OFFICIAL REPORT
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Meeting of the Parliament

Tuesday 17 March 2026

Session 6

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Scottish Parliament

Tuesday 17 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 Ronit Quayle, a celebrant from the Humanist Society Scotland.

Ronit Quayle (Humanist Society Scotland): Presiding Officer, thank you for inviting me to address the Parliament.

As a celebrant with the charity Humanist Society Scotland, my job is to tell stories—everyday stories of everyday folk. I celebrate the banalities and mundanities of people and their lives. It is those seemingly unimportant things that make up a life, and they are always worth celebrating.

When I tell love stories at weddings, my couples rarely tell me about the big romantic gestures. It is the wee things. It is hanging up the laundry because they left it in the machine—again. It is the jammies left on the radiator for somebody coming home from a night shift. It is going to the supermarket a bit further away because it sells their favourite biscuits.

“Love” is a verb, because it is a doing word. Can you tell that I have a primary school-aged child? I am privileged to see and to celebrate the myriad ways in which love is shown.

I told a man’s story at his funeral recently. I said something that might sound like nothing at all but that is, I think, everything. I said, “He was a good man,” and he was. His name will not be recorded in the history books. He did not change the world, but he changed the world of those who loved him. That is something that all of us have the power to do—the power and, perhaps, the responsibility.

The world is a scary place, and it feels like it is getting scarier. It is easy to feel helpless and powerless—to think, “How can I possibly make the world a better place?” The problems that we face feel too big, too complicated and too deeply entrenched, so is there even any point in trying?

It is easy to think that our actions are superfluous, but they are not. Your job is to do what you can to make Scotland a better place. You hear the stories of your constituents and are tasked with making them happier stories. Will each of you change the world? I believe so.

The work of being a good person is not grand and will rarely make headlines, but we all have the power to make the lives of the people we encounter just a wee bit better, so that, at the end of our lives, people who tell our story will say, “She was a good woman,” and those words will be true.

Topical Question Time

14:03

Access to Dental Care (Adults)

1. **Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what action it is taking in response to reports that one in five adults in Scotland are unable to access dental care. (S6T-02955)

The Minister for Public Health and Women's Health (Jenni Minto): We remain committed to improving access to national health service dentistry across Scotland by building on our 2023 reform, which incentivised dentists to deliver more NHS care and was backed by a funding increase of nearly 40 per cent over this parliamentary session. As a result, participation in NHS dentistry has increased by more than 10 percentage points to 62 per cent, while the number of dentists has returned to its pre-pandemic level.

We recognise that we need to do more, so our operational improvement plan commits to additional actions to further increase the dental workforce and support equitable access in rural areas.

Carol Mochan: Our constituents' wellbeing should not come down to a postcode lottery, but, sadly, dental deserts are far too common, particularly in my South Scotland region. Too many are forced to use their savings on private dentistry. A YouGov poll highlighted in the British Dental Association's manifesto said that 65 per cent of Scots believe that the Scottish Government should do more to improve NHS dentistry in Scotland. As workforce is a key part of that issue, can the Scottish Government give an update on how it will plan to boost the workforce, specifically given that dentists remain in short supply and that even fewer are willing to treat NHS patients?

Jenni Minto: As I said in my first answer, we improved the pay situation for dentists in 2023. When that started, I was very clear that that was the beginning of a journey. We have increased the number of spaces available for dentists to train in Scotland by 7 per cent, which is a positive way forward.

I recognise that there are some areas in which we need more dentists, so we have given an additional £437,000 of funding to Dumfries and Galloway and it has been used to recruit two senior dental officers and a dental therapist to resource Gardenhill dental surgery in Castle Douglas.

Carol Mochan: We need to view dentistry as part of the preventative health agenda. In places such as Ayrshire and Arran, in my South Scotland region, only 60 per cent of registered patients who live in the most deprived areas have had contact with an NHS dentist in the past two years. The last national dental inspection programme report revealed an alarming gap in oral health between children living in the most deprived areas of Scotland and those living in the least deprived areas. Given that inequalities have widened under this Government, does the Government recognise that access is a system-wide issue and that significant changes must be made to tackle dentistry inequality?

Jenni Minto: As Carol Mochan knows, we have continued to invest—and increase the investment—in Childsmile, which is a multifaceted, multi-setting dental public health programme that supports young children. We also have a number of adult programmes, such as the caring for smiles programme, specifically to support inequalities and improve oral health for people with experience of the justice system, people experiencing homelessness and adults with additional care needs.

I have been clear in my answers that we recognise that we have made some progress, but we have more to make. That is why I am meeting BDA Scotland next week to discuss further changes that we could make with it.

Stuart McMillan (Greenock and Inverclyde) (SNP): What assessment has the minister made of how harmful labour policies on immigration are to the dentistry sector in particular? As we know, the United Kingdom Labour Government is determined to lurch further to the right than even the Tories were when it comes to immigration policies.

The Presiding Officer: On devolved matters, minister.

Jenni Minto: I remain deeply concerned about the UK Government's changes to the skilled worker visa, which will remove key dental professions from qualifying for sponsorship, including dental therapists, who are a critical element of increasing the skills mix in dental practice, especially in Scotland. More widely, those changes will impact on the ability of practices to recruit qualified staff, which will reduce access to preventative dental care and oral health improvement services in particular.

Last year, I wrote to urge the UK Government to reconsider those changes, and I am disappointed that my request has been refused.

Brian Whittle (South Scotland) (Con): Despite targets in the NHS Scotland recovery plan following Covid, tooth decay remains the primary reason for child hospital admissions, with more than 6,500 extractions under general aesthetic

annually costing the NHS £8.4 million. That is an entirely preventable condition. Every procedure that is performed represents a drain on theatre space, staff time and resources that are needed elsewhere. Does the cabinet secretary share the public's concern? As a result of those statistics, is the Scottish Government taking any new action to improve children's oral health?

Jenni Minto: As I indicated to Carol Mochan, I am meeting BDA Scotland on 24 March to discuss paediatric extractions under general anaesthetic. My officials are looking at enhanced paediatric services in primary care aligning to public commitments around shifting the balance of care to primary and community settings.

Willie Rennie (North East Fife) (LD): The Scottish National Party Government cannot blame anybody but itself for the problem, which has been a long time coming. The Cupar dentist, in my constituency, has been on emergency service only for a year—and the problems go back way before that. When can my constituents expect a full-time dentistry service in Cupar?

Jenni Minto: As Willie Rennie will recognise, NHS Fife works very closely with dentists across Fife. Over the past three years I have been making changes to dentistry to allow for an improvement and an increased workforce. I would point out, very quietly, that the decision made under Brexit has impacted on a number of areas, with fewer dentists from overseas coming to Scotland. I am pleased, however, that the General Dental Council has expanded its opportunities for dentists from overseas to sit exams, which I hope will improve the circumstances in Fife on which Mr Rennie has commented.

Cost of Living (Support for Families)

2. **Alasdair Allan (Na h-Eileanan an Iar) (SNP):** To ask the Scottish Government whether it will provide an update regarding the steps being taken to support families with the cost of living, in light of the conflict in the middle east and its impact on heating oil prices. (S6T-02959)

Gillian Martin (Aberdeenshire East) (SNP): The United Kingdom Government has been painfully slow to act on the matter, given that heating oil prices had already doubled before its intervention yesterday. We have been pressing for action, but the support that was announced yesterday equates to only around £33 per household using oil heating. That simply does not go far enough.

Given the urgency of this problem, the Scottish Government will supplement the £4.6 million that we have been allocated with a further £5.4 million, more than doubling the level of support that is available. With that, we will launch a £10 million Scottish emergency oil heating scheme from 1 April. The scheme will be delivered through Advice Direct Scotland, and low-income households that are reliant on oil will be eligible. Further details will be announced as soon as practicable.

We again call on the UK Government to take its responsibility for energy pricing seriously and to take further actions to support those households. In an energy-rich nation, no one should struggle to pay their bills. Our schemes already deliver average savings of £300 annually, and we will keep further support under review.

Alasdair Allan: In my constituency, more than 86 per cent of homes are off the gas grid, and some 46 per cent are heated with oil. Given that critics have warned that Keir Starmer's support package works out at around £33 per affected household—as the cabinet secretary also mentioned—does the cabinet secretary agree that that will be little consolation for the thousands of people whose fuel prices have doubled overnight? Does the cabinet secretary also agree that that cannot be the end of any action taken by the UK Government, given that energy policy is reserved?

Gillian Martin: I absolutely agree with Alasdair Allan on all the points that he has made. Developing global events only reinforce the need to put in place robust and effective consumer protections and financial assistance for users of all fuel types that will be affected. I call on the UK Government to keep its promise and to urgently introduce regulation of the sector. There is obviously an awful lot more that the UK Government can do in this space. We do not know how long the conflict will last, so the UK Government needs to keep a watching eye on the support that it provides.

Alasdair Allan: I welcome the Scottish Government's work to support households and families across Scotland with the cost of living, in stark contrast, it would seem, to the inaction of the UK Labour Government. Does the cabinet secretary recognise that, for many island households in places such as Uist, soaring heating costs are now being compounded by other problems, such as the present unavailability of petrol, and that all that is yet more evidence of why Scotland should have control over our energy policy?

Gillian Martin: I agree with all the points that Dr Allan makes. Our island and rural communities already face significant challenges, which have been disproportionately impacted by developing global events. The UK Government's delayed response to the crisis only underlines that we need real change to make our energy wealth work for us. The only change that will work for Scotland is independence.

Tim Eagle (Highlands and Islands) (Con): Isn't it crazy? People across Scotland are suffering with heating oil prices and we are here talking about independence. This is just the Scottish National Party going mad, isn't it? It is absolutely crazy. [*Interruption*.]

The Presiding Officer: Let us hear one another.

Tim Eagle: Let me get to my constituents, who are deeply troubled. It is great that we have extra money coming in from the Scottish Government, and I applaud that, but we need it now. When are we going to get the details of how people can apply? People say that the weather in March comes in like a lion and goes out like a lamb but, this year, I am worried that it will be in like a lamb and out like a lion. My constituents will need the money as soon as possible. Can the cabinet secretary set out when we will get the detail?

Gillian Martin: I do not know whether Tim Eagle was listening to anything I was saying, rather than frothing at the mouth. I said that, given the urgency of the problem, we will supplement the £4.6 million that we have been allocated with a further £5.4 million and we will launch that £10 million Scottish emergency oil heating fund on 1 April. It is the middle of March now and we are working hard to deliver that through Advice Direct Scotland. We found out about the £4.6 million only yesterday and have done quite a lot within 24 hours. Advice Direct Scotland and trusted partners that also helped us with the fuel insecurity fund are working at pace to get the scheme open.

Emma Harper (South Scotland) (SNP): Almost 40 per cent of households in Dumfries and Galloway rely on heating oil and are therefore particularly exposed to global price volatility. Does the cabinet secretary agree that, in the light of the pressures caused by international events while we are shackled to a Westminster Government that is offering an equivalent of £35 per household, it is absolutely vital that we in Scotland continue to enhance our own energy security through the development of sustainable fuels, including biofuels and renewables?

Gillian Martin: It is rural areas of Scotland that have the most to gain from the development of renewables. If the SNP Scottish Government had not stayed the course in our ambition on renewable energy, electricity generation would be in a far more precarious situation than the one that we are in right now.

By expanding the renewables sector and its wider supply chain, not only will we strengthen our energy independence and security, we will ensure that we are less reliant on imported fuels and on global fossil fuel markets, which we do not control. Global events dictate prices in fossil fuel markets, so protecting Scottish consumers from situations such as the one that we are currently experiencing as a result of the global crisis is a mission that this Government will continue.

Police Scotland (Budget Allocation)

3. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what assessment it has made of the impact on Police Scotland of the budget 2026-27 allocation being £50 million less than the amount requested by the Chief Constable. (S6T-02951)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The 2026-27 Scottish budget will provide record funding of more than £1.7 billion for policing, which is a total increase of £81.5 million, or 5 per cent, compared with the published 2025-26 autumn budget revision. We will also provide an additional £3 million per year in each of the next three years to support Police Scotland's successful work on tackling retail crime and an additional £2.7 million in 2026-27 to support Police Scotland's work in the detection and disruption of child sexual abuse and exploitation.

The chief constable recently confirmed at the Criminal Justice Committee that that budget allocation will allow her to prioritise front-line services for our communities and to ensure that she can maintain officer numbers at 16,500 in the coming year.

Liam Kerr: The cabinet secretary strangely failed to mention one implication of the budget being £50 million less than requested, which is that, at the Scottish National Party's own conference, the general secretary of the Scottish Police Federation flagged the fact that terminally ill police officers who are off work because they have been injured on duty will be forced on to half pay, or even no pay, and that that is "because of this budget".

Is the cabinet secretary concerned that terminally ill officers might be losing money as a direct result of this Government's cuts, and what does she intend to do about that?

Angela Constance: Although the pay—including sick pay—and conditions of police officers are negotiated through the Police Negotiating Board for Scotland, the issue of whether to make any discretionary payment is an operational matter for the chief constable. Sick pay can be extended beyond the standard periods of six months on full pay and a further six months on half pay, at the discretion of the chief constable.

It is worth reminding Mr Kerr that next year's budget will show a £90 million increase in comparison with the starting position in the 2025-26 budget, in response to an ask for an increase

of £104 million in the budget. It is also with worth remembering that the Conservatives made no requests for additional funding for policing during budget negotiations.

Liam Kerr: It is always worth remembering that I, too, have access to figures. Since 2021, recorded crime is up 6 per cent, sexual crime is up 10 per cent, shoplifting is up 137 per cent and violent crime is up 13 per cent. The number of police officers, however, is down by 1,000 since 2020. What does the cabinet secretary think will happen to those figures and the number of victims of crime as a result of the Government's decisions to defund our police?

Angela Constance: I am very glad that Mr Kerr has access to figures, because he will therefore know that the Government has increased the budget for policing year on year since 2016. He will also be aware of the headline figures that show a substantial fall in violent and property crime in Scotland since 2008-09. Under this Government, Scotland is a safer place.

Rona Mackay (Strathkelvin and Bearsden) (SNP): What steps is Police Scotland taking to ensure that there is a good recruitment pipeline into our national force? Can the cabinet secretary provide any reassurance that the Scottish Government's record funding to Police Scotland will maintain police officer numbers?

Angela Constance: Investment in policing has enabled Police Scotland to take on more recruits in the past financial year than at any time since 2013, and Scotland continues to have more officers per 10,000 members of the population than in England and Wales. Police Scotland has confirmed that it has a healthy recruitment pipeline and has welcomed more than 1,900 new officers since the beginning of 2024, including more than 70 new recruits on 9 March this year. The chief constable has confirmed that the budget allocation will allow her to prioritise front-line services for our communities to ensure that police officer numbers remain at 16,500.

Sharon Dowey (South Scotland) (Con): Recent reports suggest that retail crime in Scotland has risen sharply, with more than 50,000 shoplifting incidents recorded last year and nearly one in five shoppers witnessing the abuse of retail staff. The £3 million for the retail crime task force has made some impact, but, beyond that, what action will the Scottish Government take to ensure that the funding gap for Police Scotland does not undermine efforts to tackle shoplifting and violence against retail staff?

Angela Constance: It is a shame that Ms Dowey and her colleague Liam Kerr did not vote for the Scottish Government budget, which provides £3 million not just this year but next year and the next again year. That shows our long-term commitment to tackling retail crime in this country.

Business Motion

14:22

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-21118, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress:

Groups 1 to 3: 45 minutes

Groups 4 and 5: 1 hour 15 minutes

Groups 6 and 7: 1 hour 40 minutes.—[*Graeme Dey*]

Motion agreed to.

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill: Stage 3

14:23

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 proceedings on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 77A—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 stage 3. 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 as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

Section 1—Meaning of "non-surgical procedure"

The Deputy Presiding Officer: Group 1 is on the meaning of "non-surgical procedure". Amendment 1, in the name of the minister, is grouped with amendments 2, 10, 8 and 9.

The Minister for Public Health and Women's Health (Jenni Minto): At stage 2, amendments were made to the definition of "non-surgical procedure" in section 1 and to the procedures set out in schedule 1 that are non-surgical procedures for the purposes of the bill. Group 1 contains further technical amendments in my name to ensure that the descriptions of different procedures are clear.

Amendment 1 will clarify that a procedure may fall within several procedure descriptions in schedule 1 or may combine different kinds of procedures and still be a non-surgical procedure for the purposes of the bill. Amendments 8 and 9 will make it clear that injectable and intravenous procedures may involve the use of a microneedle. Amendment 2 will remove a redundant "or" from section 1(1)(b)(ii).

Sandesh Gulhane's amendment 10 would remove persons who are regulated by the General Osteopathic Council from the list of regulated healthcare professionals in section 1(3). That would remove osteopaths from the healthcare exception in section 1(1)(b)(ii). At stage 2, Dr Gulhane raised concerns about the inclusion of

osteopaths. I met him to discuss that, and he should not be surprised that I urge him not to press his amendment 10. The bill is not the place to judge what does and does not constitute healthcare or whether particular healthcare procedures are appropriate or effective in the treatment of disease. That is a matter for healthcare professionals and their regulators.

At stage 2, I told the Health, Social Care and Sport Committee that what is proposed in amendment 10 would raise concerns about legislative competence due to its interaction with the reservation of the regulation of health professionals in reservation G2 in schedule 5 to the Scotland Act 1998. That includes osteopaths as the profession that is regulated by the Osteopaths Act 1993. I urge Dr Gulhane not to press amendment 10 and I urge members to support my amendments in the group.

I move amendment 1.

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

My amendment 10 seeks to change the definition of "regulated healthcare professional" in the bill so that it does not include osteopaths who are regulated by the General Osteopathic Council. Osteopathy is a pseudo-science. There is very limited evidence of any effectiveness whatsoever, and those who practise it should not be considered regulated healthcare professionals.

Osteopaths are unable to prescribe medicines for a reason, and they do not inject Botox. That alone means that they are not entitled to be covered by the healthcare exemption. My amendment would strengthen the definition of "regulated healthcare professional" in the bill and ensure that only those who are properly qualified will be referred to as such.

Jenni Minto: I am grateful to Dr Gulhane for his comments. The healthcare exception exists to ensure that the bill will not regulate procedures that are provided by regulated healthcare professionals for a healthcare purpose—specifically, for the purpose of preventing, diagnosing or treating illness. The General Osteopathic Council has confirmed that, although osteopaths are unable to prescribe, some undertake postgraduate injection training and then work with a prescriber, for example, to administer corticosteroid injections to patients.

I urge members to support amendments 1, 2, 8 and 9 and not to support amendment 10.

Amendment 1 agreed to.

Amendment 2 moved—[Jenni Minto]—and agreed to.

Amendment 10 moved—[Sandesh Gulhane].

The Deputy Presiding Officer: The question is, that amendment 10 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division at stage 3, I will suspend the meeting for around five minutes to allow members to access the digital voting system.

14:28

Meeting suspended.

14:34

On resuming—

The Deputy Presiding Officer : The question is, that amendment 10 be agreed to. Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): On a point of order, Presiding Officer. My app would not connect. I would have voted no.

The Deputy Presiding Officer : Thank you. I will make sure that that is recorded.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. My apologies—my app would not connect. I would have abstained.

The Deputy Presiding Officer : Thank you. I will make sure that that is recorded.

Ariane Burgess (Highlands and Islands) (Green): On a point of order, Presiding Officer. My app did not connect. I would have voted no.

The Deputy Presiding Officer : Thank you. I will make sure that that is recorded.

For

Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lumsden, Douglas (North East Scotland) (Con)
McCall, Roz (Mid Scotland and Fife) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Ross, Douglas (Highlands and Islands) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

Stewart, Alexander (Mid Scotland and Fife) (Con)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer : The result of the division is: For 27, Against 68, Abstentions 15.

Amendment 10 disagreed to.

Section 4—Meaning of "permitted premises"

The Deputy Presiding Officer : Group 2 is on the meaning of "permitted premises". Amendment 11, in the name of Ash Regan, is grouped with amendments 12 to 15, 29 and 30.

Ash Regan (Edinburgh Eastern) (Ind): The Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill seems to be a classic example of the way in which the Government has started to make law, which is that it sees that there is an issue and rushes into legislation while, unfortunately, listening to only one side of the argument. Often, it ignores women's voices—we have seen that time and again—and it is entirely blind to unintended consequences.

The majority of aesthetics customers—80 per cent, we think—are women, and the majority of providers are women. I make it clear at the outset that I want aesthetics services to be provided in safe, clean premises by qualified practitioners. However, I am concerned that that is not what will happen, should the bill be passed. We are all aware that aesthetics is a growing area. Whatever we think of that, I cannot see it declining over the next few years. New innovations come through every few months, and the number of first-time clients is growing. Therefore, Scotland needs to get this area right.

Eighty per cent of the providers in this space are non-medical. I was contacted by a constituent, who I imagine is far from unusual in this context. I will put her story to the chamber, because she feels that, despite doing everything right, nobody

is listening to her. She has been running her own clinic for 16 years, supporting herself and her young family. She also employs other women, many of whom are mothers with small children who want to work flexibly. She holds regulated Office of Qualifications and Examinations Regulation qualifications in aesthetic practice at levels 5 and 7, which cost her £15,000. The level 7 qualification also required more than a year of structured study covering facial anatomy, complications management, clinical assessment and patient safety. She also maintains level 3 first aid, including anaphylaxis training.

She told me, in her own words:

"My clinic operates as a fully licensed premises. I hold a skin-piercing licence from Edinburgh City Council. My business is fully insured, and insurance within the aesthetic sector requires practitioners to demonstrate appropriate training, treatment protocols, risk assessments and clear procedures for managing complications before any cover is granted."

Those safeguards are already a fundamental part of responsible practice in this field.

She continued:

"In the past year alone, I have safely treated 496 injectable clients in my clinic. But under the current drafting, the interaction between sections 3 and 4 of the bill means that permitted premises are effectively limited to clinics run by a prescribing doctor, nurse, dentist or pharmacist. In practice, that means that the ability to operate a clinic may depend on professional title rather than on aesthetic-specific training or experience."

My constituent is what we say that we want: she is someone who is responsible, safe, highly trained in her field and a responsible employer. However, because she is non-medical, like 80 per cent of the providers in the industry, she would not be able to continue her business—which she, like many other women, has built up and invested thousands in over the past 16 years—as it is.

From the reading that I have done so far on the subject, it appears that the Government does not know how many women, like the constituent I mentioned, it will be putting out of business or out of a job. I wonder whether the minister can cover that issue when she next gets to her feet. I feel that this is irresponsible law making and that, potentially, such businesses should be being compensated. If the legislation is going to result in business closure, at the very least, the Government should know how many businesses will be affected.

My amendments in the group would ensure that the bill recognises appropriately qualified non-healthcare aesthetics practitioners and premises within the regulatory framework. Amendments 11, 13 and 14 would recognise non-healthcare aesthetic professionals in section 4. They seek to define that role by reference to a qualification threshold, which I know that the Government mentioned in earlier stages of the bill's progression. Amendments 12 and 15 would allow ministers to establish by regulation a licensing scheme for non-healthcare premises. Those regulations could set minimum standards for premises and could specify which procedures it was permitted to provide. That would ensure that qualified practitioners and properly regulated premises would not be excluded simply because they sit outside traditional healthcare structures.

Amendments 29 and 30 are consequential amendments that would ensure that regulations that were made under the proposed provisions would be subject to the affirmative procedure, which would mean that Parliament could scrutinise and approve the regulations at a later date.

Overall, my amendments would support a proportionate and workable regulatory framework that recognises competence and qualifications across the sector.

I move amendment 11.

Alex Cole-Hamilton (Edinburgh Western) (LD): I will speak briefly in support of Ash Regan's amendments, which I think provide a remedy to some of the inflexibilities around the bill as drafted that I raised at stage 1.

Ash Regan spoke of constituents coming to see her, and I have had constituents come to see me. I am sure that members across the chamber have businesses in their constituencies that would not only be affected by all the proposed changes in the bill but would be absolutely sunk without trace if those changes were to be brought in unamended.

My anxiety is that, although we absolutely need to regulate for the bad actors in this field of procedure, there are a good number of people—largely women—who are well qualified and very focused on patient care, cleanliness, hygiene and all the other things that we would hope to see in the sector. To legislate without thinking about the consequences for them and seeking a remedy for them would be a very poor thing indeed.

Jenni Minto: Ash Regan's amendments seek to provide alternatives to the permitted premises that are currently described in the bill. The proposed alternatives would weaken public safety by removing the requirement for a healthcare professional to be involved in those settings.

Due to time constraints, I will not repeat all the discussions that we held at stage 2, but this is a fundamental part of the bill, so there are points that I must make.

We based our estimates on an estimated 1,500 businesses. I point out that this is a non-regulated sector, which is partly why we are bringing in the

regulations. However, not all businesses will be impacted, as I will go on to explain.

Jeremy Balfour (Lothian) (Ind): You have said how many businesses there are. How many individuals will lose their jobs because of the legislation? Have you done an equality impact assessment with regard to how it will affect females more than males?

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

Jenni Minto: Yes, of course we have done an equality impact assessment.

There are a few points that I wish to make. First, I sympathise with Ms Regan's intentions. I am sure that she is trying to mitigate what many businesses see as the most challenging part of the bill. Secondly, the requirement for a healthcare professional to be involved is the most important part of the bill. The reasons for healthcare professional involvement being essential to public safety were discussed at stage 2. In many cases, prescriptions will be needed at the outset of a procedure. In other cases, it will be necessary for certain emergency medications to be available on site.

Within the United Kingdom regulatory framework for the sale and supply of medicines, non-regulated settings that deliver non-surgical procedures are not able to routinely hold supplies of prescription-only medicines without the involvement of a suitably qualified healthcare professional.

