feel ashamed, demoralised and distraught because they cannot care for their patients in the way in which they have been trained to.

The Royal College of Nursing has made it clear that corridor care due to overcapacity is not just a winter problem but a year-round crisis in the NHS. However, due to the lack of data, the true scale of the problem is not known.

The cabinet secretary will know that, at the start of the year, I asked the First Minister for an update on the progress that has been made on capturing data on corridor care at national and local levels. I was greatly disappointed with his response. He claimed that, despite pressures facing one A and E department, it was operating in a sustainable fashion. I think that we can agree that what is happening is not sustainable. The pressures are there all the time for staff, and being honest about that is probably the first step towards changing it. There is a culture of hoping for the best every winter, and that has meant that our NHS has not made progress.

The NHS in Scotland needs a genuine workforce review and a long-term plan to identify areas of greatest strain, so that we can support staff in their roles in those workplaces. Corridor care compromises patient privacy and dignity, and it should not be accepted as the norm. Our constituents deserve to receive the best possible care—I know that the cabinet secretary believes that—and our staff deserve to work in an environment that protects their wellbeing and allows them to get on with the job that they are trained to do. Therefore, I ask the cabinet secretary to set out some actions that will be taken so that we can strive to get to where we need to be.

17:39

Brian Whittle (South Scotland) (Con): I thank Jackie Baillie for bringing this incredibly important debate to the chamber. For the benefit of the cabinet secretary, I say from the outset that the staff in A and E are exceptional. We are not talking them down—we are talking about this issue because they have asked us to do so. It was the Royal College of Emergency Medicine, at an event that Jackie Baillie and I attended, that asked for the issue to be raised in Parliament.

According to the RCEM,

"Compared to 2021 … six times more patients now wait over 12 hours to be either admitted, transferred or discharged from hospital. In 2024 alone, we estimate 818 excess deaths in Scotland were due to delays to admission of over 12 hours."

The RCEM has also stated:

"It is important to note that whilst"

there has been

"a stark rise"

in 12-hour waits from 2020,

"waits were already starting to increase before the pandemic"

and

"Covid-19 cannot be solely blamed for increases."

The A and E department is the canary in the mine, because it is an indication of a system that is creaking and failing.

Neil Gray: I appreciate the point that Brian Whittle is making, and I thank him for giving way. The pandemic undoubtedly exacerbated the issues—not just in Scotland but across the UK—not only around the pressure and the demand that is being placed on our accident and emergency departments and social care systems, but around the complexity of the care that is required to be delivered to those patients. Does the member accept that that is also driving the increased demand and the pressures that we are seeing in A and E and in social care?

Brian Whittle: I say to the cabinet secretary that this is 2026: where is the Covid recovery plan that we were promised way back by the health secretary, two predecessors ago?

The trouble is that if patients cannot get to see a GP or get through to NHS 24, where do they go? They end up at the front door of A and E, probably with a problem that has deteriorated.

I have received a number of emails from people in my South Scotland region about minor injuries clinics being closed, being relocated to a central area or having their opening times reduced. That means that more people are being funnelled through A and E. The current Scottish Government promised that, by summer 2025, every type 1 emergency department would have direct access to specialist frailty team staffing, but that pledge

has yet to be delivered. That means that, as Scotland's population ages, A and E staff also have to deal with frailty issues that could have been addressed through a frailty clinic.

What are the outcomes of that? A *Herald* investigation revealed that the three A and E departments in Lanarkshire had exceeded capacity in at least 10 of the past 12 months, with Wishaw operating at 225 per cent of capacity last December. The problem is that we have no step-up or step-down care, so we have bed blocking. The lack of co-ordinated workforce planning and social care leads to exactly the problems that were highlighted earlier—ambulance queues outside A and E and corridor care becoming more of a norm than it ever should be.

The system needs to change. We need to either reduce the numbers of people coming to the front door or increase the staff head count. I would say that we need to do both—we need a complete overhaul of the system. I have talked a lot about A and E and the need for prevention, technology and workforce planning. How often have we talked about workforce planning in the chamber in the 10 years that I have been in Parliament? The Scottish Government is letting patients and staff down, and it is time for change. I thank Jackie Baillie for bringing this incredibly important debate to the chamber.