To say that the involvement of a healthcare professional is necessary is not to denigrate the skills, dedication and experience of other practitioners, who should continue to have a role in the sector. These rules can and should be complementary, ensuring that safe, professional and effective procedures are delivered.

14:45

There are other benefits to the settings that we have selected and to the rule on the involvement of a healthcare professional—for example, that healthcare professionals are subject to regulation by professional bodies.

I turn to the amendments themselves. Amendments 11 and 29 seek to add

"premises managed by a non-healthcare aesthetics professional"

to the list of permitted premises in section 4(1) of the bill. The Scottish ministers would be able to provide registration requirements for these premises in affirmative regulations.

Amendment 14 defines a "non-healthcare aesthetics professional" by reference to particular levels of qualification. Unfortunately, that training does not qualify a practitioner to prescribe medications, nor is it clear that these settings would be able to routinely hold stocks of relevant emergency medications without the involvement of a healthcare professional. These settings do not provide the safety protections required.

Amendments 12, 15 and 30 would provide for a licensing scheme to be established by regulations. Such a scheme is already set to take effect from 6 September 2027 under the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures Order) 2026. That licensing scheme is appropriate for lower-risk procedures, but I do not believe that the risks of procedures covered by the bill can be adequately mitigated without the involvement of a healthcare professional.

Amendment 13 includes "a non-healthcare aesthetics professional" as one of the persons who may provide or manage services from the premises of a Healthcare Improvement Scotland-registered independent clinic in order for it to be "permitted premises" under section 4(1)(a) of the bill. Amendment 14, as discussed already, defines "non-healthcare aesthetics professional".

I cannot support these amendments, for the public safety reasons that I have given previously. I also note that section 4(1)(a) interacts with the definition of an "independent clinic" in section 10F(2) of the National Health Service (Scotland) Act 1978. Such a clinic would still need services to be provided by one of the healthcare professionals listed in that section to register with HIS.

With regard to Alex Cole-Hamilton's support for the amendments, I had hoped to meet him in the lead-up to stage 3. Unfortunately, he was not able to meet me because of his diary commitments.

I also point out that I expect that, in implementing the bill, the Scottish Government will work with businesses in the unregulated part of the sector to ensure that they have access to support and guidance. I understand Ms Regan's motivations, but I urge her not to press amendment 11 or to move her other amendments, and, if she does, I urge members to vote against them.

The Deputy Presiding Officer: I invite Ash Regan to wind up and say whether she wishes to press or withdraw amendment 11.

Ash Regan: I will press amendment 11. The bill will create a situation whereby practitioners who spend more than a year completing advanced aesthetics training will not be able to operate independently. That will mean that women such as my constituent and many others, as non-healthcare practitioners, would need to rely on a

prescribing medic in order to operate and supervise a clinic. That is even if a provider could be found, which remains to be seen, and the costs may well be prohibitive.

The bill creates a model in which experienced practitioners will become dependent on prescribers who have no financial stake in their business while potentially offering the same treatments themselves. In practice, that means that a qualified practitioner could spend years building a compliant clinic, only to find that their ability to continue operating depends entirely on securing and retaining a prescriber, who may also be a competitor in the same market. That market—the treatments and the demand for them, in particular from young women—is growing, and in my opinion it will only continue to grow as a result of changing beauty standards that are heavily promoted on social media.

I think that there is a lack of understanding by the Government of those drivers, in particular for the consumers in the industry. I hope that the Government understands, and can see, that those from a lower socioeconomic background will not be able to afford the treatment prices, which will inevitably be driven up if all or many of the non-medical providers in the market are forced to close. It will then inevitably push those consumers into an underground and unregulated sector, which may then lead to an increase in adverse treatment effects. The bill may, through unintended consequences, force out responsible and highly trained women-led businesses and lead, unfortunately, to more women consumers getting treatment from unregulated and unsafe providers.

I ask members to support my amendments, and I ask the Government to think carefully about the issue, the predicament of women such as my constituent and the unintended consequences.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Oliver Mundell (Dumfriesshire) (Con): On a point of order, Presiding Officer. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Mundell. We will ensure that that vote is recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
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)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)

McKee, Ivan (Glasgow Provan) (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)
O'Kane, Paul (West Scotland) (Lab)
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)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Choudhury, Foysol (Lothian) (Ind)
Marra, Michael (North East Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 102, Abstentions 2.

Amendment 11 disagreed to.

Amendment 12 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
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)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
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)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
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)
O'Kane, Paul (West Scotland) (Lab)
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)
Slater, Lorna (Lothian) (Green)
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Stewart, Kevin (Aberdeen Central) (SNP)
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Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
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Whitfield, Martin (South Scotland) (Lab)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Choudhury, Foysol (Lothian) (Ind)
Marra, Michael (North East Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 104, Abstentions 2.

Amendment 12 disagreed to.

Amendment 13 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
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)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
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)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
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McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
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)
O'Kane, Paul (West Scotland) (Lab)
Robertson, Angus (Edinburgh Central) (SNP)
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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)
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Slater, Lorna (Lothian) (Green)
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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)
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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Choudhury, Foysol (Lothian) (Ind)

The Deputy Presiding Officer: The result of the division is: For 5, Against 106, Abstentions 1.

Amendment 13 disagreed to.

Amendment 14 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
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)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
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)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
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MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
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Minto, Jenni (Argyll and Bute) (SNP)
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Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
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)
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)
Sweeney, Paul (Glasgow) (Lab)
Thomson, Michelle (Falkirk East) (SNP)
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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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Choudhury, Foysol (Lothian) (Ind)

The Deputy Presiding Officer: The result of the division is: For 6, Against 103, Abstentions 1.

Amendment 14 disagreed to.

After section 4

Amendment 15 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
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Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
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Constance, Angela (Almond Valley) (SNP)
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Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
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Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
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Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
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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)
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Gulhane, Sandesh (Glasgow) (Con)
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Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
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Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
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Mochan, Carol (South Scotland) (Lab)
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Mundell, Oliver (Dumfriesshire) (Con)
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Ross, Douglas (Highlands and Islands) (Con)
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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)

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)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 6, Against 106, Abstentions 0.

Amendment 15 disagreed to.

Section 5—Power to make further provision about non-surgical procedures

The Deputy Presiding Officer: Group 3 is on regulations: power to make further provision and consultation requirements. Amendment 16, in the name of Sandesh Gulhane, is grouped with amendments 3, 4, 19 to 22, 31 and 32.

Sandesh Gulhane: Amendment 16 is required because, at stage 1, there was a great deal of concern from businesses about the impact that new regulations would have on them and about how they would make the transition to the new regulatory scheme.

The Health, Social Care and Sport Committee's stage 1 report concluded that the Scottish Government should

"provide appropriate support and guidance to help responsible providers of non-surgical procedures to make the transition successfully to the new regulatory framework",

and that there would be

"a need for additional information and support to be provided to accompany the Bill's implementation to help providers to take the steps necessary to comply with the law."

My amendment would address the concerns of businesses and the committee by ensuring that, when regulations are made that impose new restrictions or requirements on non-surgical procedures—for example, around training, qualifications or supervision—they must be accompanied by transitional or saving provisions that ministers consider appropriate. Those should include the timescales for compliance and phased implementation periods for providers. That would help businesses, leave flexibility for ministers and ensure that providers can effectively comply with new regulations.

I move amendment 16.

Jenni Minto: Amendments 3 and 4 will build on the helpful provision introduced by Gillian Mackay at stage 2, which specified that regulations under section 5(1) of the bill may make provision for requirements for certain higher-risk groups.

At stage 2, Dr Gulhane raised the need for guidance in relation to mental health conditions, including, in particular, body dysmorphic disorder. While I would expect existing clinical guidance and a healthcare professional's training on informed consent and shared decision making to be sufficient, I acknowledge that specific additional provision might be helpful. Therefore, I have built on Ms Mackay's stage 2 amendment to introduce a specific reference to mental health in section 5(3)(e) as a matter on which regulations may be made.

Dr Gulhane's amendment 16 would require that regulations under section 5(1) must include certain transitional and saving provisions. I agree with his comments on the importance of such provisions. I can confirm that that is already possible under section 18. The amendment is unnecessary and I cannot support it, as the transitional provision that is specified might not always be the most appropriate. The amendment would make it more difficult for ministers to put in place appropriate regulations with the right protections, so I urge Dr Gulhane not to press the amendment.

15:00

Dr Gulhane's amendments 31 and 32 would provide further specification in the consultation requirements in section 19A, which would apply to any affirmative instruments that are made under the bill. The lists of persons to be consulted are likely to be appropriate in most cases, but I reiterate that even the affirmative powers may be capable of being exercised to make relatively small technical changes or changes that are relevant only to one of the groups that have been listed.

I am concerned that the approach would require consultation with patient organisations, and I am not aware that any such organisations exist representing recipients of the procedures. As a result, it may not be possible to comply with the duty, and I would not want that to prevent us from making necessary regulations in the area or to increase bureaucracy.

Colin Beattie's amendments 19 to 22 all relate to the principle of supervision. I was pleased to support Fulton MacGregor's amendment at stage 2 that created a requirement for regulations under section 5(1) to be made specifying training or qualification provisions for persons providing non-surgical procedures within three years of section 3 of the bill being commenced. If it is not practical to do that, a report must be laid before Parliament explaining why. I supported that because of the broad consensus across the Parliament about the importance of establishing training and

qualification standards. Supervision is a matter of similar importance and concern, and I am happy to support the amendments that make similar provision. I was appreciative of having conversations with Carol Mochan in that area, too.

Although the timing of training and supervision regulations is not entirely within the gift of the Scottish ministers, I am comfortable with the period that is specified in section 5(5) and the option that is available under section 5(6) for ministers to be held to account if the Government cannot meet those expectations.

I urge members to support amendments 19 to 22 in Colin Beattie's name and amendments 3 and 4 in mine. I urge Sandesh Gulhane not to press amendment 16 or to move amendments 31 and 32.

Colin Beattie (Midlothian North and Musselburgh) (SNP): Amendments 19 to 21 will amend section 5(5), which currently provides that the Scottish ministers must lay a draft Scottish statutory instrument containing regulations under section 5(1), specifying requirements about the training or qualifications of persons who may provide a non-surgical procedure, within three years of section 3 coming into force. The amendments will introduce a requirement for regulations on supervision in this section, meaning that the Government must lay a draft SSI within three years of section 3 coming into force.

Amendment 22 will amend section 5(6) of the bill to make it clear that more than one set of regulations may be laid to cover all the matters that are mentioned in the amended subsection (5).

During the passage of the legislation through Parliament, I have been keen to support non-medical practitioners in their efforts to have their skills and training recognised in the bill. I have met a number of practitioners who all agree that the sector is in need of regulation. However, some of those business owners have spent tens of thousands of pounds on their training and facilities. It is vital that we bring those practitioners with us and move towards providing upskilling and training to enable a fair transition and prevent mass closure of businesses.

In my discussions with the minister, I advocated that a national governing body be established by practitioners, with the support of the Scottish Government. Understandably, I was informed that that cannot be achieved through the bill. I hope that, if the industry decides to go down that route, the Scottish Government can support it. I appreciate that the proposal is not possible at this stage due to the United Kingdom Internal Market Act 2020. However, I hope that members will support the amendments as they will provide competent non-medical practitioners with the assurance that the Scottish Government is committed to a pathway towards a safer, regulated industry.

I thank the Scottish Government for working with me on the amendments, and I urge members to support them.

Carol Mochan (South Scotland) (Lab): We will support all the amendments in this group. Scottish Labour's approach to the bill has always been safety first. However, we consider that there are businesses, as Dr Gulhane mentioned, that are working very professionally, and we seek to ensure that there is that transition and support to businesses so that they can practise.

Sandesh Gulhane: I apologise to the chamber and to you, Deputy Presiding Officer, for not mentioning my amendments 31 and 32 in my earlier remarks. Amendment 31 would require ministers to consult people when they make regulations, and amendment 32 would clarify that ministers must consult people before they can make regulations. I feel, as Carol Mochan does, that they are sensible amendments, and I hope that members across the chamber will be able to agree with us.

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. Members should cast their votes now.

The vote is now closed.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On a point of order, Deputy Presiding Officer. I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

Paul O'Kane (West Scotland) (Lab): On a point of order, Deputy Presiding Officer. I could not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr O'Kane. I will make sure that that is recorded.

George Adam (Paisley) (SNP): On a point of order, Deputy Presiding Officer. I could not connect to the system. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Adam. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)

Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
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Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
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Sweeney, Paul (Glasgow) (Lab)
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White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
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Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
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Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
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Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
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Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
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Roddick, Emma (Highlands and Islands) (SNP)
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Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 45, Against 68, Abstentions 0.

Amendment 16 disagreed to.

Amendments 3 and 4 moved—[Jenni Minto]—and agreed to.

The Deputy Presiding Officer: Group 4 is on qualifications and training. Amendment 5, in the name of Jeremy Balfour, is grouped with amendments 17, 18, and 23.

Jeremy Balfour: I confess that when I saw this bill come before Parliament, I did not expect to engage directly with it. However, over the past few months, like Alex Cole-Hamilton, Ash Regan and others, I have been approached by numerous sole traders and businesses about the effect that the bill will have if it is passed, particularly on small businesses and on the young women who have sought to carry out these procedures as a trade.

The intention behind amendment 5 is to ensure that non-surgical cosmetic procedures are carried out safely and by people who have the appropriate level of expertise. Although the procedures are often described as non-invasive, we know that,

when things go wrong, there can be significant consequences, including infection, tissue damage and long-term complications. For that reason, it is essential that those who carry out the procedures independently have a sufficiently high level of training and competence.

At the same time, I recognise that many practitioners in the sector who have spoken to me have invested significant time and effort in gaining meaningful qualifications and building professional standards. Amendment 5 is very much about recognising expertise. It would ensure that those with the appropriate level of qualification could practise independently with confidence, and it would give the public assurance that the standards would apply across the sector.

Specifically, amendment 5 would allow practitioners to provide non-surgical procedures unsupervised if they were a regulated medical professional or a non-medical practitioner with a qualification relevant to the procedures that they were providing

"at a level at least equivalent to level 11 of the Scottish credit and qualifications framework."

Such qualifications reflect a high level of knowledge and competence, as would be appropriate for independent practice.

Importantly, amendment 5 is not about shutting people out of the sector. If a practitioner did not yet meet that threshold, they could still be allowed to practise, but they would do so within a framework of supervision by an appropriately qualified medical professional. That would allow people to continue working, gain experience, develop skills and, ultimately, get the qualification.

Amendment 5 aims to strike a fair and proportionate balance. It would recognise and support practitioners who had undertaken advanced qualifications, and it would ensure that robust safeguards were in place for the public.

Ultimately, we need to provide public safety and protect small businesses. If we do not do that, people will go to other parts of the country, they will set up completely unregulated businesses and there will be greater health consequences as a result. Many small businesses will close, and people who have put in a significant amount of money will be put out of work. Ultimately, people who undergo such procedures deserve to have confidence that the person treating them has the right expertise and that the appropriate oversight exists.

I believe that amendment 5 would provide for that, and I encourage colleagues to support it.

I move amendment 5.

Ash Regan: I will support Jeremy Balfour's amendment 5.

Injectable aesthetics procedures are not typically taught as part of most undergraduate medical or nursing degrees. As a result, medical practitioners who enter the aesthetics sector often obtain their training in such procedures through separate aesthetics training courses. By contrast, non-medical practitioners, who often receive qualifications regulated up to level 7 in aesthetics practice, focus entirely on facial anatomy, complications management and safe aesthetics practice. The bill would create the odd position in which highly trained aesthetics practitioners would need to be supervised by a medical practitioner with possibly only a few hours of aesthetics training.

The bill also raises practical questions about capacity, as no clear data is available on how many prescribers actively work in the aesthetics sector or whether there would be sufficient numbers to support independent clinics across Scotland. As the minister has confirmed, the number of such clinics might be as high as 1,500.

The bill would force qualified, responsible providers to recruit medics to supervise them, but the Government cannot tell us whether that would be possible, given that data on the number of prescribers is not available. Furthermore, can the NHS afford to lose hundreds of prescribers to the aesthetics sector? A better way needs to be found, and there needs to be a pathway for non-medical but highly trained aesthetics providers to carry out perhaps not all but some treatments.

My amendments in the group would ensure that future regulations on qualifications and training properly recognise competence across the sector. Amendment 17 would require regulations to ensure that pathways exist for practitioners who hold relevant qualifications but are not healthcare providers. That would ensure that the regulatory framework recognises the range of qualified practitioners who currently operate in the sector. Amendment 18 would require ministers, when specifying qualification or training requirements, to

"have regard to recognised aesthetics qualifications."

Amendment 23 is a consequential amendment.

Overall and taken together, the amendments would ensure that regulation is based on recognised competence and qualifications, while appropriate safeguards for patients would be maintained. They would not weaken the regulations but would ensure that the framework recognises qualified practitioners and allows ministers to regulate the sector proportionately rather than excluding the sector entirely. I hear from across the chamber that there is recognition

that many women-led small businesses are going to be put out of business by the bill. If we do not support amendments such as those from Jeremy Balfour and me, there will be no pathway and those women-led businesses will be put out of business.

15:15

The Deputy Presiding Officer: I will take a brief contribution from Fulton MacGregor.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thank you, Presiding Officer. I will be very brief. Like others, I want to put on the record some issues with the bill that constituents have brought to me. I have been contacted by a number of people who have businesses in my constituency. They tend to be working-class women who have built up those businesses over a long period of time and have built up a skill base. They are concerned about some of the potential impacts of the bill.

I welcomed the minister's engagement with me during and after stage 2. As she mentioned, an amendment of mine was agreed to at stage 2. I welcome Colin Beattie's amendments that were agreed to in the previous group.

Although I have some sympathy with the amendments in this group, I do not think that I can vote for them, because I think that they will have unintended consequences. I ask the minister to say in summing up how the Government will work with small businesses and individuals to ensure that they are not negatively impacted by the bill. I felt that this was the best place to come in and make that request.

Jenni Minto: Before addressing the amendments, I recognise that many highly skilled practitioners are not healthcare professionals. As was referred to earlier, many practitioners hold a qualification at level 7 of the Ofqual framework or level 11 of the Scottish credit and qualifications framework, and the amendments seek to recognise that training. However, I do not intend to support any amendments that would prejudge a decision on the appropriate training or qualification requirements. That would be a matter for future regulation under section 5(1). My reluctance should not be seen as a judgment against those well-recognised qualifications.

Ash Regan: Will the minister take an intervention?

Jenni Minto: I will just finish my point. The Scottish Government will engage with practitioners and training providers before taking decisions, and I hope that standards can be set at the same level in England and Scotland for the benefit of practitioners.

Ash Regan: There is a frustration among many of these women, who have spent a lot of time, energy and money building up their businesses and are fearful about what will happen to their businesses, which I think people can understand. The minister seems to be suggesting that it is the Government's intention to provide a pathway for non-medical providers. Can the minister confirm that that is what she is saying?

Jenni Minto: I am clear that we will engage with practitioners and training providers before taking decisions, and I hope that standards can be set at the same level in England and Scotland to benefit all practitioners.

Amendment 5, in Jeremy Balfour's name, seeks to allow non-healthcare practitioners with a level 11 qualification to carry out non-surgical procedures without supervision. I was grateful to Mr Balfour for the discussion that we had about his similar stage 2 amendment to give ministers the power to establish a regulatory scheme that enables certain practitioners to supervise the provision of a non-surgical procedure. Amendment 5 appears to seek to allow practitioners who are not healthcare professionals to provide procedures without healthcare professional involvement.

As I said in relation to group 2, it is fundamental to the bill that a healthcare professional is involved in settings that provide procedures to complement the aesthetics practitioners, such as in the event of complications that require the emergency administration of medicines.

The amendment also predetermines training and supervision standards, which are still to be developed and consulted on. The Government also has concerns about the legislative competence of the amendment because of its interaction with the Medicines Act 1968 and the regulation of healthcare professionals, which are reserved subject matter under the Scotland Act 1998. I therefore cannot support amendment 5 and urge Mr Balfour not to press it.

Amendment 17, in Ash Regan's name, appears to have the same aim as Mr Balfour's amendment 5. It would provide that there must be pathways for non-healthcare practitioners, although it does not specify what those pathways are intended to achieve. If it is to ensure that such practitioners may undertake procedures, that is permitted under the bill as drafted. Non-healthcare practitioners may provide procedures if they are working from permitted premises. If the member intends that such practitioners should be able to provide procedures without reference to a healthcare professional, I would resist the proposal, for the reasons that I gave in relation to amendment 5.

Ms Regan's amendments 18 and 23 would provide that

"Scottish Ministers must have regard to recognised aesthetics qualifications."

Those are level 11 qualifications, which have been discussed already. I regret that that change cannot be accepted, as it would prejudge the consideration that I raised earlier. I would like to provide assurance that the Government will consider those and other qualifications, as I noted earlier, when setting qualification standards.

I urge Ms Regan and Mr Balfour not to move or press their amendments, and I urge members not to support them if they are pressed.

Jeremy Balfour: Having just heard the minister, I am now very confused as to the Scottish Government's position. In one breath, the minister says that the Scottish Government cannot accept the amendments in this group because there must always be a medical practitioner present; in the next sentence, she says that ministers want to talk to businesses about how they can regulate the area going forward. I think that there is real confusion, and not only in the chamber; more importantly, I suspect that there will be real confusion among small businesses across my region as to what the Government is going to do in the future. For that reason, I will press my amendment 5.

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): On a point of order, Presiding Officer. Unfortunately, I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Robertson. I will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
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Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 87, Abstentions 19.

Amendment 5 disagreed to.

Amendment 17 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Angus Robertson: On a point of order, Presiding Officer. I am still having trouble connecting to the system. I would have voted no.

The Deputy Presiding Officer: Thank you, Mr Robertson. I will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
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Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
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Haughey, Clare (Rutherglen) (SNP)
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Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
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)
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Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
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Tweed, Evelyn (Stirling) (SNP)
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Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
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Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 89, Abstentions 19.

Amendment 17 disagreed to.

Amendment 18 moved—[Ash Regan].

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
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Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
Gray, Neil (Airdrie and Shotts) (SNP)
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Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
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Hyslop, Fiona (Linlithgow) (SNP)
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MacDonald, Gordon (Edinburgh Pentlands) (SNP)
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Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
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Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
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)
Thomson, Michelle (Falkirk East) (SNP)

Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Johnson, Daniel (Edinburgh Southern) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 89, Abstentions 19.

Amendment 18 disagreed to.

Amendments 19 to 22 moved—[Colin Beattie]—and agreed to.

Amendment 23 not moved.

After section 13A

The Deputy Presiding Officer: That takes us to group 5. Amendment 24, in the name of Sandesh Gulhane, is grouped with amendment 6.

Sandesh Gulhane: Amendment 24 would require that

"HIS must publish information on additional resources available to businesses providing non-surgical procedures".

That should include information on the advice, support and funding that is available to those businesses. [*Interruption*].

The Deputy Presiding Officer: I encourage members to keep their devices switched off or set to silent. Please continue, Dr Gulhane.

Sandesh Gulhane: As we know, businesses are concerned about the impact of the bill and about how they would be able to make the transition to the new regime. The stage 1 report on the bill said that the Scottish Government should

"provide appropriate support and guidance to help responsible providers of non-surgical procedures to make the transition successfully to the new regulatory framework."

A previous amendment that I lodged was deemed to be inadmissible due to the cost that would be involved, but amendment 24 absolutely does not involve a cost. All I seek to do is to ensure that there is something available for businesses.

I move amendment 24.

The Deputy Presiding Officer: I call Gillian Mackay to speak to amendment 6 and both amendments in the group.

Gillian Mackay (Central Scotland) (Green): I thank the Scottish Government for working with me on my amendment. At stage 2, a number of members proposed amendments that would have required the production of guidance. The proposals for that guidance covered a range of issues, and I thank the minister for working with me on amendment 6, which provides a single requirement and lists issues that may be included in that guidance.

The focus is on guidance that is appropriate to businesses, rather than on matters that are more suited to clinical guidance or judgment and that might interfere with the professional and clinical guidance that is rightly issued by the professional bodies, royal colleges or regulators of healthcare professionals. Consideration of any relevant clinical guidance would be part of the role that should be undertaken by any healthcare professionals involved in procedures.

Amendment 6 would place a duty on the Scottish ministers to

"issue guidance about the provision of non-surgical procedures"

and that guidance may include information about the requirements that are imposed by part 1 of the bill and about the steps that providers have taken to comply with those requirements. That guidance must be published and may be revised or revoked.

I urge members to support amendment 6.

Carol Mochan: I place on record Scottish Labour's support for both amendments in this group, which seek to strengthen the review of any support given. Amendment 24 would require HIS to publish information on the additional resources given to businesses, including advice, support and funding, and would ensure that providers are supported during the transition, and amendment 6 sets out, in great detail, the type of guidance that should be given to help businesses to comply with the law.

During the transition to greater regulation, guidance and information will be incredibly important in supporting compliance, ensuring understanding and avoiding confusion, which is why we support both amendments in the group.

Jenni Minto: I note Ms Mochan's comments.

Gillian Mackay's amendment 6 would place a duty on ministers to provide guidance about the provision of procedures. It is appropriate that that amendment focuses on the offences in part 1 of the bill—which are to provide a non-surgical procedure to a person who is under 18 and to provide a non-surgical procedure "outwith permitted premises"—and on the steps that providers would have to take to meet those requirements.

I am grateful to Ms Mackay for working with me and to other members who raised issues on the guidance. I hope that members are content that this single provision on guidance has the flexibility to encompass the topics that businesses want to see in guidance, and I hope that members will support amendment 6.

15:30

Amendment 24, in Sandesh Gulhane's name, overlaps with amendment 6 to some degree. It would require HIS to publish certain information on the resources that are available to businesses that provide non-surgical procedures. I welcomed my recent discussion with Dr Gulhane on the topic, and I know that he noted my comments about there being resources available for businesses.

As well as the requirement in amendment 6 for the Scottish Government to issue guidance, amendment 24 would place a duty on HIS to publish information about available support, such as the resources from local authorities and Business Gateway, which I highlighted earlier. It is more appropriate for that information to be included in the guidance that is published by the Scottish Government than for it to be a legal responsibility for HIS. I therefore ask Dr Gulhane not to press amendment 24 and ask members to support amendment 6.

The Deputy Presiding Officer: I call Sandesh Gulhane to wind up and to press or withdraw amendment 24.

Sandesh Gulhane: We support amendment 6, and I will not press amendment 24.

Amendment 24, by agreement, withdrawn.

After section 15

Amendment 6 moved—[Gillian Mackay]—and agreed to.

Before section 15A

The Deputy Presiding Officer: Group 6 is on reviews. Amendment 25, in the name of Sandesh Gulhane, is grouped with amendments 26 to 28, 33 and 37.

Sandesh Gulhane: I have a number of amendments in this group. Under amendment 25, before the offences under the bill can come into force, ministers would have to review the capacity of HIS to exercise the enforcement provisions. That is important, because we want to ensure that capacity is available for the regulator to do the work that it wants to do and in the way that we would want it to be done.

Amendment 26 would insert into the bill a review of the capacity of HIS and what it has done on enforcement within one year of the bill coming into force.

Amendments 33 and 37 are on a review of the capacity of HIS. Amendment 37 provides that the offences introduced under the bill could not come into force until the capacity review had been conducted. Amendment 33 is consequential and would allow for the review to be conducted.

I move amendment 25.

The Deputy Presiding Officer (Annabelle Ewing): I call Carol Mochan to speak to amendment 27 and other amendments in the group.

Carol Mochan: My amendment 27 seeks to add further detail to what the review of part 1 of the bill should include. The amendment comes from concerns about the support and guidance that will be given to the industry once the bill comes into force, and it touches on points that were made in the debates on the previous groupings.

Amendment 27 states that the review of part 1 should

"include an assessment of … support provided to providers of non-surgical procedures, including providers that are … independent, and … non-medical".

It would also require an assessment of the

"training opportunities available to providers to assist them to upskill",

including

"qualification and accreditation pathways for practitioners, including those who are non-medical",

and of the

"guidance provided in relation to minimum training and competence requirements".

During stage 1 of the bill, the committee raised concerns about provision in remote and rural areas and financial costs to providers. Therefore, a review must also consider those points. At stage 2, the Scottish Government was widely supportive of the principles of amendment 27.

I recognise that Stuart McMillan's amendment 28 shares a similar objective to that of my amendment 27. It outlines what a review of the bill

should include. Although I support amendment 28, I note that it lacks detail, particularly when considering the specific support that will be given to businesses and the guidance that will be given to the sector.

I turn to other amendments in the group. I support amendments 25, 26, 33 and 37 in the name of Sandesh Gulhane. They seek to introduce proper checks and balances regarding the available capacity of HIS, which will be enforcing the bill. During stage 1, the committee heard concerns about resources and enforcement challenges as HIS is given new powers to enter, search and seize in registered premises. Therefore, it seems reasonable to ask that a review of HIS capacity is carried out, because enforcement is a large part of the bill.

The Deputy Presiding Officer: I call Stuart McMillan to speak to amendment 28 and other amendments in the group.

Stuart McMillan (Greenock and Inverclyde) (SNP): I lodged an amendment at stage 2 that introduced section 15A to the bill. However, after discussion with the minister, I would like to replace it with the more comprehensive provision in amendment 28, which covers what I actually want to establish. I thank the minister for working with me on the amendment.

Members have raised concerns about the lack of post-legislative scrutiny for many years, which is why I lodged my amendment at stage 2. Section 15A places a duty on the Scottish ministers to review the operation of part 1 within five years of section 3 coming into force. However, in recognition of the concerns that persist about the bill's impact on businesses, amendment 28 seeks to replace section 15A with a new section that will provide more detail on how such a review should be carried out.

The five-year period was chosen because the provisions of section 3 in part 1 will have been in place for a few years. With a fast-changing sector and new procedures being developed quickly, a review after five years will provide the Scottish Government with an opportunity to reflect on the changes and additions that are required to schedule 1 and section 3.

The review will have to look at the inclusion of all the types of procedures that are listed in schedule 1 and at the operation of part 1. That will include an assessment of the impact on businesses, the enforcement of the requirements in part 1 and any other matters that ministers believe to be appropriate. That could include other matters that members raised at stage 2.

Ministers will be able to delegate the carrying out of the review and the subsequent preparation and publication of the report to another individual or body if they consider that appropriate. However, whoever carries out the review will have to consult Healthcare Improvement Scotland, the chief constable of the police service and any other person or organisation that they consider appropriate. Ministers must also lay the report that is prepared before Parliament.

I am sure that we all want the same outcome, which is to ensure that procedures are performed as safely as possible. Amendment 28 will help to ensure that the legislation can be updated quickly, if required, after any review. I can see why Sandesh Gulhane lodged his amendments in the group, but I consider that my amendment covers his points, so I ask members not to support them. I urge members to support amendment 28.

Jenni Minto: At stage 2, I agreed that it was important to provide for a review, so I thank Mr McMillan for his amendment 28. It will strengthen the provisions of section 15A, which was inserted by his amendment at stage 2. It provides for a broad review at a point when it will be possible to fairly assess the bill's impact.

Given the rapidly changing nature of the sector, the Scottish Government will need to keep the procedures in schedule 1 under review so that the legislation remains effective and proportionate. Amendment 28 will provide an opportunity to review how effective the Scottish Government has been in doing that. It will also require the Scottish Government to assess and report on the operation of part 1, and particularly the impact on businesses and enforcement. I hope that members will support amendment 28.

I am also grateful to Ms Mochan for lodging her amendment 27 and for her support for the bill. Unfortunately, however, amendments 27 and 28 cannot co-exist. All the matters that Ms Mochan has raised should be part of any consideration of the impact on business, which will have to be assessed in a review under amendment 28. I also hope that my response to the amendments in group 5 reassures members, and Ms Mochan in particular, that support for business is at the forefront of the Scottish Government's mind.

Sandesh Gulhane's amendments 25 and 26 address enforcement by Healthcare Improvement Scotland. I understand the concerns that were raised at stage 1 about HIS's capacity to enforce the requirements in the bill, and I know that HIS is alive to those concerns. No legislative requirement is needed to ensure that HIS will be able to implement and enforce the bill. The Scottish Government will work with HIS to ensure that it can deliver what is required. That is critical, and I am happy to have the opportunity to repeat that.

Sandesh Gulhane: Can the minister reassure Parliament that HIS has the required resources to carry out what we are requesting of it?

Jenni Minto: As I have said, there will be an intense period of work between now and commencement, which will involve working closely with HIS to ensure that it has the right resources. It would be counterproductive to put in place an additional review requirement during that period, so I urge Dr Gulhane not to press amendment 25. I also urge him not to move amendment 26, because it is unlikely that data will be available within the specified timescale to assess the effectiveness of enforcement. That matter can be addressed in the review that is required by section 15A.

Amendments 33 and 37 are consequential to amendment 25, and I urge Dr Gulhane not to press them, either. In particular, amendment 37 would mean that the main provisions of part 1 of the bill could not come into force until the review of HIS's capacity was complete and had been laid before Parliament. That would risk delaying implementation of the bill and the safeguarding provisions of the offences, and it could prevent work on regulations from being progressed.

I urge members to support amendment 28 and I urge Ms Mochan and Dr Gulhane not to move or press their amendments in the group.

The Deputy Presiding Officer: I call Sandesh Gulhane to wind up and to press or withdraw amendment 25.

Sandesh Gulhane: I press amendment 25. We are very supportive of the amendments in the group.

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Findlay, Russell (West Scotland) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)

Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 45, Against 66, Abstentions 0.

Amendment 25 disagreed to.

Amendment 26 not moved.

Section 15A—Review of Part 1

Amendment 27 moved—[Carol Mochan].

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
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)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)

McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 65, Abstentions 0.

Amendment 27 disagreed to.

Amendment 28 moved—[Stuart McMillan]—and agreed to.

Section 19—Regulation-making powers

Amendments 29 and 30 not moved.

Section 19A—Regulations subject to the affirmative procedure: consultation

Amendment 31 moved—[Sandesh Gulhane].

The Deputy Presiding Officer: The question is, that amendment 31 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Eagle, Tim (Highlands and Islands) (Con)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
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)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Duncan-Glancy, Pam (Glasgow) (Ind)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)

Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 46, Against 67, Abstentions 0.

Amendment 31 disagreed to.

Amendment 32 not moved.

Section 20—Commencement

Amendment 33 not moved.

The Deputy Presiding Officer : Group 7 is on commencement. Amendment 34, in the name of Jeremy Balfour, is grouped with amendments 7, 35 and 36.

15:45

Jeremy Balfour: Amendment 34 is a small drafting amendment that intends to improve the clarity of section 20. As the section is currently written, subsection (1) could potentially be read on its own without clear reference to subsection (3), even though the two provisions are meant to work together. Amendment 34 would simply insert the words

"Subject to subsection (3)"

so that it is clear that subsection (1) must be read alongside the conditions that are set out in subsection (3). It would not change the policy underlying the bill. The amendment is purely about making the relationship between those two provisions clearer, so that anyone who interprets or applies it can more easily understand how the section is intended to operate. In short, it offers a straightforward clarification that would improve the bill's drafting and help to avoid any potential confusion. I hope that members will feel able to support amendment 34.

The purpose of amendment 36 is to introduce an additional safeguard in relation to the commencement of sections 1 to 14. As members will be aware, having heard this afternoon's debate, those sections contain the core provisions that will establish the new framework for the regulation of non-surgical cosmetic procedures, and they will play a central role in shaping how the system operates in practice. Given the significance of those provisions, it is important that necessary arrangements, guidance and regulatory structures are fully in place before those sections are brought into force.

Effective regulation depends not only on what is written in legislation but on the systems and structures that need to be implemented and ready to operate. Amendment 36 would therefore make it clear that the regulations that are made under subsection (2) to commence sections 1 to 14 cannot take effect unless the condition that is set out in the new subsection is satisfied. In practical terms, that would link the commencement of those key provisions to the readiness of a wider regulatory framework, rather than simply allowing them to come into force on a date that might not reflect whether the system is fully prepared to operate.

My intention is not to delay the implementation of the bill or to create unnecessary barriers to progressing it; rather, it is to ensure that, when the new regime comes in, it will be workable and enforceable. There is confusion among those in the business about how all this will work in practice. It would be far better to get everything correct now, so that people understand what they are doing before the bill is implemented. For that reason, I ask that members support amendment 36.

I move amendment 34.

The Deputy Presiding Officer : I call Brian Whittle to speak to amendment 7 and other amendments in the group.

Brian Whittle (South Scotland) (Con): A number of businesses currently operate without a Healthcare Improvement Scotland licence. The bill will require such a licence for certain procedures, in relation to which one was not previously required. The concern is that there will be an increase in the number of applications, which could create a decision delay that will force businesses to close for unknown and possibly extended periods of time while they await a decision, or perhaps even to cease trading altogether.

Healthcare Improvement Scotland said that it will need more resources in order to enforce the

bill's provisions. In evidence, Eddie Docherty of HIS said:

"To be honest, it is currently quite a long way away from being a self-financing process. The discussions with the Scottish Government about baseline funding will need to continue. We have the view that, as the system expands, we are likely to require more money to meet the requirements."—[*Official Report*, *Health, Social Care and Sport Committee*, 9 December 2025; c 41.]

Amendment 7 would allow the commencement regulations made under section 20(2) to include transitional, transitory or saving provisions.

I approached the minister to see what could be done, as we have seen such issues arise before—for example, when the new regulations for protecting vulnerable groups came into force and the demand from people in roles facing kids at summer camps and from pre-hiring processes in schools outpaced the time limit in Disclosure Scotland's service level agreement, which states that 90 per cent of applications should be processed within 14 days.

I am glad that we have found common ground here. The minister agreed that I had raised a valid concern and further noted in correspondence that she would not want to penalise any business that had done everything required of it to adhere to the new legislation.

The approach that we have settled on for amendment 7 would allow transitional provisions to be made in regulations, alongside and in advance of commencement of the bill. I hope that the minister can answer in the affirmative that this provision will be put in place if needed to ensure that businesses are able to trade without being criminalised if they have applied for a licence.

Jenni Minto: Although commencement of the bill will rightly be a matter for ministers in the next session of Parliament, my intention is for its key provisions to be commenced on 6 September 2027, which is the date from which the licensing scheme for lower-risk, non-surgical procedures will also take effect. Businesses will have until that date to adjust to the bill's requirements and, in that time, preparations will be made for its enforcement and implementation.

I took on board Mr Balfour's point that some businesses might be concerned that a future minister might bring forward the date for provisions on offences coming into force. I explained why that was unlikely. However, amendment 35, in my name, puts that beyond doubt by preventing the offence created in section 3—providing a non-surgical procedure outwith permitted premises—from coming into force before that date. I recognise that requiring any earlier date might be unduly difficult for businesses and that any later date would delay operation of the protections in the bill. I hope that that provides assurances to Mr Balfour and that members will support amendment 35.

I urge Mr Balfour not to press his amendments 34 and 36, which would delay the commencement of offences in other parts of the bill for 24 months. That is too long a wait. I also cannot support any provision that would prevent the Government from using regulatory powers until then. The Scottish Government intends to progress work on regulations during that time—for instance, in relation to training or supervision. Mr Balfour is looking to support businesses, but it is in businesses' interests that work on other regulations can be progressed—for example, under section 5 of the bill—before the creation of offences comes into force, to ensure that businesses have advance notice of requirements.

Amendment 7, in Brian Whittle's name, raises the important point that transitional provision in connection with the implementation of the bill might be needed. If many businesses register with Healthcare Improvement Scotland at the same time, there could be delays, and it would not be reasonable for businesses that were otherwise compliant to be forced to cease trading or to be criminalised due to an administrative delay. I hope that that will not occur, but, if it does, transitional provision might be required if applications are pending. It is therefore right that the commencement provision in section 20 of the bill be adjusted to provide scope for that protection to be included in commencement regulations, and I thank Mr Whittle for working with me on the amendment.

I ask Mr Balfour not to press amendments 34 and 36, but I urge members to support amendment 35 in my name and amendment 7 in Mr Whittle's name.

The Deputy Presiding Officer: I call Jeremy Balfour to wind up and to press or withdraw amendment 34.

Jeremy Balfour: I welcome Brian Whittle's amendment 7 and I hope that members will support it. I thank the minister for picking up the concerns that she mentioned in relation to amendment 35. However, I still think that there is real concern among those who are operating such businesses at the moment. It is all very well to say that we are going to talk to them and introduce possible solutions, but they have to face decisions about whether to renew leases, whether it is worth putting money into new equipment and whether to train new staff. As it stands, they have no guarantee at all that they will be here in 12 months' time. For that reason, I press amendment 34.

The Deputy Presiding Officer: The question is, that amendment 34 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dowey, Sharon (South Scotland) (Con)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Eagle, Tim (Highlands and Islands) (Con)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
McNeill, Pauline (Glasgow) (Lab)
Minto, Jenni (Argyll and Bute) (SNP)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Whittle, Brian (South Scotland) (Con)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Duncan-Glancy, Pam (Glasgow) (Ind)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Marra, Michael (North East Scotland) (Lab)
Mochan, Carol (South Scotland) (Lab)
O'Kane, Paul (West Scotland) (Lab)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 91, Abstentions 17.

Amendment 34 disagreed to.

Amendment 7 moved—[Brian Whittle]—and agreed to.

Amendment 35 moved—[Jenni Minto]—and agreed to.

Amendment 36 moved—[Jeremy Balfour].

The Deputy Presiding Officer: The question is, that amendment 36 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Ind)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Greene, Jamie (West Scotland) (LD)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (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)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
Findlay, Russell (West Scotland) (Con)
FitzPatrick, Joe (Dundee City West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
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Gosal, Pam (West Scotland) (Con)
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Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
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Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
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Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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Leonard, Richard (Central Scotland) (Lab)
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Lumsden, Douglas (North East Scotland) (Con)
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Maguire, Ruth (Cunninghame South) (SNP)
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Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
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Thomson, Michelle (Falkirk East) (SNP)
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Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Villalba, Mercedes (North East Scotland) (Lab)
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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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Rowley, Alex (Mid Scotland and Fife) (Lab)

The Deputy Presiding Officer: The result of the division is: For 6, Against 106, Abstentions 1.

Amendment 36 disagreed to.

Amendment 37 not moved.

Schedule 1—Specified non-surgical procedures

Amendments 8 and 9 moved—[Jenni Minto]—and 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 a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise of Scottish parliamentary elections. In the case of the Non-surgical Procedures and Functions of Medical Reviewers (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.

Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-21100, in the name of Jenni Minto, on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill. I invite those members who wish to speak in the debate to press their request-to-speak buttons, and I call the Minister for Public Health and Women's Health, Jenni Minto, to speak to and move the motion—up to seven minutes, please.

15:59

The Minister for Public Health and Women's Health (Jenni Minto): I am delighted to speak to the general principles of the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill. It is, I believe, an important bill that addresses important safety concerns. It is significant to those who will be impacted by it and to those who have already, sadly, been affected by the lack of regulation in the non-surgical procedures sector to date.

I will start by addressing part 2 of the bill, which makes important amendments to the Certification of Death (Scotland) Act 2011. These amendments extend the right to request an interested person review and update the provisions on authorising cremations and hydrolysis in Scotland when a death has occurred elsewhere in the United Kingdom. These measures ensure that relatives will have more opportunities to request a review and they also update the requirements for authorising cremations and now hydrolysis, avoiding duplication of those processes and reducing delays for families without undermining safeguards.

In considering the remainder of the bill, I want to start by reminding us why the bill came about, just as I did at stage 1. Concerns about cosmetic procedures were first raised more than a decade ago. The Scottish Government took steps and, in 2016, services provided by independent healthcare clinics, which included non-surgical procedures, came under the regulation of Healthcare Improvement Scotland.

Since then, the non-surgical procedures sector has continued to grow. Many people have had positive experiences with responsible and caring practitioners, but, as the sector has grown, so have the stories of people who have been harmed or injured. The regulation of independent clinics left a gap whereby non-clinical settings remained

entirely unregulated. In a minority of cases, that has had tragic results.

Alex Cole-Hamilton (Edinburgh Western) (LD): The minister refers to practitioners who go above and beyond in the qualifications that they seek out and the measures that they put in place to safeguard the people in their care. They are still none the wiser as to whether the bill, when it is finally implemented, will put them out of business. I hope that the minister will clarify to members—either in her remarks now or in her closing remarks—the Government's intention to work with the sector to find a way through all of this, so that, when the next Government implements the bill, it does not lead to the unnecessary loss of viable, high-quality businesses.

Jenni Minto: I thank Alex Cole-Hamilton for his intervention and I note again my disappointment that he has not engaged on the bill with me prior to this stage.

I thank members and their constituents who have tirelessly raised those issues with Government. I hope to hear from some of those members this afternoon, and I hope that those constituents are watching our progress. Most of all, I hope that the bill meets the challenge that they set out for us.

I am also grateful to the members of the Health, Social Care and Sport Committee, the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee, which have given the bill careful consideration. Their recommendations were balanced and reflective of the need to protect public safety while ensuring that our approach was proportionate and balanced. Likewise, the contributions of members who lodged amendments or who have spoken to me over the past few weeks are very much appreciated. I also thank the members of the bill team. Their determination and dedication to capture every detail required for the bill has been key to ensuring that the right balance has been struck.

The bill will make procedures safer for everyone. It will ensure that all procedures take place in appropriate hygienic settings, where healthcare professionals are involved in the provision or management of services and can assist if there are complications. It will also make it an offence to provide procedures to a person who is under 18. The bill is complemented by the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026, which establishes a local authority licensing scheme for lower-risk procedures.

I recognise that it is not possible to bring regulations to a fast-growing sector without causing some disruption to the businesses that are already operating within it. That was raised clearly in the stage 1 debate and had been raised with me well before that, too. I assure members that I understand the impact of the bill. I have considered it carefully and, in doing so, I have met currently unregulated businesses and have heard which aspects of our approach are most challenging for them.

In explaining my approach to those concerns, I recall some of Carol Mochan's comments from the stage 1 debate. In her carefully considered contribution, Ms Mochan stated that

"introducing further restrictions is a necessary step towards improving patient safety".—[*Official Report*, 5 February 2026; c 88.]

Many of the amendments today and at stage 2 sought to amend the bill to mitigate the impact of some of the requirements that the bill introduces. I urged members to resist those amendments not lightly but because they weakened aspects of the bill that are necessary to achieve our public safety aims.

Neither the provisions in the bill nor our plans for future regulation go as far as some members would like, and they do not restrict procedures as much as in many European or comparator countries. However, I was not prepared to endorse proposals that I did not think were absolutely necessary. As a result, I believe that the bill that we are voting on today is a balanced one that will achieve public safety aims, especially the protection of under-18s, while protecting the space for a thriving sector.

To Mr Cole-Hamilton's point, the journey towards a safe, regulated and thriving sector does not end with this bill. I will take this opportunity to set out what I think must come next. In particular, I will set out how the Scottish Government should work with businesses in both the regulated and currently unregulated parts of the sector. Clear information is needed for all businesses. If the bill is successful, officials will host a webinar for businesses before the start of the pre-election period, to explain the bill as amended today and more about what it means. Further information, guidance and advice on seeking support will also be produced.

I expect the Scottish Government to work with businesses and the associated industry in setting training and qualification standards and in considering the requirements of Healthcare Improvement Scotland registration, to ensure that there are no unnecessary hurdles for businesses. I do not know what will be the composition of the Parliament that oversees the implementation of the bill if it is passed, but I am sure that that Parliament will hold the Government to account on all those matters.

Once again, I thank the committees, members, business owners, providers and clients whose input has helped to shape the legislation.

I move,

That the Parliament agrees that the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill be passed.

16:06

Sandesh Gulhane (Glasgow) (Con): As far as the part of the bill on certification of death is concerned, we agree with it.

I begin with a declaration of my interest as a registered general practitioner. I am registered with the General Medical Council.

At its core, the legislation is about one fundamental principle: patient safety. At the moment, in parts of the non-surgical cosmetics sector, that safety is far too inconsistent. To put it bluntly, in some areas, the situation resembles the wild west. Yes, there are genuinely good businesses, but there are also shocking ones that perform botched surgeries. That would be unacceptable in absolutely any other area of healthcare, yet, for far too long, that is, in effect, what we have allowed to develop. The procedures that we are discussing are often presented as simple, routine beauty treatments, but, in reality, they involve needles, injections, prescription-only medications such as botulinum toxin and substances being injected under the skin. When something goes wrong, the consequences are not trivial; they include permanent scarring, tissue damage, severe infection, psychological trauma and emergency hospital treatment—and when complications occur, it is the national health service, which is under immense pressure, that ends up treating the patient.

It is worth remembering that botulinum toxin is derived from one of the most powerful biological toxins known to science. Used correctly, in the right hands and the right clinical setting, it can be administered safely. The key words there are “correctly” and “safely”—that means trained practitioners, appropriate clinical environments and proper safeguards. However, at present, some procedures are carried out in in settings that could never be described as, or considered, acceptable in any other part of healthcare. We hear about fizz and filler parties, at which you can get your Botox and your fillers while drinking champagne; treatments delivered from spare rooms in houses; and procedures performed in hotel rooms or pop-up settings with little clinical oversight. No one in this chamber thinks that it would be acceptable to receive antibiotics or other medicines from someone who was not properly regulated and insured and working in a safe clinical environment, so why do we accept that injectable cosmetic treatments are treated so differently?

I want to be clear that many practitioners who work in the sector take their responsibilities extremely seriously. They operate from clean, sterile environments, follow proper consent procedures and understand how to recognise complications. I have every sympathy with those practitioners. In fact, many of them support stronger regulation, because they are frustrated at being undercut by individuals who complete a very short training course and immediately begin carrying out invasive procedures. Proper regulation should be seen not as an attack on the sector but, rather, as protecting the reputation of responsible businesses and creating a level playing field. Yes, regulation might bring additional costs, but the reality is that good practitioners are already meeting those high standards and regulation is aimed at raising the floor. It ensures that poor practice must not and cannot continue unchecked. Above all, this is about protecting patients.

We also know that there are cases in which procedures go beyond cosmetic injections. There have been reports of practitioners removing moles or skin lesions without ensuring that samples of them have been properly examined. That raises serious concerns about misdiagnosis, including of skin cancer. Even as a GP who sees skin lesions all the time, I refer any lesion that I am unsure about to dermatology. When we remove lesions, we send them to histology to ensure that our assessment is correct and to ensure that a cancer has not been missed. There is no safety mechanism in the bill to address that risk. Again, this is not a minor issue; it is a matter of potentially life-saving clinical practice.

The truth is that we are a decade behind where we should be in regulating the sector. The popularity of non-surgical cosmetic procedures has grown rapidly, but the regulatory framework has not kept pace. Therefore, the bill is a very important and necessary step. It recognises that, if a procedure pierces the skin, involves injectable substances or uses prescription-only medication, the standards governing that practice must reflect the clinical risk that is involved.

However, what is aimed for through the legislation will be achieved only if it is properly implemented. If we are serious about regulation—and I am—Health Improvement Scotland must have the necessary resources to enforce it effectively. Without that capacity, even if the legislation is drafted to the highest level, HIS will struggle to deliver what the patient requires and the protection that we intend.

The bill is not about restricting innovation or closing down responsible businesses; it is about bringing order to what has often resembled the wild west.

16:11

Carol Mochan (South Scotland) (Lab): Scottish Labour's approach to the bill is that patient safety should be our number 1 priority. We recognise that businesses in the sector provide services in a professional manner and in a professional environment, but the non-surgical procedures industry currently operates largely unregulated and has been in need of regulation for some time.