17:43

Stephen Kerr (Central Scotland) (Con): I say well done to Jackie Baillie for bringing the debate to the chamber, but I am incredibly disappointed with the cabinet secretary. I like Neil Gray—I hope that he knows that—but I have to say that he let himself down with his intervention on Jackie Baillie. Trying to police the language that we use or the subjects that we debate is not the way forward; he is better than that.

Neil Gray: Will the member take an intervention?

Stephen Kerr: I will, but the cabinet secretary does not need to be so defensive about the issue. Part of the way to deal with it is to be completely open about what is happening and the fact that we are in a crisis situation.

Neil Gray: I accept Stephen Kerr's point, as I do Jackie Baillie's point: that there are too many people waiting for too long in accident and emergency departments. I made the point about the narrative because, last week, Paul Sweeney, Gillian Mackay, Clare Haughey and I were in a meeting with senior medics and medical representatives about workforce planning and the future of the medical workforce, and one of the asks that was made of all politicians was for a more respectful narrative about our health service. That is why I said that it is important that we do not scaremonger. Of course we need to address the challenges—I will come to that in my speech—but that is why I made the point that I did to Jackie Baillie.

Stephen Kerr: I dispute the suggestion that we are scaremongering. We are bringing the voices of our constituents to the chamber, and that is exactly what they expect of us. [*Interruption*.]

The Deputy Presiding Officer: Cabinet secretary, please let Mr Kerr continue.

Stephen Kerr: That is what our constituents expect of us, and I hope that the cabinet secretary accepts that we are expressing a genuine level of concern on our constituents' behalf. Those constituents are not just patients and not just staff; they are staff and patients. Tim Eagle was right to say that we are not seeing enough change. We should not pretend that there is change when there is not change. He pointed out some of the ridiculous executive decisions that have been made about, for example, reducing the presence of minor injuries units in parts of Scotland and closing community hospitals.

Over Christmas and new year, I spent several hours in the emergency department at Forth Valley royal hospital with a family member. I have spoken directly to the senior leadership of NHS Forth Valley about what I saw. I saw professionalism under strain; I saw calm, decency and commitment; and I saw staff doing their absolute best in circumstances that would stretch any workforce in any setting. They deserve our gratitude, but appreciation is not a strategy.

As has been repeated by a number of colleagues in the debate, the central issue is flow. Bed occupancy is persistently high; patients cannot move on; treatment areas are backed up; ambulances are queueing; and corridor care becomes normalised. Bed occupancy should be treated as a front-line accountability measure. If hospitals are routinely operating beyond safe margins, ministers must answer for that. There is accountability.

The pharmacy first approach needs to be reinforced. Pharmacists are highly trained clinicians and, for minor conditions, they are the right first call. However, that policy does not work in practice. If a parent cannot find an open pharmacy, they will—as is rational—go to A and E. We need round-the-clock access to pharmacies, clear signposting and a public campaign to shift behaviour; otherwise, A and E will remain overwhelmed.

I will raise one more issue in the time that I have. A small minority of people behave disgracefully in our emergency departments—they intimidate the

staff and harass other patients. That is unacceptable. Abuse and violence must carry visible consequences. Zero tolerance must mean zero tolerance.

My colleague Sharon Dowey raised another subject, which was also raised by the chief constable yesterday. Too many police officers are stationed in emergency departments for entire shifts to deal with people experiencing mental health crises. We need a joined-up approach to mental health management, so that police officers do not become de facto mental health practitioners. They are not trained to do that.

I hope that Neil Gray will accept the reality that, as his party has been in office for nearly 20 years, ministers cannot default to defensiveness. Leadership means facing hard truths. It means capacity and workforce planning and dealing with the future, not just today's crisis. We have seen the numbers for today—there are record levels of waits in A and E. We must see change; we must be grounded in realism; we must take responsibility; and, collectively, we must encourage the Government to have the courage to change course.