During its evidence gathering at stage 1, the committee heard of fizz and filler parties and of people being injected or given treatment in the back of taxis and in sheds. Premises that administer injectable procedures are not regulated in a way that the public should expect, and there is limited oversight of risk to consumers' safety and wellbeing.

Right now, we rely on businesses to provide services in a safe and hygienic setting, but the reality is that those premises are not regulated and we have no way of distinguishing the good practices from the bad. The bill will correct that. Scottish Labour supports the regulation of the non-surgical procedures industry because it will bring the industry under the scope of HIS, ensuring oversight and regulation of premises.

The bill will strengthen not only standards across the sector, but accountability and safety. We are aware of the concerns that industry has raised about the impact that the changes will have on business models and operations. That is why we supported amendments that provide for a phased implementation and a review of the operation and enforcement of the act. We have also supported amendments to ensure minimum training and qualification standards for those who provide procedures as the bill comes into force, and we hope that the amendments that we supported are realistic and that their timelines are proportionate.

If the bill passes, it is hoped that existing providers will be able to adapt their practices to continue delivering their professional services, and I know that the minister is committed to that. It is important that future Governments ensure that current providers of non-surgical procedures have good access to training and support with a sufficient adjustment period, and amendments that were lodged by members from across the chamber have sought to ensure that.

These procedures are not risk free. We want fair and appropriate regulation to ensure the highest standards in patient safety. We also want to protect children and young people from both access to and the appeal of such services.

I welcome the bill, which takes important steps towards ensuring that regulation, enforcement and accountability are brought into the sector. If it passes, the bill must be balanced with support, training and guidance for the industry ahead of implementation. We thank colleagues for the cross-party work that has gone into the bill.

16:14

Gillian Mackay (Central Scotland) (Green): I begin by extending my thanks to the legislation team, which, as always, has been incredibly helpful and responsive throughout stages 2 and 3. A special mention from me must go to Cleft Lip and Palate Action, which worked with me on my amendments at stage 2; I know that the bill is stronger as a result of its involvement. I also thank all the constituents and business owners who shared their thoughts with me. I appreciate that we were often approaching the bill from different viewpoints, but it was incredibly useful for me to hear their position on particular amendments and how they would be affected by them, so that I could make considered judgments.

As others have said, the bill will create a safer environment for everyone who is involved in non-surgical cosmetic procedures. It sets out what is required of businesses and practitioners and what consumers can expect in terms of safety standards. It is a vast improvement on the current situation, in which Scotland is described as the worst country in Europe for unqualified practitioners injecting customers with cosmetic treatments. It will also protect children and young people by introducing a minimum age of 18 for undergoing procedures. That is as vital, given that Advice Direct Scotland recently warned that children as young as 15 were seeking help following botched treatments with Botox and dermal fillers.

As I highlighted in my speech at stage 1 of the bill, the Royal College of Surgeons of Edinburgh warned:

> "Facial structures continue to develop into early adulthood, and starting these procedures from a young age can have long-term effects. Procedures such as dermal fillers and Botox too young can lead to muscle atrophy and tissue damage and should rightfully only be available to those over the age of 18."

It is right that the bill will instate a strict age limit, and I am pleased that we have cross-party agreement on that.

Robust discussions have taken place at stages 2 and 3, with differing views on how to get the balance right between protecting consumers and supporting businesses. I have maintained

throughout that patient safety must be the overriding concern. I believe that the bill upholds that, and I am glad to see that attempts to weaken it have not passed. There are concerns that regulation could drive rogue practitioners underground, but we cannot use that as an excuse not to act. The bill is proportionate and fair, and I believe that it represents a significant step towards eradicating unsafe practices in the cosmetics industry. However, we must ensure that the next Government engages with those businesses that have provided the procedures with care so that they continue to be supported.

Although the procedures covered by the bill may seem routine or non-invasive, complications can be severe. Last year, the BBC reported that people who have cosmetic filler injections in their face should be warned of the risk of a dangerous complication involving blocked arteries that can lead to skin loss and even blindness due to damaged blood flow. The researcher on the study, Dr Rosa Sigrist, said that, although they are uncommon, such vascular occlusion events, where the filler is injected into or too close to blood vessels, can be "devastating" because they can cause tissue death and facial deformity if they are not treated.

Cosmetic procedures should, therefore, not be undergone lightly, and it is essential that those who perform them have the right skills, experience and—crucially—supervision. Given the dangers that are posed by some cosmetic procedures, we need robust and effective regulation. I believe that the bill delivers that.

16:18

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by clarifying that the Liberal Democrats have sought to engage with the bill. It is unfortunate that the minister and I could not make our diaries align so that we could meet directly on it. I am grateful for her offer to do so, and I will take that up if there is time before the dissolution of Parliament. I will certainly work with whoever the minister in charge is in the next session of Parliament to make sure that the legislation works for everyone.

The bill brings forward important reforms that are necessary. Its intention is to strengthen public safety and, by so doing, improve confidence in the sector and in the regulation of non-surgical cosmetic procedures. We will support it at stage 3. However, I repeat the caveats that I made in my intervention on the minister and in my earlier remarks in relation to Ash Regan's amendments: we must not plough on with this legislation and send to the wall those high-quality businesses and professionals who have sought to get the maximum qualifications and deliver the highest quality of service that they can.

As we know, part 1 of the bill addresses higher-risk procedures that appear to penetrate the skin, including treatments such as dermal fillers, botulinum toxin, thread lifts and deep chemical peels. Those procedures are often marketed as routine or low risk, but when they are carried out incorrectly or by people without adequate training, the harm can be serious, lifelong and deeply distressing.

For too long, regulation in the area has been fragmented and unclear. There has been no single framework that sets out where such procedures can take place, who is qualified to perform them and what minimum standards should apply in their administration. That lack of clarity benefits no one—neither patients nor responsible practitioners. For those reasons, Scottish Liberal Democrats have supported the principle of regulation at every stage as the bill has progressed through the Parliament.

We believe that the move towards a more risk-based and proportionate framework, with a distinction between higher-risk procedures and lower-risk ones, is sensible. Likewise, restricting higher-risk procedures to appropriate premises, providing proper oversight, prohibiting procedures for under-18s and giving Healthcare Improvement Scotland inspection and enforcement powers are all important steps forward.

However, I reiterate that we still have concerns about the bill's potential impact on trained practitioners who are currently operating safely and responsibly. Those practitioners also want regulation and bad actors to be removed from this field of work. Throughout the committee's scrutiny of the bill, we heard consistent evidence that many practitioners in the sector have, at massive personal cost, invested heavily in training, qualifications and professional standards under the existing system.

As I said, many of those practitioners support regulation, because they want bad actors to be removed and confidence to be strengthened. However, there remains the risk that, if the system is implemented with the inflexibility that we saw at stage 1, some responsible practitioners—many of whom are self-employed—in the largely female-led sector could find themselves regulated out of the profession altogether. I do not think that any of us wants that to happen. I am gratified that I think that I saw a chink of light in the minister's remarks, in that, through regulation and the bill's implementation phases, her Government will work with the sector on a more rational implementation.

An inflexible approach would not improve safety; it would simply remove skilled providers and risk

pushing activity outside the regulated system. If we do not get this right, some of the procedures will still take place, but in a black market setting and at higher risk. As the framework that the bill will introduce is implemented, it will be important for the Government to engage closely with practitioners—I am glad that we have heard that today—to keep the framework under review and to ensure that the regulations remain proportionate, workable and focused on patient safety.

Scottish Liberal Democrats will support the overall aim of improving safety and strengthening oversight, but we offer the caveat that we must protect hard-working and well-qualified practitioners who just want to protect their businesses.

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

16:22

Stuart McMillan (Greenock and Inverclyde) (SNP): The bill is important, as the sector that we are looking to regulate has grown vastly in recent years. Today, the Parliament is being asked to support crucial legislation that will provide many safeguards to protect consumers.

Since the issue was first raised with me by my constituent Jill Best in 2018, I have been on a learning journey. I was surprised by how lax the regulations were for non-medics. For trained medics who went into the sector, the hoops that had to be jumped through from Healthcare Improvement Scotland were strict, and so they should have been. However, there clearly has not been a level playing field, and the bill will enable the state to catch up.

As a result of my amendment on a review after five years, which was agreed to at stage 2, and the stage 3 amendment 28, which improves the provision, future Governments will have the opportunity to try to keep pace with an ever-changing and fast-changing industry. Fundamentally, the sector is here to stay, so regulations are a must to safeguard consumers.

I appreciate that not everyone will support the bill. There are non-medics who are highly trained, and the minister was clear about that at stage 2 and as we discussed the stage 3 amendments. However, ultimately, we need to guarantee that the sector will protect our constituents, and the argument on the importance of having a healthcare professional on site is compelling.

I will not take my full four minutes of speaking time, because I have spoken throughout the process, including in the stage 1 debate. However, first, I want to thank the minister for her engagement and my constituent Jill Best for raising the issue with me in the first place.

I appreciate that ministers are bombarded daily with requests for help, with many things being highlighted to them, but the fact that I have been raising it for almost eight years shows that the issue was not going to go away. Clearly, Covid-19 stopped any momentum on the issue, but the minister has always been willing to listen and engage, and I pay tribute to her for that.

The round table hosted by Miles Briggs was a turning point, when the minister and everyone else in the room heard at first hand how a botched treatment had affected someone. I therefore thank the minister for listening, engaging and acting. The sector and the wider public will be safer as a result.

Secondly, my thanks go to my constituent Jill Best. I had never met Jill until she got in touch with me to raise her concerns about this particular issue. After reading more about it and engaging with her further, I knew that she was passionate about the industry and also about sharing best practice. Jill's actions and campaigning have brought about the bill. Others have helped greatly along the way, but I want to pay tribute to her. It shows that any person in Scotland can help to change the law. Jill's actions will ensure that that happens today, and I ask members to thank Jill and the minister, and to vote to support the bill this afternoon.

The Deputy Presiding Officer: Thank you, Mr McMillan. We now move to the closing speeches.

16:25

Carol Mochan: I thank all of those who have participated in this debate for their cross-party working. I also thank the clerks and the bill teams for their work throughout.

As I mentioned in my opening speech, Scottish Labour's approach to the bill has consistently prioritised patient safety. The growth in the non-surgical procedures industry has highlighted a worrying gap in essential regulation to protect people and providers who deliver professional and safe services. This is a growing industry and the public and professional bodies want that to be reflected. The bill offers a chance to introduce national standards and expectations and, in the long term, it will ensure that patient safety is prioritised.

We want all services to be as safe as possible. I take the opportunity to put on the record again that we in Scottish Labour recognise the good practice that currently exists in the sector. However, we currently have no way of identifying the good from the bad and there are clear cases of hygiene and safety standards not being met, which is why the

bill is so important. The sector has grown rapidly and, given the fact that these services and procedures are so widely available and easily accessible, the legislation is welcome.

It is not for us to determine how a person chooses to present themselves, but the Parliament has a responsibility to ensure that public safety is protected and that necessary safeguards and regulation are in place. The bill will create an offence of providing procedures to people under the age of 18, which is welcome and long overdue. We know that such procedures are not suitable for young people and that they can have damaging and long-term consequences. The bill will improve accountability when things go wrong and give us an important opportunity to raise the public's awareness of and educate people about the standards that they should be looking for before undergoing procedures with associated risks.

Although we support the bill, we also recognise the reservations and concerns that were expressed by those in the industry who support regulation but are seeking reassurance in support and guidance. Scottish Labour supported a number of amendments that sought phased implementation and review of the operation and enforcement of the act. We will continue to scrutinise the legislation in the sessions to come to ensure that its implementation and future regulations are balanced with support, training and guidance for the industry.

16:28

Brian Whittle (South Scotland) (Con): I rise to close the stage 3 debate on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill on behalf of the Scottish Conservatives. This is a significant piece of legislation that seeks to bring much-needed order to two different yet equally vital areas of Scottish life—the rapidly expanding aesthetics industry and the sensitive processes surrounding the certification of death.

I turn to part 1 of the bill. We must acknowledge that Scotland's non-surgical sector is a genuine success story. It is a fast-growing industry and, notably, it is predominantly female owned and led, and we should celebrate that. However, for too long, the sector has operated in a regulatory vacuum. The absence of a robust framework does a disservice to many high-quality professional businesses that operate across our communities. When untrained individuals use unlicensed products in unvetted settings, it does not just put the public at risk, it undermines the reputation of responsible professional providers who strive for excellence.

Working alongside the Civic Government (Scotland) Act 1982 (Licensing of Non-surgical Procedures) Order 2026, the legislation will allow for a two-tiered approach that is proportionate to risk level. Low-risk procedures, such as superficial chemical peels or microneedling at shallow depths, can be regulated through premises-based licensing. Higher-risk procedures, such as Botox, thread lifts and deeper chemical peels, will rightly require a clear focus on the competence and oversight of the individual who is administering the treatment.

Although consumer safety is at the heart of the bill, applying regulation to an established and diverse industry for the first time is a complex challenge. We have to strike the right balance: if we move too fast or burden businesses with an excessive bureaucratic process, we risk creating a flawed system that can be exploited by unscrupulous operators, and that might deter professionals from working in the sector.

I have been clear throughout this process: we need well-designed regulations that improve safety for customers without making compliance an impossible financial or administrative burden for reputable businesses.

The Scottish Government needs to go further. It needs to heed the warnings from the Federation of Small Businesses. In developing the regulations, there is more work to be done alongside small businesses, such as remote clinical oversight or a national accreditation pathway for trained non-medical practitioners. Small businesses are not short on solutions; they just need a Government that is willing to listen to them.

Part 2, which amends the Certification of Death (Scotland) Act 2011, is a less contentious but deeply important part of the bill. By expanding the types of medical certificates of cause of death that can be reviewed, we provide greater clarity and reassurance for grieving families.

The bill is a step in the right direction. If we can get the regulations right—making them proportionate, workable and focused on safety—we can support innovation, protect customers and provide a solid foundation for the sector's future.

16:31

Jenni Minto: I thank all colleagues in the chamber for their constructive comments on part 1 of the bill.

Stuart McMillan is absolutely right: when we are confronted by someone who has been impacted by some procedure, it highlights the change that it has made to some people's lives. I, too, thank all MSPs who have engaged with me and the bill team.

I welcome the comments on patient safety and on the importance of having the right setting for delivering safe care, which was mentioned by everybody who spoke in the debate. It is crucial that the procedures that are regulated by the bill are delivered in safe, hygienic settings, where providers have support from healthcare professionals and access to emergency medications where required. The bill delivers those safe settings for all procedures. As Carol Mochan says, it will strengthen standards.

I very much thank Dr Gulhane for his engagement on the bill. I have found it incredibly helpful and challenging, and I appreciate the suggestions and proposals that he has made throughout the work on the bill. I also thank Gillian Mackay for her comments and her wider engagement, specifically on cleft palate, and in particular for her comments on under-18s.

I also wish to address the comments that were made by a number of people about the impact on businesses. I was clear in my opening speech that I do not take those impacts lightly, and I am confident that the bill is necessary to protect public safety. Nevertheless, I expect the Scottish Government to continue to work closely with businesses to mitigate the impact wherever possible.

We are proposing to commence offences under the bill in September 2027, giving a good lead-in for all concerned and time for businesses to adapt. I will highlight one very helpful meeting that I had recently, which was hosted by Davy Russell and included some of Fulton MacGregor's constituents. We discussed the impact of regulation 12(b) of the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011, which requires that a suitably qualified healthcare professional will be

"working within the independent health care service whilst service users are present".

That would include an independent clinic or hospital that falls within the definition of "permitted premises" in section 4 of the bill. I have instructed officials to consider that requirement, and particularly the requirement for healthcare professionals to be on site at all times in relation to businesses that offer a mix of procedures that are regulated by the bill and other beauty treatments or licensable activities. I hope that Brian Whittle and Alex Cole-Hamilton will recognise that the Government is listening.

Colin Beattie talked about establishing a professional body for non-healthcare-professional practitioners. As he commented, that is not something that the Scottish Government can specifically do. However, we would be happy to facilitate introductory discussions between the Professional Standards Authority for Health and Social Care and a representative group wishing to establish a register of practitioners with a view to accreditation in the future.

I thank all members for their contributions. Intervention to regulate a growing and changing sector is not easy, so I have welcomed the support and the constructive challenge that I have received.

I am also grateful for the careful consideration given to part 2 of the bill, even though that has not been the focus of today's debate. In my time as Minister for Public Health and Women's Health, public safety has been my absolute priority, and the bill delivers its public safety aims in a proportionate way. I am, again, thankful to Stuart McMillan and others who regularly met me to discuss the impact that the matter has had on their constituents.

As I said in my opening speech, I believe that the bill that we will vote on today is a balanced one that will achieve public safety aims, especially the protection of those under 18, as was noted by Gillian Mackay and Carol Mochan, while protecting a thriving sector. The bill has benefited from contributions from across the chamber and I hope that members of all parties will join me in voting for it at decision time today. I urge the Parliament to support the bill and to pass it into legislation.

The Deputy Presiding Officer (Liam McArthur): That concludes the debate on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill at stage 3.

Business Motion

16:36

The Deputy Presiding Officer (Liam McArthur): The next item of business is consideration of business motion S6M-21113, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Building Safety Levy (Scotland) Bill at stage 3. Members who wish to speak to the motion should press their request-to-speak buttons now.

Motion moved,

That the Parliament agrees that, during stage 3 of the Building Safety Levy (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended or otherwise not in progress:

Groups 1 and 2: 50 minutes

Groups 3 and 4: 1 hour 5 minutes

Groups 5 and 6: 1 hour 15 minutes—*[Graeme Dey]*

Motion agreed to.

Building Safety Levy (Scotland) Bill: Stage 3

16:36

The Deputy Presiding Officer (Liam McArthur): The next item of business is stage 3 consideration of the Building Safety Levy (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament Bill 73A—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 stage 3. 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 place RTS in the chat function as soon as possible after the group has been called.

Members should now refer to the marshalled list of amendments.

Section 1—The Scottish building safety levy

The Deputy Presiding Officer: Group 1 is on the application of the levy, exemptions and reliefs. Amendment 6, in the name of Michael Marra, is grouped with amendments 7 to 10, 5, 15 and 18.

Michael Marra (North East Scotland) (Lab): Scotland has been in the grip of a housing emergency for years. Even the Scottish National Party Government acknowledged in May 2024 that that was the case, although it must be said that, almost two years later, not much has changed. House-building figures in December 2025 showed the numbers of both new-build starts and completions falling, with social sector starts hitting the lowest point since records began and affordable housing completions down by 23 per cent.

That all has real consequences. Statistics published last month showed that the number of children living in temporary accommodation was at a record high of 10,484 for the period being reported on. The number of open homelessness applications was also at a record high and rough sleeping is at its worst in two decades. That is the context in which the SNP Government is bringing forward this bill.

During stage 1 evidence, the Finance and Public Administration Committee repeatedly heard about the potential for the levy to damage an already precarious house-building sector in Scotland. The possible introduction of a levy with as-yet-

unknown rates is deeply destabilising for a market that needs certainty to plan and make decisions for the long term. Across the sector, house builders are making decisions now about where and how much to build, but they cannot do that with the uncertainty of a levy hanging over them.

I place on record my thanks to Homes for Scotland and others in the sector who have engaged constructively on the bill and have supported the drafting of amendments, including some that I will speak to today.

My amendment 6 would give a firm guarantee that any construction or conversion work begun before 1 April 2028 will not be subject to the levy. It seeks to give some certainty to the sector so that house builders can get on and build now instead of choosing to sit it out for two years, waiting to see what a future Government might or might not do.

Appearing before the Finance and Public Administration Committee on 18 November 2025, the minister stated:

"the commencement date for the levy will be deferred by one year, to April 2028."—[*Official Report, Finance and Public Administration Committee*, 18 November 2025; c 42.]

I believe that the amendment can be agreed to in keeping with that commitment. The minister did not support a similar amendment that I lodged at stage 2, but I hope that, in the intervening period, he will have reflected on the risks that the legislation could pose to Scotland's already fragile house-building sector.

I turn to the other amendments in the group. I recognise that Meghan Gallacher's amendment 7 has a similar intention to my amendment 6. I look forward to hearing the debate, and I note that, if the Government is willing to support amendment 7 instead of my amendment, I would be willing to support it, too.

Michelle Thomson's amendments 8, 10 and 15 seek to exempt from the levy properties that are sold to first-time buyers. I trust that Michelle Thomson has met the minister since stage 2, and I hope that the Government will be able to support those amendments.

Liz Smith's amendments 9 and 18 would exempt historic listed buildings from the levy, which we on the Labour benches would support.

Ivan McKee's amendment 5 will require ministers to lay before the Parliament for approval a Scottish statutory instrument relating to reliefs. It is right that the Parliament should have the chance to scrutinise those reliefs, so we will support amendment 5, too.

I move amendment 6.

Meghan Gallacher (Central Scotland) (Con): Amendment 7 is similar to the amendment that I lodged at stage 2. It relates to transitional arrangements. The amendment would exempt from the levy a new residential unit where a building warrant application has been submitted on or before 1 April 2028—in other words, where a development has progressed before the legislation's commencement date. The approach matches the established principle that regulatory treatment follows the rules that are in force at the time of a building warrant application, and it recognises the significant up-front investment in viability decisions that are taken without published levy rates.

Home builders have been clear in explaining that development does not simply start when the foundations are cut. There are years of planning processes, as well as investment, before buildings are constructed. The liability date ignores the investment in the land deal, ground investigations, planning costs and professional fees for design that a developer has already borne before they start building and well before the building is completed.

A retrospective levy risks stalling delivery and hindering much-needed investment. I am certain that the minister does not wish the building of homes to be stalled, considering that the next Government needs to deliver at pace to tackle the housing emergency that Michael Marra has just outlined in his speech.

The minister has agreed to provide 22 months' notice of rates from June this year, but there has been no consideration that developers will already have appraised and agreed land deals without taking into account the fact that the levy will come into effect from April 2028.

Homes for Scotland has been crystal clear that, without transitional arrangements in place, neither it nor the wider sector can support the bill in principle. I take the opportunity at this point to thank Homes for Scotland for its support and engagement throughout the passage of the bill.

It is for those reasons that I urge the Parliament to agree to my amendment 7 or to amendment 6 in the name of Michael Marra. I believe that both amendments attempt to resolve the outstanding issues. I will leave my remarks there.

Michelle Thomson (Falkirk East) (SNP): I rise to speak to amendments 8, 10 and 15 in regard to a crucial part of the residential housing market: first-time buyers. At stage 2—I stand by this—I noted

"the vital role of first-time buyers in keeping the housing market viable"

and said that they

"drive demand and create a ripple effect, free up homes for rent, support economic growth, support a balanced market and play into balancing sustainable communities."—[*Official Report, Finance and Public Administration Committee*, 10 February 2026; c 35.]

Given the importance of first-time buyers, I hedged my bets and, therefore, lodged three amendments at stage 3. I do not intend to move amendments 8 or 10, but I will move amendment 15.

Amendment 15, through the introduction of the word "partial" and by the use of regulation-making powers, recognises that the minister has consistently stated the Scottish Government's concerns around quantum. It was helpful at stage 2 to have on the record the fact that 22 per cent of new-build sales are to first-time buyers. Arguably, that percentage could be more if the measures that the Scottish Government undertakes come to fruition.

My final point is that, as a minimum, enabling a partial relief is vitally important to developers—particularly small and medium-sized enterprise developers, who play their part in enabling sustainable communities. We need to support SMEs to have a continued focus on the first-time buyer market. It is much easier for them to go for the step-up market, because, in that area, access to finance is easier and quicker, transactions are larger and margins are better.

I thank the minister for his open-mindedness, flexibility and engagement on the matter.

16:45

Liz Smith (Mid Scotland and Fife) (Con): As the minister knows from stage 2, I have concerns about whether people involved in the conversion of historic buildings will face specific unintended consequences as a result of the imposition of the building safety levy, mainly because projects of that nature are not usually speculative and they tend to be a more expensive way of producing new homes. However, importantly, the conversion of historic buildings into new homes delivers a wider public benefit, which the Parliament has supported in other ways regarding the historic buildings issue.

At stage 2, the minister agreed that the Parliament should seek ways to support such conversions, but he was concerned that a perverse incentive might be created in the system for people to seek listed building status for buildings in order to avoid paying the levy.

Paul Sweeney (Glasgow) (Lab): It is important to note that Historic Environment Scotland has very high thresholds for designating and listing buildings and that it would be unusual for it to grant such status on a whim.

Liz Smith: I understand that but, in relation to our engagement at stage 2 and particularly what the Parliament has said on other issues relating to historic buildings, I was interested to tease out with the minister where the specific issues might lie. The minister agreed that we should meet to discuss that, and we did so on 26 February. At the end of that meeting, he said that he or his officials would come back to me before the deadline for lodging stage 3 amendments. That never happened, so I re-lodged my amendments to ensure that I would be satisfied by the minister's intentions.

The Minister for Public Finance (Ivan McKee): I thank members for their engagement with and scrutiny of the bill so far; in particular, I thank those members who met me in advance to discuss their proposed amendments. I hope that, as we did at stage 2, we will be able to continue to engage constructively today.

On group 1, I invite all members to support my technical amendment 5, which seeks to update provisions relating to the regulation-making powers on reliefs to reflect the position that was agreed at stage 2.

Amendments 6 and 7 seek to delay implementation of the levy. As was the case when the amendments were lodged at stage 2, the Government cannot support them. I have already delayed commencement of the levy to April 2028, and I have committed to publishing indicative rates in June this year. That gives developers nearly two years' advance certainty about their levy liabilities. My view is that that provides sufficient notice for them to plan their affairs accordingly.