17:48

The Cabinet Secretary for Health and Social Care (Neil Gray): There is a shared understanding across the chamber that the pressures facing accident and emergency departments are serious and unacceptable for patients and staff. Those pressures have been exacerbated post-Covid and I will set out the steps that are being taken to address that. I also express my gratitude to all the teams working in those departments every single day. They operate in extremely challenging circumstances and continue to provide compassionate and professional care to people when they need it most.

We all agree that too many people are waiting far too long when they attend accident and emergency. I accept that—that is the candour that Stephen Kerr asked for. We know that long delays create real harm and that receiving care in a corridor is undignified and unsafe, as Carol Mochan pointed out. The Royal College of Emergency Medicine has highlighted that one third of patients were cared for in non-clinical spaces last year.

However, Fulton MacGregor is absolutely correct: Jackie Baillie failed to reference in her motion that Scotland is not the only part of the United Kingdom facing these challenges. Although—

Stephen Kerr: Will the cabinet secretary give way?

Neil Gray: Hold on a second.

Although they might like to pretend otherwise, the reality is that the very same challenges that are being faced in our hospitals are persisting in England and Wales. Regardless of the challenges that are being faced in Wales or in England, the current standard of care is not what this Government wants for Scotland. I agree with Jackie Baillie that the case that she referenced about Mr Russell's constituent, Jean, is unacceptable. To understand how we can fix that, we need to be clear about the cause.

Overcrowding in accident and emergency does not begin at the front door. It happens when hospitals are full, when beds are not available and when people who need admission cannot move to a ward. Brian Whittle and Carol Mochan referenced that. When the flow stops, queues build up and staff must care for people in spaces that were never designed for treatment. The real issue that we must address is hospital flow, bed occupancy and the delays that prevent people leaving hospital when they are ready to do so.

Stephen Kerr: Will the cabinet secretary give way?

Neil Gray: Do I have some time in hand, Presiding Officer?

The Deputy Presiding Officer: A wee bit, yes.

Stephen Kerr: We accept that flow is the big issue, but there is also a lack of pathways for people to access the help that they need when they need it—whether in the evenings, at weekends or on public holidays. Those services simply do not exist in our communities, and as a result, the pressure is concentrated at the front door of the hospital.

Neil Gray: We are taking steps to address that, including the points that the member referenced about NHS pharmacy first Scotland, broadening the front door of the health service through the expansion of general practice, and through GP walk-in clinics, which I believe his colleagues oppose.

Brian Whittle: Will the cabinet secretary give way?

Neil Gray: I will give way to Brian Whittle briefly.

Brian Whittle: Do you not accept, cabinet secretary, that until we stop judging the level of our NHS services by whatever happens to outperform those of England and Wales, we will fail? The problem is that health is devolved, and the biggest failing of this Parliament has been our inability to do things differently and to make progress.

Neil Gray: I did not say what Brian Whittle has set out. I said that we have shared challenges and

are facing the same issues. The decisions that we are taking mean that, far from the Scottish Government being at fault for having a worse position than the rest of the UK, we actually have a better one. The decisions that we are taking are the right ones, and they are moving things in the right direction. I will come on to why that is the case.

High occupancy is the single-biggest barrier to moving patients from accident and emergency into wards. That is why our operational improvement plan is specifically designed to bring occupancy down by improving discharge, strengthening support in the community and expanding services that allow people to be treated safely at home. We are seeing significant improvements in that regard, and I believe that we will see improvements in four-hour performance, which is the canary in the mine, as colleagues have said.

To enable that, we are taking a whole-system approach. That means that every health board now has a specialist frailty service at hospital front doors. Those teams are helping many older people to avoid admission altogether, ensuring that they can return home while receiving the care that they need. That delivers better outcomes for those patients and reduces pressure on beds.

Hospital at home continues to expand. We are working towards our target of achieving 2,000 beds by the end of this year and making it the single-largest hospital in Scotland, providing safe and effective care to people in their own homes and relieving pressure on acute sites. Alongside that, we are supporting boards to strengthen same-day emergency care, improve the availability of senior decision makers and develop better discharge processes so that people who are ready to leave hospital can do so without delay. That includes work to prevent unnecessary admissions.