I have, however, received representations from the Scottish Property Federation that some of the flexibilities that we have built into the design of the tax will not affect developers of built-to-rent and purpose-built student accommodation in the same way that they will affect other parts of the tax base. Although I was unable to support Michelle Thomson's amendments at stage 2 to put in place permanent payment flexibilities for those developer types, I am prepared to consider what payment flexibilities can be put in place during the first few years of the levy. The Government will therefore work with industry to consider the scope of any payment flexibilities and with Revenue Scotland to ensure that any increased risk to revenue can be managed with appropriate safeguards.

Amendments 8 and 10 seek to introduce an exemption for property that is sold to first-time buyers, while amendment 15 seeks to deliver a similar effect via a relief for first-time buyers. As I set out at stage 2, those provisions would be complex to administer. There are also concerns

about the drafting of amendments 8 and 10, and I was glad to hear that Michelle Thomson will not move them. However, following on from the engagement with her, the Government will work with partners to consider and test a mechanism for providing relief to first-time buyers. To that end, I intend to support amendment 15 as a vehicle to deliver that aim.

Liz Smith's amendments 9 and 18 seek to introduce an exemption for heritage buildings. As I set out when the amendments were lodged at stage 2, I am sympathetic to the aim of protecting conversions, but the Government is unable to support the amendments as drafted. However, I am happy to set out to Parliament my intention to consider a broader relief for conversions using the regulation-making powers in section 11. That will be in addition to the minimum 50 per cent brownfield relief that we have included in the bill. The Government will consult stakeholders on the scope and definition of relief for brownfield sites and conversions as a whole—not just listed buildings—before bringing regulations to Parliament in the next session. I hope that Liz Smith will support that commitment, and I ask her not to move amendments 9 and 18.

Patrick Harvie (Glasgow) (Green): I will briefly express a little surprise, if that is not too strong a word, at the number of members who seem to accept the talking points of the construction industry's lobbying as though they were the unquestionable truth. The house-building industry has a long history of treating every increase in taxation, regulation or building standards as though it will be the end of that industry; however, it never plays out in that way. The minister could have done a slightly stronger job of defending the principle of his bill during stage 2, and I hope that he will not accept too many amendments at stage 3.

The Deputy Presiding Officer: I invite Michael Marra to wind up and to press or withdraw amendment 6.

Michael Marra: At the outset, I am disappointed that the minister has not recognised the context in which we address the bill. He has spoken no words at all on the scale of the housing emergency in Scotland, and there has been no recognition that any further intervention in the housing market has to be on the basis of that context, which we must address appropriately. Little should be said about Patrick Harvie's parallel universe, in which none of this is happening at all, but the minister should be able to bring forward a cogent analysis of the impact that the bill might have. However, I am afraid that he has not proceeded on that basis.

John Mason (Glasgow Shettleston) (Ind): Does Michael Marra accept that the Parliament has been put into a bit of a corner by Westminster and that we have had to have such a bill, which might not have been ideal?

Michael Marra: No, I do not really accept that. At the moment, the limiting factor on the rate of our delivery of cladding improvements in Scotland is not the availability of money. The sum of £100 million in Barnett consequentials came to the Scottish Government, and only a tiny fraction of that has been spent. Other issues are perhaps preventing the Government from making progress. The reality is that it has sought to realise a certain amount of money as an equivalent to what has been raised in the rest of the United Kingdom. That did not have to be its approach.

I also say to John Mason that the housing market in Scotland is different from that in other parts of the UK. I would have thought that he would wish to recognise that, as he seeks autonomy in almost every respect at every moment. That difference must be recognised.

Michelle Thomson: As a point of accuracy, surely Michael Marra recognises that it is complete nonsense to use population share to arrive at a figure of £30 million.

Michael Marra: Michelle Thomson is correct that the Government has pursued the matter on a completely nonsensical basis. The £30 million is the Scottish Government's figure. Nobody else has insisted on the realisation of a quantum of £30 million annually, which will accumulate. It is absolutely clear that that is the Government's approach.

I press amendment 6.

The Deputy Presiding Officer: The question is, that amendment 6 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

As this is the first division of stage 3, I will suspend proceedings for around five minutes, to allow members to access the digital voting system.

16:53

Meeting suspended.

16:58

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 6. Members should cast their votes now.

The vote is closed.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. I am afraid that my app would not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

Fulton MacGregor (Coatbridge and Chryston) (SNP): On a point of order, Presiding Officer. I could not connect. I would have voted no.

The Deputy Presiding Officer: Thank you. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 67, Abstentions 0.

Amendment 6 disagreed to.

17:00

Section 5—Exempt new residential units

Amendment 7 moved—[Meghan Gallacher].

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Daniel Johnson (Edinburgh Southern) (Lab): On a point of order, Presiding Officer. My app did not refresh in time. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Johnson. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 67, Abstentions 0.

Amendment 7 disagreed to.

Amendment 8 not moved.

Amendment 9 moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 9 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
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)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
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Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 9 disagreed to.

Section 6—Power to modify types of buildings which may be taxable

Amendment 10 not moved.

After section 8

The Deputy Presiding Officer: Group 2 is on assessments and reporting. Amendment 11, in the name of Michael Marra, is grouped with amendments 14, 16, 17, 20 and 21.

Michael Marra: My amendments in this group would require the Scottish Government to arrange for an independent sensitivity analysis to be conducted prior to the publication of indicative rates. That is in line with the Finance and Public Administration Committee's recommendation in its stage 1 report, which followed extensive engagement with the house-building sector in Scotland. The sector is rightly concerned about what the levy could do to an already fragile market.

In his intervention earlier, Patrick Harvie said that he did not believe that there was any evidence to support the basis of the housing industry's interventions, so perhaps this will provide him with some data and evidence on which he can base his opinions.

I will not repeat much of what I said in group 1 about the fragility of Scotland's house-building market. It is well known to many of us and, indeed, to many of our constituents, and not least to the more than 10,000 children in temporary accommodation, without a home to call their own.

At stage 2, the minister took exception to the language around "independent and competent expert" in a previous version of the amendment, which has been updated in my amendment 11 to allay his concerns. I hope that members will see fit to support what I think is an eminently sensible amendment, based on the work of the Finance and Public Administration Committee.

I also support Mark Griffin's amendments, which would require the Government to assess and publish the likely impact of the levy on the housing emergency and on housing supply before it is implemented. Mark Griffin met the minister recently to discuss those amendments. The Government argues that such assessments would be too complex, given the fast-moving nature of the housing market. Although we appreciate the Government's engagement, we do not accept the argument.

If we are introducing a levy that may affect the delivery of new homes, we must understand its potential impact on housing supply during a housing emergency. Without that analysis, we cannot be confident that the policy will not have unintended consequences. The housing market is complex, but it is also one of the most heavily analysed sectors in the country, and the Government regularly draws on such analysis in other areas of housing policy. That is why Mark Griffin's amendments link these assessments directly to the housing emergency and the all-tenure housing target. Their purpose is simple: to ensure that measures to fund remediation do not inadvertently undermine the delivery of new homes at a time when Scotland urgently needs them. I urge all members to support all the amendments in this group.

I move amendment 11.

The Deputy Presiding Officer: I call Mark Griffin to speak to amendment 16 and other amendments in the group.

Mark Griffin (Central Scotland) (Lab): Sorry, Deputy Presiding Officer—Michael Marra is speaking to the amendments on my behalf this afternoon.

The Deputy Presiding Officer: Okay. As there are no other members wishing to speak, I call the minister.

Ivan McKee: With regard to amendments 11 and 14, in the name of Michael Marra, I am—as I set out at stage 2, when similar amendments were lodged—sympathetic to the aim of ensuring that the Government is properly assessing the impact of its policies. However, I have already committed to undertaking and publishing an updated impact assessment of the levy ahead of indicative rates being introduced in June. That will include more detailed analysis of how the levy will interact with parts of the sector such as rural house building and small developers.

The bill already contains provisions for rigorous impact assessments as well as the further assessments to which we have committed later this year, plus the work that will be undertaken by the Scottish Fiscal Commission, which will deliver, in effect, what a further sensitivity analysis seeks. The SFC's forecasting approach is sensitivity analysis in practice, with central estimates, risk analysis and alternative economic scenarios as standard. Asking for more would only duplicate what is already baked in, and additional tests would only extend the paperwork without any more information or benefits.

As with the amendments that were lodged at stage 2, there is an issue with the mention of an "independent expert" in amendment 11. It is still not clear how such a person would be identified, nor is it clear why the SFC's role as Scotland's independent fiscal forecaster is not sufficient.

Finally, I alert Parliament that these amendments would subject the levy to some of the most—if not the most—rigorous reporting requirements across the entire UK tax system, despite it being one of the smallest taxes in revenue terms.

For the same reasons, the Government is also unable to support amendments 16, 17, 20 and 21, in the name of Mark Griffin. There would seem to be an assumption that the levy's effects can be isolated from other factors such as interest rates, inflation, material costs, labour pressures, global factors and many others. An analysis that ignored those macro factors would produce subjective, contestable outputs and result in needless cost.

I recognise the desire for continued assurance, but we have already provided that. Between two business and regulatory impact assessments and a third to come; strengthening reporting in the bill; continuous monitoring; and the Scottish Fiscal Commission's independent fiscal and economic forecast, the Parliament already has a comprehensive and credible basis on which to scrutinise the levy now and in the future. I therefore ask members not to support the amendments in this group.

The Deputy Presiding Officer: I call Michael Marra to wind up and say whether he wishes to press or withdraw amendment 11.

Michael Marra: The point of difference in this group really lands on the depth of the analysis that we are seeking and the fact that we are looking not for single national indicators but for something that has depth in different areas so that we can understand the varied impact of the tax in different parts of the country.

To be frank, I think that much of the minister's defence is spurious and, on that basis, I will press my amendment.

The Deputy Presiding Officer: The question is, that amendment 11 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 46, Against 67, Abstentions 0.

Amendment 11 disagreed to.

Before section 9

The Deputy Presiding Officer: Group 3 is on rate of levy. Amendment 12, in the name of Michael Marra, is grouped with amendment 13. I call Michael Marra to move amendment 12 and speak to both amendments.

Michael Marra: My amendments 12 and 13 seek to hold the Government to its commitment in relation to the 22-month period. I am also keen to ensure a specific sequencing of events, which I think is critical. First, the independent sensitivity analysis should take place and then the indicative rates should be published, because that pre-modelling is critical to the setting. After at least 22 months have passed, the rates can come into force. Earlier contributions have covered the problems that would be associated with further cooling in an already sub-zero market. That process is sensible but, as it stands in the legislation, it is not clear enough. The amendments are intended to give the sector as much certainty as possible. More than 10,000 children are living in temporary accommodation, and we must ensure that the bill will not have a negative impact on their getting the houses that they need.

I move amendment 12.

Ivan McKee: Amendments 12 and 13 are identical to the amendments that Michael Marra lodged at stage 2, and the committee voted them down. Taken together, these amendments would introduce new statutory requirements around rate publication and impact assessment before levy rates could be set. As I set out at stage 2, I am not persuaded that a mandatory 22-month notice period—or the well-established practice of setting devolved tax rates in bands at the Scottish budget—needs to be put on a statutory footing, nor am I persuaded that the levy needs to be subject to more stringent laying requirements than other devolved taxes or, indeed, the UK Labour Government's building safety levy in England. Neither the Finance and Public Administration Committee nor the Delegated Powers and Law Reform Committee recommend having a statutory duty to publish indicative rates or making analysis a formal precondition to setting rates. For those reasons, we will oppose the amendments.

The Deputy Presiding Officer: I call Michael Marra to wind up and to press or withdraw amendment 12.

Michael Marra: I continue to support the premise of devolved taxation. I think that it should be appropriate to the situation in Scotland and, on that basis, I press amendment 12.

The Deputy Presiding Officer: The question is, that amendment 12 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Craig Hoy (South Scotland) (Con): On a point of order, Presiding Officer. My app is frozen. I would have voted yes.

The Deputy Presiding Officer: Thank you, Mr Hoy. Your vote has been recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)

Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Abstentions

Hoy, Craig (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 47, Against 66, Abstentions 1.

Amendment 12 disagreed to.

17:15

Section 9—Charging and rate of levy

Amendment 13 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 13 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)

Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 13 disagreed to.

Amendment 14 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 14 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)

Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 48, Against 67, Abstentions 0.

Amendment 14 disagreed to.

Section 11—Reliefs

Amendment 5 moved—[Ivan McKee]—and agreed to.

Amendment 15 moved—[Michelle Thomson].

The Deputy Presiding Officer: The question is, that amendment 15 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
Baker, Claire (Mid Scotland and Fife) (Lab)
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)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
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)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
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)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNeill, Pauline (Glasgow) (Lab)
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)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
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)
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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 108, Against 7, Abstentions 0.

Amendment 15 agreed to.

Section 12—Levy-free allowance

The Deputy Presiding Officer: Group 4 is on levy-free allowance. Amendment 2, in the name of Ivan McKee, is grouped with amendment 3.

Ivan McKee: Amendments 2 and 3 are minor technical amendments that will not affect the substance of section 12 but will ensure that the text of the section is updated in line with the non-Government amendments agreed to at stage 2. The amendments will ensure that the 29-unit threshold for the levy-free allowance is enshrined in the legislation while removing uncertainties caused by the duplication of definitions currently set out in the bill.

I move amendment 2.

The Deputy Presiding Officer: No other members have asked to speak. I take it that you have nothing further to add in winding up, minister?

Ivan McKee: I have nothing to add.

Amendment 2 agreed to.

Amendment 3 moved—[Ivan McKee]—and agreed to.

Section 13—Use of proceeds of levy

The Deputy Presiding Officer: Group 5 is on the use of levy proceeds. Amendment 4, in the name of the minister, is the only amendment in the group.

Ivan McKee: Section 13 sets out that revenues from the levy must be used

"for the purposes of improving the safety of persons in or about buildings in Scotland."

That wording aligns with the UK Government's England-only levy and with the specific power devolved to the Scottish Parliament. The Scottish Parliament has been clear from the outset that our specific intention in that power is to use the levy proceeds to fund the work of the cladding remediation programme.

At stage 2, Liz Smith lodged amendments that, if agreed to, would have narrowed the use of funds to specified sections of the Housing (Cladding Remediation) (Scotland) Act 2024. The Government could not support her amendments because of how they were worded, but, as I said in my remarks to the committee, I was sympathetic to Liz Smith's intent to narrow the hypothecation of the levy in order to provide reassurance to industry. Amendment 4, in my name, will deliver on that commitment to bring forward a form of words that captures the intent of Liz Smith's stage 2 amendments.

In addition to the existing amendments on building safety improvements, amendment 4 will ensure that funds must go towards the cost of remediation, mitigation or prevention works in buildings with an external wall cladding system. That includes work that is undertaken as part of our single building assessments.

Amendment 4 will require that levy funds are directed solely at the cladding remediation programme while ensuring that hypothecation captures the full scope of the programme's work. Although that has always been the Government's intention, I hope that the provision will deliver increased certainty to industry and further demonstrates the approach that I have taken with the bill to constructively engage with and respond to issues that have been raised.

I move amendment 4.

Patrick Harvie: I think that the Government's position is that there is no chance—zero chance—that the levy will generate excess funds above the cost of the remediation programme. I have no reason to doubt that. That being the case, I find it hard to see that there is a need to place this restriction in the bill.

The levy will raise only a portion of the funds that need to be spent on the remediation programme. There are already significant restrictions in the bill, and I do not see any requirement to have an additional one. If, for some unforeseen reason, the cost of the remediation programme was reduced and there were excess funds, why not spend that excess money on other aspects of building safety that the industry has not chosen to pay for in the past? I do not think that that is a likely scenario, but I do not see a real reason to include an additional restriction in the bill.

The Deputy Presiding Officer: I call the minister to wind up.

Ivan McKee: I have no further comments. I press amendment 4.

The Deputy Presiding Officer: The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
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)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Neil (Airdrie and Shotts) (SNP)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Harper, Emma (South Scotland) (SNP)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Leonard, Richard (Central Scotland) (Lab)

Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
McNeill, Pauline (Glasgow) (Lab)
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)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
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)
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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Burgess, Ariane (Highlands and Islands) (Green)
Chapman, Maggie (North East Scotland) (Green)
Greer, Ross (West Scotland) (Green)
Harvie, Patrick (Glasgow) (Green)
Mackay, Gillian (Central Scotland) (Green)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)

The Deputy Presiding Officer: The result of the division is: For 106, Against 7, Abstentions 0.

Amendment 4 agreed to.

Before section 45

The Deputy Presiding Officer: Amendment 16, in the name of Mark Griffin, has already been debated with amendment 11. I call Michael Marra to move or not move.

Michael Marra: I rise to speak in support of Mark Griffin's amendments. The amendments were lodged and debated—

The Deputy Presiding Officer: You should speak to those amendments when that group of amendments is discussed.

Michael Marra: Apologies—I am jumping ahead.

The Deputy Presiding Officer: You just need to move the amendment.

Michael Marra: And I shall.

Amendment 16 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 16 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)

Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 16 disagreed to.

After section 45

The Deputy Presiding Officer: Amendment 17, in the name of Mark Griffin, has already been debated with amendment 11. I call Michael Marra to just move or not move.

Michael Marra: Just moved.

Amendment 17 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 17 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

The Cabinet Secretary for Climate Action and Energy (Gillian Martin): On a point of order, Presiding Officer. I was not able to connect this time. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Martin. I will make sure that that is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)

Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 46, Against 67, Abstentions 0.

Amendment 17 disagreed to.

Section 46—Interpretation of this Act

Amendment 18 not moved.

Section 48—Regulation-making Powers

The Deputy Presiding Officer: Group 6 is on expiry. Amendment 19, in the name of Mark Griffin, is grouped with amendment 22.

Michael Marra: I am sorry that the Government's enthusiasm for the amendments in this group does not quite match my own.

I rise to speak in support of Mark Griffin's amendments in this group. They were lodged and debated at stage 2, but we did not press Parliament to vote on them at that stage, in order to allow further engagement with the Government on the issue.

The principle behind the amendments remains straightforward. The Government has accepted that the levy should be restrictive in nature by stipulating that the proceeds that it raises can be used only for specific purposes—namely, the remediation of unsafe cladding. If the Government accepts that the scope of the levy must be restricted in that way, it follows that the duration of the levy should be limited to the time that is required for the completion of that work.

However, I have real concerns that, contrary to the consultation's findings and the committee's recommendations, the bill would allow the levy to continue, across successive Governments, long after its stated purpose has been fulfilled. That would risk undermining the purpose of the legislation and damaging confidence in the housing sector. In developing amendments 19 and

22, Mark Griffin worked closely with the Scottish Property Federation, which shares the concern that moving beyond the original 10-year framework risks mission creep. For those reasons, I believe that it is appropriate that Parliament has the opportunity to take a clear view on the issue.

Having previously allowed time for engagement with the Government, Mark Griffin is now content for me to move the amendments and to allow Parliament to vote on them.

I move amendment 19.

Ivan McKee: At stage 2, the Government responded to the views of the committee and stakeholders and lodged the amendment that is now section 51A, which introduced a sunset clause into the bill. The period of 15 years is in line with the committee's recommendation in its stage 1 report and with the estimated lifetime of the cladding remediation programme. If Parliament and Government do nothing, the levy will cease after the 15-year period. However, in recognition of the potential for unforeseen costs to the programme, ministers can take action by regulation to extend the lifetime of the levy, which is, importantly, subject to the affirmative procedure.

Amendment 22 would curtail the levy to allow it to operate for only 10 years, which does not align with the committee's recommendation or the proposed lifespan of the cladding remediation programme. It would also remove the ability of future Governments to provide for an extension, subject to parliamentary approval. That would be a substantial departure from the UK Labour Government's approach to building safety in England, which contains no sunset clause whatsoever.

As I said at stage 2, I ask members to consider the implication of placing a greater share of the costs of the work on the wider public purse if the levy is forced to end prematurely, with no regard to emerging data or the cost of cladding remediation. Indeed, the combined effect of amendment 22 and Michael Marra's amendment 6 would be to reduce the period of taxable activity by about seven years. At a cost of £30 million per annum, the public purse would have to pick up £210 million, and neither Mark Griffin nor Michael Marra has set out a credible plan for how that would be funded.

For those reasons, the Government is opposed to amendments 19 and 22.

17:30

The Deputy Presiding Officer: I call Michael Marra to wind up the debate and to press or withdraw amendment 19.

Michael Marra: I have nothing further to add. I press amendment 19.

The Deputy Presiding Officer: The question is, that amendment 19 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 66, Abstentions 0.

Amendment 19 disagreed to.

Section 51—Commencement

Amendment 20 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 20 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 20 disagreed to.

Amendment 21 moved—[Michael Marra].

The Deputy Presiding Officer: The question is, that amendment 21 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Villalba, Mercedes (North East Scotland) (Lab)
Webber, Sue (Lothian) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP)
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

The Deputy Presiding Officer: The result of the division is: For 49, Against 66, Abstentions 0.

Amendment 21 disagreed to.

Section 51A—Expiry

Amendment 22 not moved.

The Deputy Presiding Officer: That ends consideration of stage 3 amendments.

As members will be aware, the Presiding Officer is required, under standing orders, to decide whether, in her view, any provisions of the bill relate to a protected subject matter—that is, whether they modify the electoral system and franchise for Scottish parliamentary elections. In the case of the Building Safety Levy (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.

Building Safety Levy (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-21101, in the name of Ivan McKee, on the Building Safety Levy (Scotland) Bill. I invite members who wish to participate in the debate to press their request-to-speak button and I call Ivan McKee to speak to and move the motion. Minister, you have around seven minutes.

17:35

The Minister for Public Finance (Ivan McKee): Thank you, Presiding Officer. I thank the Finance and Public Administration Committee for its scrutiny of the bill and I welcome the evidence and insights that were provided by the Scottish Property Federation, Homes for Scotland and developers, both before and after the introduction of the bill.

The committee's stage 1 report made no recommendation on the bill. It recognised the need for further funding, while raising concerns about the potential for the levy to depress house-building figures and requiring a balance between revenue generation and impacts. To put that need for balance in context, it is helpful to set out the scale of the work that we are undertaking.

The cladding remediation programme will undertake work to address the estimated 1,260 to 1,450 residential buildings in Scotland of 11m or more in height that require work to alleviate external wall system life safety fire risks. Following its pilot phase, in which critical Scotland-specific issues relating to assessment and consent were addressed, the programme is now progressing with building assessments at pace, and grant offers were issued to 473 buildings by the end of 2025.

In the next few years, the programme will significantly ramp up its activity in assessments and remediation in line with our 2029 target to resolve every high-risk residential building over 18m identified with unsafe cladding.

Michael Marra (North East Scotland) (Lab): Will the minister confirm how many building remediations have been completed and whether he is satisfied with the progress rate?

Ivan McKee: As the member will know, a significant amount of work had to be done before the work commenced, but, as I have indicated, that work is now ramping up, as will the funding requirement. In the first year of the levy's operation, the spending review has allocated £115 million to cladding remediation. The Scottish Government has rightly stepped in to marshal the necessary work to protect and repair Scotland's housing stock and to ensure that it is properly funded. I am sure that members across the Parliament will be supportive of that work.

Undertaking that vitally important work comes at a sustained and significant cost to the public purse. The programme's costs are forecast to be between £1.7 billion and £3.1 billion over the expected 15-year lifetime of the programme. Faced with the need to ensure that Scotland's public finances are sustainable, the Government has proposed through the bill that a contribution to those costs be made by the residential property development industry, just as the previous Conservative and current Labour Governments have done in England. During its 15-year lifespan, the levy will raise an estimated £450 million for the programme, meaning that the levy will form only a contribution to the overall funding requirements.

Those who have called for the levy not to be introduced would have to be honest that the consequences for future Scottish Governments could include higher taxes that would be borne by the general public, less money for hospitals, schools, roads or, indeed, less money for affordable housing. As far as possible, I have looked to ensure balance and that any costs that arise from the levy do not restrict the supply of house building.

When introduced, the bill contained protections for those parts of the sector that could be most impacted, including exemptions for social and affordable housing, island house building and an annual levy-free allowance to protect Scotland's small and rural house builders. Thanks to members and stakeholders, the bill was amended at stage 2 to increase the levy-free allowance to 29 units, which will remove around 85 per cent of developers from the scope of the levy entirely. That supports a healthier and more diverse house building sector. The universality of the allowance also ensures that medium-sized developers will see a sizeable share of their activity exempted, which will strengthen their capacity to invest in future projects. The increase of the threshold to 29 units will also benefit development in rural areas, removing up to 89 per cent of units from the levy in classes 4 and 6 of the urban-rural classifications, depending on developer behaviour.

Also included in the bill at stage 2 was a duty for ministers to introduce a minimum 15 per cent discount on brownfield development, which will ensure that the additional costs of building on previously developed land are taken into account. Moreover, the bill includes delegated powers to allow for further exemptions and reliefs to ensure that the levy keeps pace with an industry that is subject to a wide range of external factors.

As I set out at stage 2, the Scottish Government will consult on proposals for a brownfield relief of at least 50 per cent, and a further relief for conversions. We will also use the opportunity of consultation to consider other support measures, such as payment flexibilities for build-to-rent or purpose-built student accommodation developments. Through further engagement with our industry partners, the Government is committed to getting the balance right. Ensuring that the levy remains frictionless and fit for purpose requires reporting and reviewing mechanisms, and that is why the bill contains provisions for reports on the operation of the levy at least every three years.

The changes that have been made by the Government and agreed by the Finance and Public Administration Committee at stage 2 mandate clear periodic reporting that ties spending directly to the cladding remediation programme, giving industry confidence in the operation of the levy. The Parliament asked for stronger reporting provisions, and the Government heard that call and acted. I am pleased that the amendments on that were agreed to.

I note the concern from some stakeholders that the bill is in contravention of the housing emergency declaration. Our housing emergency action plan sets out that

"Having a safe, warm and affordable place to call home is central to a life of dignity and opportunity."