In the week ending 22 February, 51 per cent of Scottish Ambulance Service emergency incidents were managed without any need for transfer to hospital. I do not believe that the effectiveness of any of the interventions that I have set out to address those issues are disputed by any colleague in this chamber.

Jackie Baillie: Will the cabinet secretary take an intervention?

Neil Gray: I am really sorry—I am now pushed for time. I will come back to Ms Baillie when I have made further points, if I have time in hand, Presiding Officer.

I will address Brian Whittle's point about accident and emergency being the point of least resistance. We are investing a record increase in core general practice funding. We also have more GPs, and we are taking forward GP walk-in service pilots to relieve pressure on general practice and support the wider system.

I agree with Jackie Baillie that many of the people who are delayed in our hospitals are waiting for social care that is delivered by local authorities. For instance, Jackie Baillie's motion refers to her local area and the latest statistics show that, in January 2026, 56 people in West Dunbartonshire Council were delayed in hospital, which is 51 per cent more than in January 2025.

The challenges that West Dunbartonshire Council and other local systems face have been exacerbated by UK Government policy decisions. The UK Government's closure of the care worker visa route is having a devastating—[*Interruption*.] I hear groans from colleagues, but this issue has been raised by social care leaders. The closure of the health and care worker visa route is having a devastating impact on the social care sector, which was already under pressure to fund an increase in employer national insurance contributions. We have announced £500,000 funding to help mitigate the loss of that visa route.

We are also taking our responsibility to the social care system seriously by investing more than £2.3 billion in social care and integration in 2026-27, delivering on our commitment to increase funding by 25 per cent by the end of this session of Parliament and, in 2026-27, exceeding that by more than £0.5 billion. Our budget delivers record funding of almost £15.7 billion for local authorities—a real-terms increase of 2 per cent.

Moving on to the impact on staff, I acknowledge the dedication of emergency care staff and I have had regular meetings on that subject with the Royal College of Emergency Medicine. I have a huge amount of respect for that organisation, and we have taken steps to address its concerns.

Brian Whittle asked for action on two areas, the first of which was to reduce the pressure on the front door. I have set out what we are doing about that. He also asked us to increase head count, and we are doing that. The number of senior doctors specialising in emergency care has grown significantly over the past decade, and we will continue to support boards as they develop safe staffing plans under the health and care staffing legislation.

Through the new subnational planning structure, we are also taking forward work to address flow consistently across Scotland. We know that some A and E departments, including NHS Tayside, perform better than others

. Jackie Baillie is correct in her assessment of the work that we are taking forward in NHS

Lothian, where teams work collaboratively to prevent delays to patient flow.

Jackie Baillie: Will the cabinet secretary take an intervention?

Neil Gray: Presiding Officer, do I have time to take Ms Baillie's intervention?

The Deputy Presiding Officer: Briefly, yes.

Jackie Baillie: The situation in Argyll and Bute—it is not West Dunbartonshire, but Argyll and Bute—is that the health and social care partnership is facing a budget cut and, across Scotland, HSCPs now have £562 million less than they need. However, given the success of the approach in Edinburgh royal infirmary that he just referenced—I agree that it is a success—will the cabinet secretary adopt that model more widely across Scotland?

Neil Gray: I assure Ms Baillie that we already are adopting that model. We are working with teams across the country, and that work is also part of the subnational planning work that I have taken forward.

NHS Grampian has taken forward great work on the 10 by 10 initiative, which is about getting people discharged by 10 am. Similar work is happening in NHS Greater Glasgow and Clyde and NHS Lothian. That work is already under way.

We know that performance is not where it needs to be. I accept that. We know that too many people are waiting for too long and that staff are under intense and relentless pressure. However, we also know what the causes are and we are taking steps to address them. Through the operational improvement plan, investment in community alternatives and a stronger focus on flow and discharge, we will reduce overcrowding in accident and emergency and improve patient care across Scotland.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 17:58.

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