Homes that are impacted by unsafe cladding cannot be said to meet that criterion. As the revenues that are raised will be spent on efforts to rehabilitate existing stock, the levy is intended to support the alleviation of the housing emergency, rather than exacerbating it. Given the scale of the funding challenges and the need to minimise any disruption in house building, the levy is a small but necessary contribution to the remediation of Scotland's cladding-affected housing stock.

Paul Sweeney (Glasgow) (Lab): I reiterate the built heritage concerns. We already know that VAT is a major impediment to the development of derelict listed buildings, and we know that the removal of business rates exemption relief is another impediment. Will the minister take close note of how the measures could affect the viability of, and the conservation deficit faced by, heritage building renovation projects?

Ivan McKee: Absolutely. The member will obviously be aware that VAT is the responsibility of the United Kingdom Labour Government. Regarding the points that he has made, we are absolutely seized by the need to consider the impact on historic—and indeed all—conversions, and indeed on brownfield developments. That is why the reliefs are set at a minimum of 50 per cent, with scope to increase them.

I again ask members to consider the implications for public spending over the lifetime of the programme were the levy not to be agreed to, and I remind them that there will be ample opportunities to review the levy's operation over its lifetime.

I urge members to vote to pass the bill.

I move,

That the Parliament agrees that the Building Safety Levy (Scotland) Bill be passed.

17:42

Liz Smith (Mid Scotland and Fife) (Con): I wish to say what I said at the start of my stage 1 speech:

"Nobody could possibly doubt the far-reaching implications of the most appalling human tragedy at Grenfell tower in 2017, nor the importance of ensuring that nothing like that can ever happen again."

It is absolutely right that measures are put in place to improve building standards, especially so that the people who are engaged in the new-build sector fully recognise and adhere to their responsibilities. It is also right that there is a legislative process to ensure that for the future.

However, the question that we as parliamentarians continue to face is whether the Building Safety Levy (Scotland) Bill is the right procedure and whether the levy is the right measure. Conservative members—and, I suspect, several members in other parties—have had serious doubts. That is not because improving building standards is not the right thing to do; it is because, throughout the process, witnesses and stakeholders have expressed considerable concern in their evidence, including about the fact that far too much of the important detail could be left to secondary legislation.

As colleagues know, and as I pointed out in the stage 1 debate,

"it is unusual for a committee not to fully endorse the general principles of a bill."—[*Official Report*, 8 January 2026; c 66-67.]

However, the Finance and Public Administration Committee did not endorse them at stage 1, which I think was for good reasons—because there was concern about the extent of the negative externalities.

As the committee convener said during the stage 1 debate, the major issue is the likely impact on the housing market, which, as we all know and as Michael Marra set out earlier, has already faced significant challenges. The most significant concern among witnesses and members of the

Finance and Public Administration Committee was the fact that the bill could actually reduce house-building capacity, because it would make certain sites unviable and would thereby have a detrimental effect on the ability to deliver much-needed affordable housing.

John Mason (Glasgow Shettleston) (Ind): I think that it was the member's Conservative Government that actually brought in equivalent legislation in England, where I presume it will have a similar effect. Would it not have been better to charge a bit more in corporation tax?

Liz Smith: The member is correct that it was the Conservative Government, but the housing markets are completely different north and south of the border. As I said earlier, we must look at the particular levy being proposed, rather than at what has happened elsewhere.

There are different but nonetheless related issues about the potential effects on rural Scotland, where depopulation has already caused significant problems. I was satisfied by the minister's work to address some of those concerns via amendments at stage 2, but a number of factors still remain because rural housing is a complex issue. As we know, rural house prices are often particularly high in proportion to local incomes and there is a shortage of housing that is suitable for families, which means that, sadly, many families choose to move away. The fact that that is combined with infrastructure issues is a matter of considerable concern.

There is likely to be a disproportionate effect on smaller developers and I do not think that anything will convince me otherwise.

Ivan McKee: More than 85 per cent of developers will not pay any levy at all and 89 per cent of development in rural areas will be exempt from the levy. How does the member square that with what she has just said?

Liz Smith: As I indicated earlier, I was pleased with the amendments that we agreed at stage 2, but there remains a percentage of developments in very rural settings that will be affected and the evidence that we took causes considerable concern. I am greatly worried by the rural dimension.

We had extensive engagement on the bill. The Finance and Public Administration Committee found that a high percentage of the stakeholders who gave evidence to us were concerned. What bothers me most is that they pointed to the fact that the levy could have a detrimental impact on an already troubled housing market. Many of them pointed to the issue of uncertainty. The purchase of land for development often happens years in advance and the uncertainty about the effects of the bill is making things much more difficult. Stakeholders welcomed the Scottish Government's decision to delay the implementation of the levy, but pointed out that that will not solve the entire issue of uncertainty.

No one wants to pay more tax, least of all the building sector. Conservative members continue to have concerns that the behavioural change that is likely to result from the levy will be harmful to a key sector that is tasked with infrastructure development and therefore with stimulating economic growth. We acknowledge that the minister listened to the committee's concerns at stage 1 and lodged some helpful amendments at stage 2, but the Conservatives still have deep-seated concerns.

17:48

Michael Marra (North East Scotland) (Lab): On 4 September 2024, John Swinney said:

> "Keeping residents and home owners safe is our priority, and we are taking action to protect lives by ensuring that the assessment and remediation of buildings with potentially unsafe cladding is carried out."—[*Official Report*, 4 September 2024; c 26.]

At that point, seven years on from the Grenfell disaster in which 72 of our fellow citizens perished, remediation had been completed on precisely zero buildings in Scotland. Based on the latest available statistics, from November 2025—and the minister refused to demur from those statistics today—that figure still stands. Eight years and nine months on from that fire, not a single building remediation in Scotland has been completed. In contrast, in England, 1,938 remediations had been completed by November 2025. That shows the Scottish Government's utterly shameful record of incompetence.

The reason that work has not been completed on a single building in Scotland is not that we do not have a building safety levy. The Scottish Government has failed to spend even a fraction of the almost £100 million provided by the United Kingdom Government for the purpose of cladding remediation. The Scottish Government has now admitted that those funds, which were intended for such remediation, were used to fill budget gaps across Government. It is up to the Scottish National Party Government to explain why it has taken so long to act, leaving people in Scotland at risk of fire and death in their own homes. If we wound back the clock to the day after the Grenfell disaster—15 June 2017—I do not think that we would imagine that our country could possibly be in this position.

There are specific structural differences in the housing and building sector in Scotland that make remediation challenging—that is without dispute. If

the SNP wants to do something to speed up the process, those are the areas on which legislation could be brought in, and the Parliament should be looking at them. An additional tax on house building will not change any of those differences—none of them.

The critical point is that this levy comes at the worst possible time. Scotland is still in the grip of the SNP-made housing emergency, which the Government acknowledged nearly two years ago but has done precious little about since then. More than 10,000 children are still stuck in temporary accommodation, and house-building rates are at record lows.

It is estimated that the levy will add an additional £3,500 to the cost of building a new home. In evidence to the Finance and Public Administration Committee, house builders were clear that the levy will render house building unviable anywhere outside Edinburgh and the Lothians. Those are the repercussions that nobody on the Government benches or, in particular, the Green benches seems to be willing to tackle. On that basis, and in an unprecedented step, as Liz Smith described, the committee made no recommendation on the general principles of the bill. That gives a clear indication of the committee's serious misgivings about the viability of the levy in its current form.

I am sorry to say that the bill has not been greatly improved by the amendments lodged either at stage 2 or at stage 3, and the minister has refused to support many sensible amendments that sought to analyse the levy's impact on the house-building market and to introduce exemptions in specific cases.

The minister has also repeatedly failed to commit to the independent sensitivity analysis of local areas that the committee recommended and on which several members lodged amendments. That does not give confidence to the Parliament, the sector or the thousands of Scots who are without a home to call their own that the SNP Government takes seriously the mess that it has made of Scotland's housing system and the further damage that the levy could do if it is not introduced carefully.

17:52

Patrick Harvie (Glasgow) (Green): I will begin with a wee reminder of why the bill is necessary. It is necessary to ensure that the house-building industry collectively puts right the failures for which it is collectively responsible, because it cannot be relied on to do so itself. It would be fundamentally unjust if clearing up the failures of the house-building industry fell solely to the public purse.

Are there options for doing that other than through a levy? It might be satisfying—I would certainly find it satisfying—if we could go after the specific developers who have caused the most problems, but we all know that that is not realistic, because the most irresponsible of them will be long gone. It is possible, in principle, that an insurance scheme might work, but to be effective it would need to have been in place for many years in the past, and it would not be workable to introduce one now.

A levy is the option that will work, even if it were not for the matter of trying to align with the other UK nations. A levy is clearly a more effective way to do it. It baffles me that some people are arguing that we need more rapid progress on the remediation programme but that we do not want the money from a levy in order to pay for it. Remediation is the responsibility of the industry, and it has a responsibility to pay for it; a levy is a mechanism to ensure that that happens.

We undoubtedly need to respond to the housing emergency.

Michael Marra: Will Patrick Harvie give way?

Patrick Harvie: I will make a little progress, and I will let Mr Marra in in a moment. I am responding specifically to some of his comments.

The housing emergency should not be presented as only a numbers game. The numbers of new builds matter, but so does their quality. As for the criticism of industry lobbying points that I made earlier, those were challenged by Michael Marra as though he thinks that, somehow, the Greens do not get it. He seems to have forgotten that it was the Greens who took the boldest steps to address it through the rent freeze and the long-term rent controls—something that Labour figures such as Andy Burnham and Sadiq Khan have long called for because they recognise that the housing emergency goes far beyond Scotland and affects their constituents, too. That clarity has, sadly, been lacking in Scottish Labour's position.

Michael Marra: Does the member recognise, though, that the number of housing completions is at a record low—the lowest level since records began—and that supply is critical to ensuring that people have houses that they can buy or rent and, frankly, to live in?

Patrick Harvie: There are many reasons why there are challenges in improving and increasing that supply, but supply is not just about numbers—it is also about type. We have far too much support, not just from Opposition parties but from the Scottish Government as well, for forms of house building that serve the interests of landowners and developers, including super-rich build-to-rent organisations that build properties that are put out to rent at the high end or the luxury

end, when we should be building the affordable homes that we need.

Action is needed on the housing emergency, but, whether it is on addressing rent levels for existing homes, ensuring that we are building the right homes for the future or fixing the mess that the house-building industry has created and ensuring that it fits the bill, we need to have the nerve to stand up to industry lobbyists and not the desire to cave in to them. That is the kind of action that the housing emergency demands of us all.

17:56

Willie Rennie (North East Fife) (LD): That contribution shows why tens of thousands, if not hundreds of thousands, of people across Scotland are delighted that Patrick Harvie is no longer a housing minister in this Government. He almost single-handedly starved Scotland of £3.4 billion of investment in housing. Everybody who wants a home should make sure that Patrick Harvie is never in government again.

Of course we need to remember where this idea came from—the appalling tragedy at Grenfell—but we also need to remember the anxiety that residents who are trapped in properties surrounded by dangerous cladding now feel. They feel incredibly anxious. I know many of them, and that is why I feel particularly strongly that this Government has put us in a bind by introducing a bill that was so flawed that it has had to introduce extensive exemptions for numerous sectors. That has undermined the very bill that it is trying to pass.

Surely the minister must understand that the sector sees the bill not in isolation but as part of a cumulative impact on the sector. The issues around the housing emergency, the home energy standards, accessibility, all the various taxes and regulations and the problems with planning come together to create that impact on the sector. The minister referred to that in his speech, but he seems to be blind to the impact that the bill is having on the sector.

Ivan McKee: I know why Willie Rennie is going down the track that he is going down, but he knows very well that this is not something that is unique to Scotland—it is happening across the rest of the UK as well.

My question is: if we were not raising the money through the building safety levy, which part of the Scottish Government's budget would he propose that we take it from?

Willie Rennie: Liz Smith was right. The housing sector in Scotland is different, and the market is different. We have been starved of investment, so we need to act incredibly sensitively over the next period. I would have more sympathy for the Government's position if it had powered on and used the £100 million sum of money that it received from the UK Government to tackle some of the cladding issues that the home owners are desperate to get resolved.

The Cabinet Secretary for Housing (Màiri McAllan): Will the member take an intervention?

Michelle Thomson (Falkirk East) (SNP): Will the member take an intervention?

Willie Rennie: I will take an intervention from Màiri McAllan.

Màiri McAllan: In this debate, it is worth remembering that we are talking about a contribution to what could be billions of pounds of public money to rectify something and keep our residents safe. Surely members can understand that that is an important contribution to make.

Does Willie Rennie appreciate that we can both foster confidence and investment—as we have been doing with record budgets, greater confidence, a delivery agency and clear exemptions to encourage investment—and work with developers to ensure that key issues of public safety are addressed? I hope that members will support that.

Willie Rennie: I understand some of the changes that have been made, and I welcome some of the ones that have been introduced, but the issue is still incredibly sensitive. We do not yet have the investment that the changes are designed to bring. That is why acting carefully must be the first priority. I therefore urge the Government to use caution. It should not charge ahead—because the sector sees a Government that is more interested in taxing than in delivering the programme. If the Government had moved ahead, spent that money and resolved more of the properties that are desperate for resolution, I might have had more sympathy.

Michelle Thomson *rose—*

Willie Rennie: I am concluding, I am afraid—I had only four minutes.

That is why we will not support the bill. It is a cack-handed measure that will knock confidence in the sector. That is why we will oppose it.

The Presiding Officer (Alison Johnstone): We move to the open debate.

18:00

Michelle Thomson (Falkirk East) (SNP): I will start my short remarks by popping in the intervention that I hoped to make on Willie Rennie. I hope that he will join me in my calls for an adjustment to the fiscal framework to remove the ridiculous limits on the Scottish Government's

capital borrowing powers, because that is a fundamental aspect of being able to improve our infrastructure.

Given the volume of legislation that we have to get through this evening, I intend to make only a few brief remarks. I join those members who have stated that the decision that we make today will have real consequences for home owners, the housing market and our collective responsibility to keep people safe in their homes. That is fundamental.

I have been heartened by the fact that members from across the parties have engaged constructively. Even where there has been disagreement, we share a commitment to ensuring that homes in Scotland are safe, secure and fit for purpose.

It is a pity that the levy has not emerged from a Scottish policy design process. It has been foisted on us by the UK Government's decisions on building safety funding and the UK-wide levy framework. That said, regardless of whether we agree with the framework, Scotland must respond, because doing nothing would risk leaving home owners and local authorities without the mechanisms that are needed for remediation.

I agree that the uncertainty that many home owners have been required to live with must have been extremely difficult. We cannot lose sight of the human stories behind that—there has been not just uncertainty but financial worry and a loss of confidence in what should be their safest space: their home. Whatever the disagreements about funding, the need to complete remediation is unquestionable, and I fully accept that it will cost billions over a multitude of years.

Through my role on the committee and having heard the debate, I recognise the concerns of members, developers and the wider housing sector. It is fair to recognise that the current market faces rising costs, tightening supply chains and pressures on affordability. Introducing a levy at this moment is therefore not ideal, and I think that the Government recognises that. I recognise and accept that the Government will monitor and mitigate any unintended consequences on supply and affordability.

To that end, I thank the minister for the Government's acceptance of my amendment 15. First-time buyers already face significant barriers, and it would have been unfair for the levy to have created further obstacles. I am grateful to colleagues and the minister for ensuring that fairness is at the centre of the legislation.

The Parliament did not choose the circumstances that surround the levy, but we can choose a responsible response. With safeguards secured and a commitment to monitoring impact, we can take a step that protects home owners, advances cladding remediation and avoids, where possible, undue burdens on those who enter the housing market.

I will, therefore, support the bill, and I urge all colleagues to do the same.

The Presiding Officer: I call Michael Marra to wind up for the Labour Party.

18:04

Michael Marra: We on the Labour benches are unequivocal that the horrors of Grenfell must never be repeated. It is incumbent on Governments across these islands to ensure that people have safe homes to live in and that lives are not needlessly lost through the neglect of Government and industry, which failed in their duties to the 72 residents of the Grenfell tower.

At the start of his contribution, Patrick Harvie set out many things that I agree with in relation to where responsibility and culpability for those areas lie. We have had a public inquiry that drew stark conclusions. To take that a step further and seek to demonise anybody who is involved in the building of houses as some kind of malignant force in Scotland is a jump too far.

There is the issue of some of the language that has been used in relation to this bill and around the polluter-pays principle. Of course, there are members of the house-building industry in Scotland—small family firms, for instance—that have never built a building above two storeys or taken on any of the projects that are involved in this issue, and they are worried that they will be affected by a general levy across the sector. It is right that we make sure that we get the language for the specific Scottish sector correct in that regard.

Patrick Harvie: I agree that we should be careful about our language, but suggesting that I have demonised anybody involved in the house-building industry is a hyperbolic use of language. However, even if Mr Marra does not support this specific levy, does he support the principle that the house-building industry needs to pay at least a significant portion of the cost of the remediation programme? What alternative mechanism does he propose to ensure that it does so? It will not do so voluntarily.

Michael Marra: Mr Harvie will be aware that there are already specific taxes in this area on the house-building industry. The minister was right when he set out that we have a challenge in funding the large gap between the requirements in Scotland and what we need to raise, and we have to find vehicles to do that. I say to Mr Harvie that

the nub of the debate today has been about whether, in the current circumstances of a housing emergency—which he has some culpability for—there is a mismatch between the need to raise that money and the vulnerability of a housing sector that is in a terrible, absolutely dreadful state.

We also have to ensure that we do not lose sight of the fact that there are two forms of social good in this work. Yes, there is the safety of people who are in high-rise buildings that require remediation, but there is also social good in people having decent houses to live in. It should not be the case that more than 10,000 children—a record number in Scotland—are living in temporary accommodation, so we must have a housing market that works. That is absolutely critical.

On Ivan McKee's point, it is slightly odd that the minister seems incapable of understanding that we should have Scottish answers for Scottish problems. Through stages 2 and 3, he has been keen to talk about what the Labour Government elsewhere is doing in this policy area. My job here—and the job of the Scottish Parliament—is to come up with answers for Scotland that are specific to the Scottish challenges that we face. That is the position that Scottish Labour takes with regard to the legislation that we are looking at today. It is absolutely critical that we deliver the right resources to ensure that we get this work done, and we have to do that timeously.

Màiri McAllan: I agree with Michael Marra that we have to find the right resources to do that, but, given that a sum of billions of pounds will apply to the public purse, I cannot understand why he does not see that as a reasonable contribution. I wonder how he will explain to the people whom he represents that he was not willing to vote for something that made sure that remediation could progress and alleviated the significant pressure on the public purse that the programme requires.

Michael Marra: I say to the minister—gently, if I can—that £100 million came to the Scottish Government to spend on remediation programmes. The Government has not applied that to remediation. It has spread it across other parts of its budget to fill the gaps and holes in that regard. This Government's management of the capital programme in this country has been a disaster for years, and ministers should reflect on that.

On that basis, I close my remarks.

18:08

Meghan Gallacher (Central Scotland) (Con): When we first debated the Building Safety Levy (Scotland) Bill, I said that I would not support legislation that risked further damaging Scotland's housing sector. At stage 2 and at stage 3 today, we had the chance to fix the bill, but those opportunities were missed. In my view, the Scottish Government has not engaged in the way that it should have done—constructively—with all parties on issues that have been raised not just by the relevant sectors but by house builders and home owners who have been impacted by cladding. As a result, the Scottish Conservatives will not support the bill at decision time.

We all agree that building safety is not optional and we all recognise the tragedy of Grenfell and why remediation is required on all affected buildings.

The real question is this: is the bill the right way to fund cladding remediation, or is it yet another knee-jerk response from a Government that has failed to act properly and at pace? In my view, it is the latter.

The Minister for Higher and Further Education (Ben Macpherson): Will the member take an intervention?

Meghan Gallacher: The issues that Michael Marra raised demonstrate why we are so far behind the rest of the United Kingdom. It is utterly shameful that that £100 million of funding is being used to fill other budget gaps. He is right: this has nothing to do with a proposed new levy; rather, it shows the Scottish Government's own incompetence.

Màiri McAllan: Will the member take an intervention?

Meghan Gallacher: I think that two members have tried to intervene. I think that Ben Macpherson was first, so I will let him in first.

Ben Macpherson: Many of my constituents have been affected by the challenges of cladding remediation. Does the member, on behalf of her party, accept any responsibility for the then Conservative UK Government—her Government—being so unresponsive and inconsiderate about recognising the fact that Scotland has a different property law system, which caused significant delay in remediation here in Scotland?

Meghan Gallacher: I genuinely believe that Ben Macpherson's constituents will be wondering why his SNP Government has refused to spend a penny of the £100 million that was meant to be used for cladding remediation. Ben Macpherson should reflect on that.

Willie Rennie spoke about the intense pressure that the housing sector is experiencing. The minister spoke about what should be cut to fund the remediation of cladding if the levy is not introduced. Willie Rennie is right: we must tread carefully, build confidence in the sector and secure

that investment. The Scottish Government should use the £100 million that should have been used in the first place to kick-start the cladding remediation. It should have done that years ago but failed to do so.

Homes for Scotland and the Scottish Property Federation have repeatedly warned that the levy will not simply be absorbed and that it will hit viability, stall projects and reduce the number of homes that could be built—all while we are in the middle of a housing emergency. Why would the Government risk fewer homes being built—fewer affordable homes at that—and fewer jobs across the construction sector?

During scrutiny at stage 2 and stage 3, Michael Marra and I proposed what I believe were sensible, targeted amendments to protect projects that are already under way. They reflected a simple established principle that developments should be judged by the rules in place when they begin, not hit with new costs after significant investment has already been committed. Those amendments were rejected. In doing so, the Scottish Government ignored industry warnings and chose not to mitigate the very risks that it has been repeatedly warned about. We have seen that before, particularly when it comes to housing—the same mistakes and the same refusal to listen, but the same consequences.

Talking about a lack of progress, I previously raised concerns about conflicting letters that were sent to home owners who are affected by cladding. I have now received a response from the Cabinet Secretary for Housing—for which I am thankful—confirming that there was, indeed, a disparity. The Government claims that those letters do not guarantee funding, but that is not how the two letters read that I have in front of me right now. One implies certainty; the other creates doubt.

There are two different messages in those two letters, so there is no clarity, and it is home owners who are paying the price. People are stuck, unable to sell and unable to move on. Properties sit on the market for months, offers fall through and buyers walk away—not because they want to, but because they cannot risk the uncertainty. Who can blame them? There is no guarantee that remediation costs will be covered. There is only confusion, concern and the looming question of personal liability.

Màiri McAllan: Will the member take an intervention?

Meghan Gallacher: Apologies. I am in my last minute, otherwise I would have taken the intervention.

What does the bill deliver? It will introduce a levy that will slow development, a policy that will reduce housing supply and a Government that will press ahead, despite clear warnings from the very sector on which it depends. At a time when Scotland faces a housing emergency, this is the wrong policy at the wrong time. For all those reasons, we cannot support the bill at decision time.

The Presiding Officer: I call the minister to wind up.

18:14

Ivan McKee: At the outset, it is important that, as many members have done, we reflect on the tragedy of Grenfell and the lives that were sadly lost at that time as the reason why we find ourselves in a position of taking forward this remediation work.

A range of views have been expressed throughout the bill's consideration, but I believe that there is consensus among members on all sides of the chamber on our commitment to safeguard home owners and residents from the dangers that unsafe cladding poses. Members agree that it is right for the Government to take action, through the cladding remediation programme, to safeguard home owners in and residents of buildings with potentially unsafe cladding and ensure that an event such as Grenfell is never allowed to happen again.

As the pace of the programme ramps up, the conversation must turn to how we fairly fund that vital work. Based on the programme's cost estimates, it is clear that the Scottish budget will bear the brunt of the costs over the lifespan of the programme. However, given the scale of the efforts that are needed to rehabilitate Scotland's housing stock, the Government believes that it is right for the residential property development industry to contribute to the work. That view is shared by the UK Labour Government and the previous UK Conservative Government, in the light of the England-only building safety levy commencing operation in October this year.

As I set out in my opening speech, the challenge in implementing a levy to help to fund the programme is one of balance. How do we secure the necessary funding while ensuring that the levy operates in as frictionless a way as possible across the house-building industry? That has been the crux of the debate on the bill, and I am grateful for the contributions of members from all parties on getting the balance right.

The Government has listened and has moved in line with a range of recommendations from members. Members asked for a sunset clause, and the Government has delivered that. Members asked for a closer link between the use of funds and the cladding programme, and that has been delivered to give the industry certainty on where

the funds will be spent. Members asked for stronger reporting requirements, and the Government has delivered that.

As I said in my opening speech, I am pleased that the Government and the Parliament worked together to strengthen the bill. The Government has taken forward measures to increase the levy-free allowance to 29 units, which means that 85 per cent of developers will be exempt from engaging at all with the levy. Indeed, 89 per cent of developers in rural areas will not have to pay the levy.

We have taken forward business impact assessments. We have indicated flexibility in relation to build to rent and purpose-built student accommodation in the initial period. Today, we have agreed to amendments to potentially give relief to first-time buyers.

We have already delayed the bill's implementation from 2027 to 2028. As I indicated earlier, that is almost two years later than the date on which the equivalent levy in England is being implemented.

We have taken considerable steps after listening to the industry and other stakeholders, and the bill now reflects the concerns that they raised with us.

The evidence and responses that the committee gathered, alongside the Government's evidence, which was informed by two public consultations, have been very helpful. I am grateful to the committee and MSP colleagues for that engagement.

As I said in my opening speech, there is no free lunch when it comes to funding this vital work. The absence of the levy would mean either higher taxes for the general public or cuts to public spending, which, paradoxically, could have an impact on our affordable housing programme. I am sure that members would not want that. That would not feel fair or appropriate in the eyes of the Government or, I expect, members of the public.

I believe that the bill provides a strong fiscal measure to support the delivery of our cladding remediation programme and that it contains appropriate safeguards to give confidence to our house builders. I commend the motion in my name and very much hope that members vote for the bill at stage 3.

The Presiding Officer: That concludes the debate on the Building Safety Levy (Scotland) Bill at stage 3.

Assisted Dying for Terminally Ill Adults (Scotland) Bill: Stage 3

18:18

The Presiding Officer (Alison Johnstone): The next item of business is stage 3 proceedings on the Assisted Dying for Terminally Ill Adults (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 3—that is, Scottish Parliament bill 46B—the second marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for about five minutes for the first division of stage 3. 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 as soon as possible after the group is called.

Members should now refer to the marshalled list of amendments.

Section 7—Assessment under section 6: further provision

The Presiding Officer: The amendments are all minor and technical. Amendment 1, in the name of Liam McArthur, is grouped with amendments 2 to 5.

Liam McArthur (Orkney Islands) (LD): I have lodged amendments 1 to 5 under rule 9.8.5D of standing orders, to address technical drafting issues in some amendments that were agreed to by the Parliament last week and to ensure that those amendments can work as intended, respecting the will of Parliament at stage 3 and ensuring the integrity of the statute book should the bill be passed this evening.

Ahead of lodging these amendments, I informed the members who lodged the original amendments—Bob Doris, Jackie Baillie, Daniel Johnson and Paul O'Kane—and the Scottish Government that I would do so. I also provided a note explaining the purpose and effect of the amendment, which was circulated with the daily list yesterday—I hope that members have found that helpful.

Amendment 1 will ensure consistency in relation to section 7(1A) of the bill. Section 7(1A), added by Bob Doris's amendment 160, defines "indirect pressures" for the purposes of section 7(1)(zd). However, paragraph (za) and subsection (3) also refer to "indirect pressures" and therefore should also be covered by the provision in subsection

(1A). Amendment 1 will ensure that that is the case.

Amendments 2 and 3 will correct cross-referencing in sections 7(8) and 7(9) of the bill as amended as a result of the Parliament agreeing to amendments 165 and 168, in the name of Bob Doris. As drafted, amendments 167 and 168 both referred to subsection (3), which was the number given to the new subsections in amendments 165 and 166, which were intended to be related to the subsection mentioned in amendments 167 and 168. However, in the bill as amended, section 7(3) is an unrelated provision and is not the intended provision for referral in subsections (8) and (9). The cross-reference for the bill as amended at stage 3 therefore needs to be corrected. Amendments 2 and 3 will ensure that both subsections (8) and (9) refer, as intended, to subsections (6) and (7)—the policy effect being, as Parliament intended, that, when a terminally ill adult declines to take up a palliative care appointment, they are not prevented from receiving assistance to end their own life; but also that not taking up an appointment can be taken into account by assessing doctors when they are deciding on making a statement under sections 8(1) or 8(2).

Amendment 4 will correct an error in amendment 195, which was lodged by Daniel Johnson and which referred to accompanying statements made under section 8(3C)—when, under amendment 183, accompanying statements are made under section 8(3D).

Finally, amendment 5 will address an inconsistency in section 28(3)(bc), which was inserted by Jackie Baillie's amendment 129. Section 28(3)(bc) refers to section 22B; however, paragraphs in section 28(3) should specify which subsection the actual regulation-making power is in. Amendment 5 will amend the reference, to make it specific to section 22B(5)—the subsection that contains the regulation-making power.

I ask the Parliament to support those technical amendments. I move amendment 1.

The Minister for Social Care and Mental Wellbeing (Tom Arthur): I will be extremely brief, Presiding Officer. Amendments 1 to 5 would appear to be necessary technical amendments to correct some of the cross-references in the bill as amended at stage 3.

The Presiding Officer: I ask Liam McArthur whether he wishes to wind up.

Liam McArthur: I have nothing further to add. I press amendment 1.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Liam McArthur]—and agreed to.

Section 13—Recording of declarations and statements

Amendment 4 moved—[Liam McArthur]—and agreed to.

Section 28—Regulation-making powers

Amendment 5 moved—[Liam McArthur]—and agreed to.

The Presiding Officer: That ends the consideration of amendments.

As members will be aware, I am required under standing orders to decide whether, in my view, any provision of a 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 this bill, in my view, no provision of the Assisted Dying for Terminally Ill Adults (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Assisted Dying for Terminally Ill Adults (Scotland) Bill

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-21005, in the name of Liam McArthur, on the Assisted Dying for Terminally Ill Adults (Scotland) Bill at stage 3. I would be grateful if members who wish to take part in the debate were to press their request-to-speak buttons, and I call Liam McArthur, the member in charge of the bill, to speak to and move the motion.

18:24

Liam McArthur (Orkney Islands) (LD): This is a significant moment for the Parliament, so let me start by acknowledging some of those who have played their part in getting us to this point: the non-Government bills unit, who, like colleagues in the legislation team, are unsung heroes of this institution; my team, Amanda, Niamh and Ashley, and, before them, George, Peter and Jack, who have had my back throughout; and Dignity in Dying, Friends at the End and the Humanist Society Scotland, who have run the most amazing campaign while also supporting me directly. I remind the chamber of my entry in the register of members' interests.

I acknowledge, too, those who responded in record numbers to my original consultation, many with the personal stories of dying Scots that I firmly believe must be at the forefront of our minds as we come to vote this evening, and who are represented in the public gallery. I also acknowledge the stakeholders who have engaged with me while also supporting the scrutiny process through giving evidence to a Health, Social Care and Sport Committee that carried out its responsibilities superbly.

I acknowledge colleagues across the chamber who have given their time to have conversations with me over the past five years and who, regardless of their position on the bill, engaged seriously and respectfully. It is often said that Parliament is at its best when it speaks with one voice. I believe that it is at its very best if it can come together when debating an issue upon which there is profound disagreement, and I commend colleagues for rising to that challenge. For me, that has been exemplified by the amending stages of the bill. Of the 175 amendments agreed to by Parliament last week, half came from members whom I fully expect to oppose the bill at decision time. That speaks to a determination among colleagues across the board to ensure that the bill, if it is passed, is the best that it can be.

In drafting the bill, I drew on international experience to ensure that it was tightly drawn and heavily safeguarded, and that it balanced the need for choice with the protections that patients, medics and the public rightly expect. Quite properly, at the health committee, and again last week, MSPs have had the chance to amend the bill to introduce further guardrails, additional clarity and stronger restrictions and requirements in a wide range of areas. That is as it should be.

I may have introduced the bill, but it is very much Parliament's bill now. It feels invidious to pick out individuals, but I will throw caution to the wind and refer to colleagues who, at stage 1, were either opposed to the bill or whose support was certainly caveated.

Jackie Baillie has successfully introduced changes that reflect the priorities of Children's Hospices Across Scotland, the Royal College of Nursing and hospices. Fulton MacGregor has been tenacious in speaking up for social work, securing changes that reflect the important role that those professionals must play in assessments and wider safeguarding. Ruth Maguire helped Parliament to reinforce protections to address concerns about coercion.

Meanwhile, Bob Doris secured so many amendments at stage 3 that my office now refers to the bill as "Bob's bill". Together with Miles Briggs, Bob Doris has ensured that the needs of palliative care services have been reflected in the debate around the bill, recognising the inevitable interaction between the two. That has allowed a light to be shone on a sector that is crucial and often misunderstood and undervalued.

Brian Whittle led the way on advanced care plans and the importance of using the bill to promote much greater discussion and early planning of people's wishes at the end of life. Paul Sweeney ensured stronger requirements around signposting to social work and mental health services, an area that he has commendably prioritised. Daniel Johnson, whose forensic scrutiny of international legislation I referred to last week, lodged amendments that enabled debate on key issues and put in place further safeguards, including a prognosis period, mandating in-person meetings and toughening up reporting requirements.

Finally, Ross Greer built in advocacy support for those who need it while also, crucially, supporting my efforts to ensure that fundamental protections and training for medical professionals will have to be in place before the provisions of the bill can be implemented.

On the issues of legislative competence, I again acknowledge the work of the Scottish and United Kingdom Governments. They are neutral on the issue of assisted dying. However, once this Parliament voted strongly in favour of the general

principles at stage 1 last May, both Governments worked at pace and in good faith. In record time, they reached agreement on a way forward that respects both the will of this Parliament and the provisions of the Scotland Act 1998. That agreement allows issues around medicines and medical devices to be dealt with via a section 30 order. The no duty/no detriment protections, as well as training, qualifications and experience requirements, will be taken forward via a section 104 order.

I recognise that colleagues, and some in the sector, are anxious. However, the fact remains that the provisions of the bill cannot come into force unless and until the section 104 order is passed. Of course, there are different views on the constitution and how the 1998 act might work in future. We will have ample opportunity to debate those views in the run-up to May's election. For now, the reality is that we must deal with the 1998 act as it is, not as we would wish it to be.

Daniel Johnson (Edinburgh Southern) (Lab): In a sense, I agree with what Liam McArthur says about section 104 orders coming back to Parliament. However, does he agree that much of the detail about how the bill will work in practice will rest in the guidance and that Parliament is being given a yes or no option when many here might want to be able to scrutinise that detail?

Liam McArthur: I understand Daniel Johnson's point. I worked closely with the British Medical Association on the amendments that I lodged after stage 1 to provide reassurance on the section 104 order.

On the point about guidance, any guidance or secondary legislation will have to be taken forward in consultation with the sector, which I fully expect will happen. Parliament should have confidence in that process.

I pay personal tribute to the cabinet secretary and wish him a speedy recovery. Neil Gray is the MSP I have known longest, a good friend and someone I respect enormously. It has not been easy for him to navigate the path that he has taken on the bill, given the differing views around the Cabinet table and across Government, but he has discharged those responsibilities unwaveringly. I hope that he will now feel able to vote—like every other member in the chamber—according to his conscience. To expect him to do otherwise would be unfair, unreasonable and unjust.

I said earlier that this is a significant moment for this Parliament—probably the most significant. I know how conflicted many colleagues feel and know that some may even still be unsure about how they are going to vote later. However, what we are doing is not breaking new ground and we are not doing anything that legislators around the world have not already done. I accept that every assisted dying law is different and that each must be tailored to meet the circumstances of its own jurisdiction. However, I do not accept the assertion that, were the bill to be passed and the choice of assisted dying made available in Scotland to those who meet the strict criteria, it would operate at odds with what we see in states and countries that have similar models based on terminal illness and mental capacity.

Dr Andrea Bendrups, the president of Voluntary Assisted Dying Australia and New Zealand, a body representing health professionals, wrote to MSPs last week. Many VADANZ members have trained, or worked in, the UK, so our debate is being watched closely there. In her letter, Dr Bendrups writes:

> "It's been notable that the arguments being made against a change in the law are in fact the same arguments that were made over many years in Australia and New Zealand.
>
> None of the fears raised have been realised in practice—eligibility criteria have not been expanded; proper assessments to confirm capacity and the absence of coercion have meant not all applicants are found eligible; and palliative care has flourished. Regular scrutiny and oversight show these laws are safe and are fulfilling their aims."

Addressing concerns about doctor-patient relationships, Dr Bendrups goes on to say:

> "As clinicians we know how helpless we can sometimes feel when palliative care has reached its limits and when our patients ask for help that we cannot offer.
>
> The change in the law on assisted dying meant we can now deliver a fuller range of choices to dying people in a more transparent and regulated manner. The integration of voluntary assisted dying into our existing health system has meant that end-of-life care is now safer and fairer than ever before."

I do not underestimate how difficult a decision this is for colleagues, even for some who are very clear about how they are going to vote and why. However, we must recognise that not passing the bill would have consequences. The issue will not go away; indeed, the numbers affected will only rise. All that we will do by putting off changing the law is push decisions overseas and behind closed doors.

As I did at stage 1, I urge MSPs to have the voices of dying Scots at the front of their minds when they come to vote. To help with that, I will conclude with the words of Lisa Fleming, who visited Parliament recently to share her experience of living with secondary breast cancer for the past nine years. Lisa explains:

> "Sadly, choosing not to support this Bill is a vote for continuing the well-established risks and dangers present in the status quo. As with many things there is a cost of inaction. In this instance, the price of MSPs' uncertainty would be mine to pay.

Voting down this Bill is not risk free. The consequences are not hypothetical. They are lived every day.

To the concern this would lead to an enormous change in healthcare, I disagree. I can already choose to refuse treatment whenever I wish, even if that treatment would save my life.

I can legally choose to hasten my death by voluntarily stopping eating and drinking, literally starving myself to death.

Doctors can already administer doses of morphine and other palliative medicines that would hasten my death as long as their motive is to alleviate my pain. Legalising assisted dying would not change my relationship to my doctor—it would allow me to be open and honest about what I want and ensure I wouldn't be forced to suffer against my wishes.

I fight every day to live a little longer. But every day I have, contains fear over how I will die. If I knew I had the choice of an assisted death at the end, I could live the rest of my life without that fear.

Please think of me as you cast your vote."

Presiding Officer, I urge members to listen to Lisa and the many, many like her who desperately need us to give dying Scots more choice, more dignity and more compassion.

I move,

That the Parliament agrees that the Assisted Dying for Terminally Ill Adults (Scotland) Bill be passed.

18:36

The Minister for Social Care and Mental Wellbeing (Tom Arthur): Unfortunately, Neil Gray, who up until today has led on Liam McArthur's Assisted Dying for Terminally Ill Adults (Scotland) Bill for the Scottish Government, was admitted to hospital yesterday. I am pleased to say that he has now been discharged, but he is unable to take part in this evening's debate. I will be keeping my remarks on behalf of the Government short, and I remind members that the Government is neutral on the bill.

The bill has been carefully and properly considered by Parliament, through the actions of Mr McArthur as the member in charge of the bill and through the contributions of all members. There are strongly held and passionate views on both sides of the debate, but I believe that members have taken a considered and courteous approach so far, and I am sure that that will continue this evening.

I would also like to note the work of the members of the Health, Social Care and Sport Committee and the parliamentary staff who have supported them. They have had a larger role to play than most through the bill's first two stages and have considered these profound matters with the care and seriousness that they deserve.

Let me now turn to the role of the Scottish Government. As members are aware, we undertook to respect the will of this Parliament by engaging with the UK Government to try to resolve the issues of legislative competence that we had identified with the bill as introduced, which we set out in our September 2024 memorandum, as well as with provisions that were added to the bill at stage 2.

During the stage 3 considerations, Liam McArthur reminded members that he, too, was aware of the need to ensure legislative competence, and I appreciate his acknowledgement of the constructive and timely work by both Governments in that regard. As Neil Gray has said to Parliament, that engagement, which took place in good faith, resulted in a section 30 order that modified schedule 5 of the Scotland Act 1998 to allow the Scottish Parliament to legislate on the identification and regulation of substances and devices for use in assisted dying in relation to the bill. Both Parliaments and the Privy Council have approved the order, and it came into force on 11 March.

That engagement also resulted in an in-principle agreement with the UK Government to take forward a section 104 order, should the bill be passed, although it would be for a future Scottish Government and the UK Government to work together on the detail of that order. That in-principle agreement covers making provision consequential on the bill for individuals and practitioners to opt out of participating in assisted dying and providing appropriate employment protections. It also covers the consideration and making of appropriate provision to specify the training, qualifications and experience that would be required for participating medical practitioners and nurses.

Through stage 3 amendments that were agreed to by the Parliament last week, the changes that were necessary to address the issues of legislative competence with the bill have been made.

Another potential issue was that amendments at stage 3 could have brought the bill further outwith competence. That is why the Government provided a commentary on the amendments, in which it highlighted technical, deliverability, legal and legislative competence matters, to help members in making decisions on the amendments that they might wish to accept or otherwise. We also did that at stage 2, and, yesterday, we provided a final short commentary on the bill to support MSPs in making their decision.

We all know the huge sensitivity of the subject that is before us, the complexity of it and the weight that is on our shoulders as we make our individual,

personal decision on the bill. It is now for members to cast their final vote in the decision before us.

18:40

Rona Mackay (Strathkelvin and Bearsden) (SNP): This will be my final speech in this place before stepping down next week after 10 years. It is a short speech and, of course, it is not political. However, that is okay, because what we are debating is not about me. The debate and the days that we spent agreeing to amendments last week are for terminally ill people who are pleading with us to be given the choice to die a dignified, pain-free death of their choosing.

I respect those members who do not share my views on the bill. I do not agree with their views, but they have a right to hold them. They have the choice to vote for or against the bill. That is the point. We, in this Parliament, have a choice. Terminally ill people who are terrified of what they might face at the end of their lives do not. Who are we to deny them that choice and to put our values and preferences before theirs because we have the power to do so?

If the bill is passed tonight—and I hope with all my heart that it will be—it will be the most heavily safeguarded bill in any jurisdiction. The respectful and collegiate way in which Liam McArthur and his hard-working team have brought the bill to this final stage is to be commended. No one has worked harder, and, after last week, no bill in any jurisdiction in the world with assisted dying will be more heavily safeguarded.

The bill has always been about creating a compassionate, regulated, safe and legal option for terminally ill adults who choose to end their suffering. We know that many terminally ill Scots face a bad death and are forced to contemplate a series of desperate, traumatic decisions that do not belong in a compassionate 21st century Scotland. International evidence proves that assisted dying is safe and compassionate and that it is a comfort blanket for those who are able to choose whether or not to use it. What makes Scotland so uniquely different that it could not be the same here?

The most recent polling found that 81 per cent of people in Scotland want assisted dying to be introduced as an option for those who are diagnosed with a terminal illness. There is clear majority support for the bill across every constituency, so Scotland is not on the fence on assisted dying.

I said earlier that the bill is not about me or any other member at this time, so I want to give terminally ill people who have had all agency stripped from them by their illness a voice. One woman opened her heart and said:

> "Assisted dying would be a lifeline. It would let us live the rest of our lives in peace, making precious final memories with our loved ones, without the constant dread of how our lives will end … Voting against this Bill will not stop us from dying, but will deny us a lifeline to a safe, peaceful death surrounded by our loved ones."

Too many families are left traumatised by what they have witnessed at the end of a loved one's life. Now is the opportunity to make things right for those who have died, so that no one has to suffer as they did. The status quo abandons people at the moment they most need compassion, safety and support. The most dangerous thing that the Parliament can do is nothing. In the name of humanity and for those who depend on us, I urge members to support the bill.

18:44

Edward Mountain (Highlands and Islands) (Con): We have finally reached the last stage of the Assisted Dying for Terminally Ill Adults (Scotland) Bill. I am sure that, for many, it has been a long and uncomfortable journey. We have all had to consider our own mortality and that of our constituents. Looking death in the eye has never been easy, and we must always consider the fragility of life. However, let us be clear: in my mind, life is always about living.

I have heard much in the debate about why people should have the choice. In principle, I agree. However, choice can be made only if there are genuine options. Those options must include palliative care, for which my colleague Miles Briggs has fought hard. However, the sad fact is that more than 14,000 Scots a year die without proper palliative care, and a lot of money would be needed to provide that. Thus, to some, it may be easier to opt for death, knowing that palliative care close to their home and family is unavailable. That is not a choice. Before we consider helping those people to die, we must know that their end of life is fully provided for and funded—which, at the moment, it is not.

Funding is a key issue when it comes to the bill. We know that funding for it would come from the existing national health service budget. The Government has been clear that it has no idea of the costs, but it admits that they would be high, and it says that a level of reprioritisation would be required. That means that existing services would face funding cuts. Which treatments would be cut? Would they include cancer care, palliative care, elective surgery, or perhaps even screening for breast or bowel cancers? It is just not good enough to say, "Pass this bill, and then we'll work out how we're going to pay for it." We need clarity now.

On clarity, if the bill is passed, what will happen to those who want to opt out of providing an assisted death—from doctors to nurses to care

homes to palliative care homes? Many of those, like me, will have no religious drivers but will know in their hearts that they do not want to be part of the process. The part of the bill that would have protected conscientious objectors has been removed, in order to make the bill competent. That worries me. Civil servants and ministers at Westminster will be able to decide on how to protect Scots in what is specifically a Scottish bill. Here, in our Parliament, there will be no choice on the exact detail. That not only seems wrong but is wrong.

I will turn to the area of the bill that gives me the greatest concern: coercion, including self-coercion. I find that a really difficult area to discuss. When one's grip on life is fragile, the mind does somersaults. However, once someone gets past thinking that it might be easier and kinder to their family to die, the overriding consideration will turn to living. Treatment options and pathways for care are, rightly, the top priorities. However, the bill would give doctors the right, in terminal cases, to say, "Death is available." I believe that the last thing that we should do is suggest that ending life is a form of treatment.

Presiding Officer, when we despair we need hope. Death offers no hope. Treatment and care offer hope. Let us provide and fund that care before we legislate to end life. Until we do, I am afraid that I cannot support the offering of assisted death; to me, that is morally wrong if we cannot allow for an assisted life.

18:48

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I thank Liam McArthur for the considered manner in which he has advanced the bill. In my 19 years in the Parliament, this has been the single most difficult matter to determine.

I recognise and understand that many colleagues have known from the outset how they would vote today. I have not. As we debated the bill at stage 1 last May, I did not know how I would cast my vote on that day. Indeed, only in the past few days have I come to determine my final position. I admire and perhaps even envy those who approach the bill with absolute certitude on the best way forward. I respect those who have such certainty. Even at this stage, I have found myself grappling with how best to make the right decision.

I have approached the bill with an open mind throughout its passage. The first principle under which I have considered the bill is whether a person should be able to command autonomy in decisions that impact them and their lives most directly.

That is a principle that I broadly agree with, and it is a principle that lends itself to supporting the bill. Indeed, it was one of the reasons why, having heard the debate in May, which many colleagues took part in, I felt able to support the bill in principle at stage 1. However, it is not a principle that sits in isolation from other considerations, and, in contact with the many constituents who have been in touch with me about the bill, I have always been clear that those are just as important. The other primary areas of importance are tightly defining eligibility, protecting the most vulnerable in our society and protecting the interests of clinicians and medical professionals.

I recognise that, last week, we made a great number of changes to the bill, which have gone some way to further improve what was in it. The short time that is available prohibits me from mentioning many of those, but the one that I am clearest on is the requirement to have a reasonable end-of-life prognosis of six months. In my view, that was an essential change.

However, I have lingering concerns. I was disappointed that Daniel Johnson's amendments that would have absolutely required it to be in the hands of the patient to first raise the prospect of an assisted death with a medical professional were not agreed to. Any new legal right to an assisted death changes the context of patient and doctor conversations and creates a new dynamic. I believe that, in such circumstances, the amendments that Mr Johnson lodged were very important, and their being disagreed to has been an important part of informing my thinking.

I was disappointed by the rejection of the amendments that sought to create institutional opt-out. That would have been a helpful provision.

I am also concerned that Parliament has found itself in the unsatisfactory position of not being able to legislate for the protection of conscientious opt-out for medical professionals. I recognise that we are up against the limit of the Parliament's legislative power, but having to remove those provisions and rely on the section 104 order process, which would leave it to the UK Government to determine how that would work, is of concern to me. In my view, the UK Government should have agreed a section 30 order to enable the Parliament to legislate to provide clarity.

I appreciate that it is argued that we can reasonably expect the UK Government to put in place the provisions that we would require to be satisfied that the position of the medical workforce was protected, but the fundamental point is that we do not know what those would be. That concerns me, and the inability to demonstrate how that area would work, along with the other areas that I have

highlighted, leaves me at this time, with some sense of regret, unable to support the bill.

I know that that decision will disappoint many in this chamber and beyond, although I am just as sure that the alternative would equally have disappointed many others, but it is the decision that I have come to sincerely and that I rest upon.

18:52

Michael Marra (North East Scotland) (Lab): When I was elected in 2021, I was undecided on the issue of assisted dying, although I knew that a decision was likely to be made on it in the current session of Parliament. Over the five years of this session, I have learned from colleagues and constituents that being a member of Parliament is far more about listening than it is about speaking, and I have listened to the voices of my constituents who have sat at bedsides and suffered as relatives have died the most difficult of deaths. Those families have our empathy and our sympathy, and it is a privilege to be entrusted with their stories.

Today, I believe that MSPs must listen to those who know the messy, emotional, painful and inevitable business of dying best of all—those who have seen thousands of deaths rather than our terrible handfuls, and who have the duty of seeing the aggregate as well as the individual. We should acknowledge together that those who would be most involved in delivering the process of dying that we will vote on today are asking us to vote against it, from the patient's trusted general practitioner to the psychiatrist who assesses for capacity, the pharmacist who provides the drug and the palliative care staff who are there at the end. All of their esteemed professional bodies have considered the bill and are asking MSPs to vote against it tonight.

Like many Dundonians, I have said goodbye to beloved family and friends in Roxburghe house, which is an outstanding palliative care facility in the verdant shadow of Balgay Hill in Dundee. This morning, I was struck by the testimony of Dr Martin Leiper, who was the lead consultant physician in palliative medicine in Tayside and who led that hospice during his 35 years in our NHS.

Of our vote tonight, he said:

> "I'm really worried about the effect that it might have on my former place of work … Whether its staff would be willing to work in an environment where palliative care was delivered and also there was the option for life to be ended. I worry that some staff, fantastic staff, would no longer go into work in that sort of environment."

I know from speaking directly with staff that that would be true and that a delicate balance would be broken.

Instead of improving palliative medicine, which we all have agreed must improve, the bill risks harming it. The Government reiterated just yesterday that the costs of the bill will be high and that no new money is available to our NHS.

Beyond principle and practicality, there is a lack of safeguards and a fear of coercion in our deeply unequal society, in which the vulnerable and the disabled might easily see themselves as a burden and in which women suffer daily at the hands of men. On top of all that, expert caring staff are opposed to the bill because there is a huge hole at its heart where protection for those dedicated professionals and their care of patients should be. Ceding the process to backroom officials is an unsafe dereliction. It is the job of elected representatives to hear the voices of the people, to balance competing claims and to act in the public interest.

We have exhausted scrutiny of the bill, which the vote at stage 1 allowed to happen. However, to those who agreed with the principle and must now judge the practicality, I say, please, not this bill.

18:56

Patrick Harvie (Glasgow) (Green): I start by recognising the hard work of Liam McArthur and everyone on his team, as well as the high quality of debate, which other members have acknowledged. Members on both sides of the principles that the bill raises have engaged constructively and respectfully, and I am convinced that the result is a bill that is stronger, thanks to the scrutiny of the Parliament.

I know that some members' opposition to the bill is very strong. For some, that would not have changed, regardless of the detail. I respect that position, but I must take the opportunity today to speak primarily to those who have concerns but who are open to the principle—those who accept the case for a change in the law but who need to know that the system that we are creating would be safe, compassionate and robust.

I ask members to consider two key points as they reach their final decision. The first is that this is not a choice between the bill and some ideal status quo. In today's Scotland, far too many of those who reach the end of their lives in the most difficult of circumstances experience fear, unbearable suffering, a desperate desire to have control of what is happening to them and, indeed, pressure or coercion in different forms to make choices that they would not make freely. Even with the very best palliative care, which is something that we all support, that is still the case. The bill is not an alternative to something benign. It is an alternative to a status quo that we should consider unacceptable and unsafe, and which too many

people face not only without choice but without the protections that the bill contains.

Secondly, I ask members to reflect on the very fact that our debate has heard about the different principles and values on which we base our choice as legislators, as well as the different values that inform the views of our constituents on both sides of the debate. The different values that we bring to the debate reflect the different values by which we live our own lives and which inform every choice that we make, including as we look ahead to the uncomfortable truth that we will all, each of us, one day, face the end of our own lives.

The fact of the different values by which we live is, for me, the central reason why we must respect the right of people to make choices on their own terms, including choices that we might never make for ourselves—even choices of which we might disapprove. That is at the heart of what it means to be a creature that is capable of choosing.

I know that there have been legitimate and valid concerns about getting the detail right in the bill. I believe that the work that Liam McArthur has done and the amendments that the Parliament has made give us the chance to allow choice, with meaningful protection for those who need it. The bill would give Scotland the most safeguarded assisted dying system in the world. Working in tandem with palliative care—never against it—it would have support and advocacy at its heart.

Daniel Johnson: Will Patrick Harvie give way?

Patrick Harvie: I am not sure whether we have time in hand.

The Deputy Presiding Officer: There is time for a very brief intervention.

Patrick Harvie: I will give way.

Daniel Johnson: Would the member accept that a number of the safeguards that are present in many parts of Australia are not present in the bill in terms of oversight? I am not sure that it is correct to say that the bill before us would be the most safeguarded legislation.

Patrick Harvie: In looking at the various systems around the world, I do not believe that there is one that has this package of safeguards and measures. However, every member must make that judgment for themselves. The bill will have support and advocacy at its heart, and its provisions will be available only for those who are truly reaching the very end of life. It contains within it the path to the most robust protections for those who feel the need to exercise a conscientious objection, with complete democratic control here in this Parliament. The bill will not come into force unless MSPs are satisfied with the treatment of reserved matters.

This bill is the path to the safe, compassionate and controlled system that will give meaningful choice, with protection for those who need it most, and that will meet the public will for a change in the law. I urge members to vote yes.

19:01

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by echoing the tributes that have been paid to my friend Liam McArthur and his excellent team for getting us to this stage.

Throughout our consideration of the bill, I have listened with quiet awe and, at times, great sadness to the testimony of colleagues and constituents who have lost the people they love in the most brutal and unforgiving of circumstances. I have nothing to match that. I have no comparable experience from my own family or friendship group to offer the Parliament, and I am profoundly grateful for that, just as I am grateful for the strength of those who have shared those stories, framing the debate around the human at the heart of this, speaking about their loss of agency, their loss of dignity, the agony of it and the terror of it, distilling into heartbreaking clarity what really matters at the end and how, all too often, people are robbed of so much of that in their final days.

Medical culture and practice have led us to a point where life can be foreshortened, but only with the removal of sustenance and fluids. That is the barbaric and inhumane compromise that we have settled for, where emaciated bodies are made as comfortable as possible but are still left to a lingering death that can take many days. The provisions in the bill offer patients in the end stages of life a far more gentle and dignified alternative to that—but only if they are terminally ill, only if they are aged 18 or over, only if they have mental capacity, only if they are acting of their own volition and only if their clinicians agree that they have fewer than six months left to live. That is a powerful matrix of safety, and the member in charge has drawn from the very best practice of those jurisdictions that have gone before us.

We benefit from that because we are not pioneers in this. More than 300 million people live in jurisdictions that already offer assisted dying. We should consider that, over the decades, not a single one of those countries or territories has ever reversed that decision. If this were so readily exploitable or dangerous, there would be examples of repeal—but there are not.

The narrow scope and significant safeguards of Liam McArthur's bill as introduced have only been strengthened and enhanced by the quality and depth of the amendments that we have made as the bill has moved through the Parliament. The

guardrails around the bill are unprecedented. This is one of the safest approaches in the world.

Please do not vote against the bill because you are waiting for a safer one. In this moment of final decision, all that is left for us to decide is whether we support the idea of choice at the end, or we do not. I respect and have great admiration for many of those who have spoken in opposition to the bill, but we have made sure that, if it passes, you will never be forced to choose it. I ask members: please do not take the choice away from the rest of us.

I have no real fear of death itself, but I have abundant fear of dying. Uncontrollable breakthrough pain frightens me. Asphyxiation and an inability to swallow frighten me. More than anything else, the loss of my identity and the lack of recognition of those I love frighten me.

I want to be able to choose a different end and to remain the author of my life's story until the very last word, but the law as it stands makes death a lottery—a potentially cruel and terrifying uncertainty that all too many Scots meet the sharpest edges of. That is why, with all my heart, I hope that we change the law tonight.

19:05

George Adam (Paisley) (SNP): I thank Liam McArthur for all the work that he has done on the bill.

In my notes, it says, "Try not to cry during this debate," because it means quite a lot to me. I often use songs and music to describe how I am feeling and to tell people how I feel. It is often said that music is the soundtrack of our lives. I used that phrase in the stage 1 debate to express my love for Stacey—I kind of do that a lot. After 30 years of marriage, it is probably less romantic than it was back in the day.

It was American broadcaster Dick Clark who first used the phrase "Music is the soundtrack of our lives." When we hear certain songs, we are instantly taken back to when we first heard them—the school disco, the relationship that was fleeting but powerful or St Mirren winning the cup. That last one might just be me.

Music takes us to the moments in our lives that shaped us. When I hear "All I Ask of You" from "The Phantom of the Opera", I see Stacey walking down the aisle on the day we got married, looking gorgeous. When I hear "God Only Knows" by the Beach Boys, the opening bars melt my heart, and I am thankful that Stacey is part of my life. I have become the man I am because of her.

As members know—I said this during the stage 1 debate—Stacey lives with multiple sclerosis. Like many people who live with long-term conditions, she carries it with remarkable strength, even if life is not always quite as rosy as she sometimes leads us all to believe it is.

There is a song that means a lot to Stacey: "Smile". The melody was written by the brilliantly creative but flawed genius Charlie Chaplin, and the lyrics were added later and made famous by Nat King Cole. The lyrics say:

"Smile though your heart is aching".

In many ways, that has become her anthem.

Stacey lives with MS, high blood pressure, asthma and osteoporosis. MS itself will not kill her, but it makes her more vulnerable to other illnesses that could come later, and yet she smiles. She smiles because we have each other, because we have our children, James and Jessica, and because we have our four wonderful grandchildren, who are soon to be joined by a fifth. She gets through the hard times because she has so much to live for. When Stacey talks about that song, she is not talking about the end of life; she is talking about living it—every day that she possibly can.

However, Stacey also says that, if the worst should ever come to her—if she was ever facing unbearable suffering at the end of life—she would want a choice.

There is another song that means the world to me: "No Matter What" by Boyzone. Please do not judge me. I played that to my daughter, Jessica, when she was wee. It was my way of telling her to be true to herself, to grow up into her own woman and to know that, no matter what, she would always be loved.

That is what it all comes down to for me. My wife and my daughter are two of the most important people in my life. We all have these stories—every one of us—but all stories inevitably reach their final chapter. For many, the end comes with peace and comfort. For others, it comes with profound suffering, a loss of independence and a loss of dignity.

The question is whether compassion has a place during the final bars of life's soundtrack. We cannot control every note, but we can decide whether the final notes are shaped with humanity, dignity and choice.

I agree with those who tell me that we need better palliative care. My mum, Elizabeth, spent the last few days of her life in the Accord hospice in Paisley. Two days before she died, Stacey and I spent a whole Saturday afternoon creating a playlist, which included songs by the Beatles, Tammy Wynette, Patsy Cline and Willie Nelson. My mum liked two types of music: country and

western. We had a great day, but a week later I was carrying her coffin down the aisle of Woodside crematorium to “Blue Eyes Crying in the Rain” and her personal anthem, “Stand By Your Man”. When I hear that music, I remember that sunny day.

Music really is the soundtrack of our lives—the songs that we hear before the memories we carry, the people we love, the lives we build and the moments that shape us. Stacey says, “Smile though your heart is aching.” That is how so many people live their lives: with courage, resilience and love for the people around them.

Every life—no matter how rich its soundtrack is—eventually reaches its final chapter. When that moment comes, the question before us today is simple: should those final notes be written only by illness and suffering, or should compassion, dignity and choice have a voice as well? If music truly is the soundtrack of our lives, the final note should be written with compassion and by the person themselves.

19:10

Sandesh Gulhane (Glasgow) (Con): I wish to make a declaration of interests: I am a practising NHS general practitioner, who is registered with the General Medical Council, and a member of the British Medical Association. In addition, I chaired the medical advisory group for the Assisted Dying for the Assisted Dying for Terminally Ill Adults (Scotland) Bill. Also, I am a practising Hindu.

This debate touches on some of the most profound questions that any of us will ever face—life, suffering, dignity and death. I want to express my sincere respect for those colleagues and members of the public whose religious, ethical or philosophical compasses make it deeply difficult to contemplate supporting the bill. Those views are sincerely held and deserve respect in the chamber. I say that as someone who shares some of those internal tensions—as a practising Hindu, I wrestle with the philosophical, ethical and spiritual aspects of my faith when I consider legislation such as this. These are not abstract ideas to me; they are part of my own moral framework.

However, this Parliament is not a theocracy. Our responsibility is to inquire, to investigate, to debate, and, sometimes, to struggle with difficult questions so that we make decisions that improve people’s lives. That is why I came into politics.

We cannot be out of touch with the country that we all serve. Scotland today is largely secular. We live in a pluralistic society with many different moral perspectives, and 81 per cent of the public support assisted dying.

We, in this chamber, and all those watching share two things: we are born and we will die. All of us—no exceptions. We control all aspects of our lives, but we have no control over how we die. People die alone, scared and in agonising pain. As a patient told me, “I wouldn’t let a dog die like this. Why am I having to suffer like this?” That patient can choose to starve herself or to stop drinking and to die horrifically, but she could not choose to die with dignity or painlessly. Let us here, today, give people a real choice over how they die.

Having chaired the bill’s medical advisory group, I believe that we have before us a serious and sound piece of legislation. We must also be honest about the reality that already exists. Today, the option of a peaceful assisted death is effectively available only to those with the financial means to travel abroad. Those without such means often face prolonged suffering without the same choices, and that inequality should trouble us.

This bill is also not and must never be seen as an alternative to high-quality palliative care. As a GP, I have seen the extraordinary compassion and skill of palliative care teams. They do remarkable work, and I will continue to advocate strongly for greater resources in this area. Palliative care must remain a cornerstone of how we care for people at the end of life, but choice matters.

For some patients, despite excellent palliative care, suffering cannot always be relieved. For those individuals, the dignity of choice at the end of life is something that many Scots believe should be available.

The bill represents years of work, consultation and scrutiny. It offers compassion, safeguards and dignity for those who face the end of life.

If the bill falls today, it will not simply be a procedural moment; it will be a lost opportunity to help those suffering and dying who have no voice. For those reasons, and with respect for colleagues who will reach a different conclusion, I believe that this is a good bill, a sound bill and a bill that deserves the support of this Parliament.

19:15

Carol Mochan (South Scotland) (Lab): In my five years as an MSP, I have had the great honour of hearing directly from people across my region and across Scotland. Many of those people have experiences well outside my own, and I value all those interactions and take them very seriously. I therefore want to thank everyone who has contacted me about the bill.

I am here to serve, and that is exactly what I intend to do today. Few groups have affected me as much as those pleading with us to pass the bill. What I have come to understand is that choice at

the end of life really matters. The experience is one that any of us might encounter in one way or another; however, until we do, it can seem like an abstract or far-off consideration. We cannot allow ourselves to imagine that we might have to consider assisted dying.

People who have had this experience, or who are having this experience as we speak, are watching us today, awaiting a vote that signals to them that their concerns have been heard and that their lives remain their own. Those same people watched last week as we constructively debated the issues and assessed the amendments—the longest such process that we have had, certainly in my time here at Holyrood. No one can say that the bill has not received serious and considered scrutiny, and I thank my fellow members for that.

I remind colleagues in the chamber that there is widespread public support for legislation on assisted dying. Are we, as parliamentarians in Scotland, going to simply ignore the fact that public opinion is moving towards such reform? I truly hope not. I believe that we need this legislation and that to turn our back once again on compassion and choice would be a grave mistake, driven by fear.

Polling suggests that around 76 per cent of people across my South Scotland region support legislating on assisted dying; indeed, the figure is broadly similar in every region. I want to be clear: this bill is about choice; it has strong public backing; and it has received unprecedented scrutiny and constructive debate. That is how democracy should work—it is the basis for good legislation that will stand the test of time. In that spirit, and in line with the principles that I have strongly held since I worked in the NHS, I will cast my vote today for the people who are suffering now, for those who will suffer in the future and for everyone who simply wants a fair and compassionate option in the likely final six months of a terminal illness.

I entered politics to help people and to empower them, and the bill does both. It might not be a comfortable or an easy subject—I accept that—but this is all about taking a compassionate approach that best serves the complex experiences of so many people across Scotland.

At times, I have been dismayed at how little meaningful legislation makes it through the chamber. A great deal of time, public funds and people's hopes are invested in our democratic processes, and I fear that, due to excessive caution or needless delay, we do not provide the public with many examples by which they can measure our worth. Today, we can provide such an example.

I will close by offering my thanks to Liam McArthur MSP and his team, who have done such great work in navigating the bill through the Parliament. Without that steadfast and constructive approach, we would not be at this stage to begin with.

I urge my fellow MSPs to please not delay compassion or delay the ability to help others. Let us pass this historic bill and end this session having truly changed Scotland instead of just maintaining the status quo. Let us give dying people the chance to decide their last moment for themselves.

19:19

Jeremy Balfour (Lothian) (Ind): It has been said many times during this stage 3 debate that we are dealing with the most important decision that we, as parliamentarians, have taken, and I want to thank Liam McArthur and all his team for the way in which we have taken the bill through Parliament.

The decision that we make this evening will profoundly change the very fabric of our society and we should all consider that carefully when it comes to decision time.

Disabled people are frightened, and I ask my colleagues to put themselves in their shoes and my shoes. Imagine that you relied on your family and friends to make daily sacrifices to help you to get up, dress and be ready for the day. Imagine that you had been told by many people, including a number of politicians, that you were a burden on society and that the benefits that you rely on to survive could be better spent elsewhere. I want you to imagine that, on numerous occasions, you have heard the words, "I'd rather die than live like you." How do you think you would feel, watching this debate? I think you would, rightly, feel terrified.

I know that those on the other side will say that the bill will affect only those with terminal illness, but, as we have seen time and again in other jurisdictions, the bill would mark the beginning of the story but not the end. Take Jersey, for instance. Its bill was passed not even a month ago and there have already been attempts to broaden the criteria by which someone there becomes eligible for an assisted death.

In passing the bill, we would be opening a Pandora's box and the effects on the most vulnerable people in our society would be devastating. Despite what we have heard from those on the other side of the debate, there can be no meaningful protection against coercion and we cannot legislate against the feeling of being a burden. We cannot legislate for the throwaway comments that make me and others feel that our lives are worth less.

I am very fortunate. I have had a loving family. I have a superb wife and loving children who would never let me go through that, even if I was at a low point, but many in our country are not so fortunate. The protections in the bill are not good enough and can never be good enough.

Colleagues—friends—I am begging you to consider what the consequences of passing the bill would be for the most vulnerable in our communities. Do not let the final act of this session of Parliament be a disappointment to them and to future generations.

19:23

Bob Doris (Glasgow Maryhill and Springburn) (SNP): If the bill to legalise assisted dying is not passed today, many people who have led a dignified campaign in support of a change in the law will be deeply disappointed. Likewise, should the legislation become law, many others will feel just as much disappointment and, in particular, many of our disabled constituents will be shaken by that outcome.

As all members have done, I have received heartfelt pleas from constituents on both sides of the debate. My approach to the bill has been to seek to amend it as best I can to bring in some safeguards, even though I am not convinced of the level of reassurance that such safeguards will offer. I sincerely thank Liam McArthur for his constructive engagement on amendments at stage 3. I also thank the Scottish Partnership for Palliative Care, which I worked with to develop my own amendments, although I should note that the organisation itself takes a neutral position on the bill.

There have been some positive amendments—if not enough to make a substantial difference, from my perspective—and they were lodged in sincerity and good faith. There is now a requirement for the registered medical practitioner to set out in detail how they arrived at their decision to approve a request for an assisted death, rather than a simple declaratory statement to attest that the criteria have been met. That will aid transparency about decision making, but it will not improve the decision-making process in itself.

There are also now requirements to seek to identify indirect pressures and undue influence. That said, I was concerned by suggestions that coercion would not be a particular issue. I remain concerned about the ability to identify coercion, which can be hidden and tricky to recognise, particularly in relation to coercive and controlling behaviour.

I want to put on the record a quote from an article by Dr Anni Donaldson, Dr Mary Neal and Professor David Albert Jones in *Scottish Legal News*. They said:

> "Given the scale of abuse, the low rates of disclosure, and the fact that training, however thorough, cannot reliably detect coercion, it is inevitable that coerced deaths will result if the Assisted Dying Bill becomes law."

That is not a reason not to pass the bill, but we should not pretend that it will not happen.

There will now be a referral to a palliative care specialist by the registered medical practitioner if they believe that appropriate care is not being offered, but I am concerned about how the practitioner will always be able to have an informed view on that front. Indeed, more generally, we remain unclear about the skill set and training requirements of any practitioner.

It is of concern to me that the bill does not prevent any GP from raising assisted dying with a patient. My concern is that a GP raising such a measure would not be a neutral act, even if it was intended—I am sure that it would be—to be so. In some circumstances, it would compromise the doctor-patient relationship.

I am also aware of our Parliament having to remove protections for opt-outs and matters of conscience from those professionals who might otherwise be required to be involved in the delivery of assisted dying.

We all know about examples of excellent palliative care practice that can make a real difference for many. We also know that there are gaps and resource issues. Such provision is not consistent. We need a strategic expansion of palliative care services across Scotland, and we must build the budget to deliver that expansion in the next parliamentary session, irrespective of whether the bill is passed. For me, that would ideally happen before we consider assisted dying further.

We must also not conflate palliative care budgets with assisted dying budgets. I am not reassured that the bill does that appropriately. Assisted dying is not palliative care.

This evening, I will vote against allowing assisted dying. However, that does not stop me from being conflicted. My reasons, no matter how sincerely held, are likely to offer little comfort to many of those who wish to see assisted dying being allowed. We have heard powerful arguments. However, should the bill be passed, many people, particularly those who live with disabilities, will be deeply shaken.

I will finish with a quote from Inclusion Scotland, which brought the issue home to me. It said:

> "Until disabled people have full access to supports necessary to live with dignity, legalising assisted dying will only exacerbate existing inequalities rather than expand

genuine choice and control."

I might be conflicted about the issue, but I am clear that offering choice for some will not offer meaningful choice for all.

19:27

Liz Smith (Mid Scotland and Fife) (Con): It is on occasions such as these, when the matter that is under consideration is so challenged by complex ethical, moral, legal and practical questions, that I have come to know the Scottish Parliament at its best. We saw that last week and I believe that we are seeing it again this evening. That is because, for free votes, the increasingly confrontational and divisive politics of this chamber can be put to one side. Such votes encourage widespread respect across the debating chamber for different views, which are always sincerely held by the individuals concerned, and many are based on personal reflections. I again pay tribute to Liam McArthur for the respectful manner in which he has led the bill.

For many years, I have come to this debate conflicted, well understanding several of the key points raised by those who support assisted dying, partly based on my own family experience, but also understanding the key points in the case against. It is a debate in which I have become much more interested and, as such, I hope, better informed, given all the reading that I have undertaken on the subject and having listened to the many hundreds—perhaps many thousands—of constituents who have been in touch not just about this bill but about the two previous similar bills. I thank them all.

However, there are two particular aspects of the debate that continue to trouble me a great deal and which are the main reasons why I will vote against the bill this evening. The first relates to the protection of our most vulnerable constituents. I sympathise with all those who tell us that this debate is all about free will and the right to choose, but that free will and the right to choose can never exist in a vacuum. They are contingent on other factors: being free from pressure and free from any coercion.

Death, whether assisted or not, also affects the rights of other people. I make that point because that issue has been a substantial part of the concern of many within disability and other vulnerable groups, who believe that the bill would apply too much pressure on them. I share that concern. As MSPs, we often deal with very vulnerable constituents, and I have personally and professionally learned a great deal from that experience. As a result, I worry about the implications in relation to coercive situations within families, who may put pressure on vulnerable relatives to end their lives, perhaps for financial reasons in increasingly difficult fiscal situations or for reasons that suit their circumstances rather than those of the patient.

My second reason for opposing the bill is my on-going concern about the lack of safeguards and the hidden costs. Irrespective of whether members are for or against the principle, medical professionals are very clearly telling us that some aspects of the bill are both unsafe and unworkable because of the removal of section 18, which contained vital protections that, in their eyes, are central to the safe, ethical and fair delivery of care.

For me, society must surely always have a respect for the sanctity of life. That must include the medical profession's commitment to saving lives. I continue to worry about a situation whereby we hand ultimate power to doctors, with the possibility that voluntary action could lead to involuntary action.

Then there is the issue of constantly improving medicine—the fact that, all the time, ever more successful treatments are being developed, including some treatments for diseases that were previously thought to be terminal. That is not unrelated to some of the arguments about the widening of the eligibility criteria, as has been the case in Canada.

I note, again, that the lead committee worried about the broad definition of "terminally ill", believing that that could include those who might well live much longer.

As I have mentioned, the debate has always been complex and emotive, and it has deserved our fullest attention.

As I stand down from the Parliament in a few days' time, I thank all colleagues, former and present, for their engagement with me over the past 20 years. However, I also express my earnest hope that, in future sessions, much more of our politics might be conducted in the current manner—considered, respectful and free from the unpleasant rancour that has come to colour far too much of our political discourse. I believe that the public both wants and has a right to expect that change if Scotland is to be a stronger nation.

19:32

Pam Duncan-Glancy (Glasgow) (Ind): I, too, thank Liam McArthur for the way in which he has engaged on the bill and with me.

Last week, we considered the specifics of what the bill would mean in real life. For 25 hours, we heard personal reflections and experiences as well as some of the difficulties in the detail. However, the question that got to me was, "When is it okay to bring up assisted dying with someone?" It got to

me because it gets right to the heart of what we are debating. What sort of life leaves someone with no hope? What would we rather die than live with?

That question, and the bill, are hugely consequential. The bill will not only put sick and disabled people at a risk that cannot be mitigated in one bill or by one policy, including the risk from coercion, but will serve to reinforce the internalised ableism that we live with every day of our lives, and legitimise the view that a life such as ours—a life of dependence and, often, pain—is not for living. I cannot support that. No matter how hard or intolerable life can be for disabled people, there must always be the hope that we will have the right to practical assistance and support to live. If the bill passes, there is a risk that it will be easier to access help to die than help to live.

From fighting to go to the same nursery as my sister to delaying university for two years because I could not get a care package, and from fighting to be allowed to travel on the same bus as my husband to fighting to get a bathroom adapted so that I could have a shower, absolutely everything that I have has been a fight.

I even had to fight to keep overnight care so that I could go to the toilet, because the council said that it would be cheaper for me to lie in incontinence pads. That was the fight that nearly broke me. I was ill and crying every day, and the pain from my advanced-stage arthritis got worse because I was worn down fighting.

During the pandemic, my husband and I were so scared of other people's power over our lives—lives that we could see others devaluing daily—that we wrote letters to each other making it clear that we wanted to be resuscitated.

I am one of the most empowered people in this country, and I have been broken by how hard it is to get the help that I need to live like the rest of you. When I have the support that I need and when I am not fighting I, and people like me, can live well: we can thrive. That is what the Parliament is for: we are here to legislate to empower everyone in this wonderful country to live well, including at the end. However, even when my pain is intolerable, it is the everyday ableism and discrimination that make me feel like I cannot go on. It is the lack of support, and the lack of options, that makes me feel like I cannot go on.

Disabled people do not have real choices in life. There will be countless disabled people in our constituencies tonight who have not had the choice to have a shower in weeks. There will be people who cannot choose when they go to bed and some who will already be in bed. There will be people who cannot choose what to eat and people who cannot choose to go out of the house because it is not accessible. There are people who cannot choose their care or the healthcare that they need, including at the end, because it is simply not available for them. Crucially, there will be disabled people whose struggle is so hard that they have given up hope and given up fighting, and will be considering taking their own lives.

I know that because I have been all the people I have described. They live in fear every single day, worrying about what new limit someone else will put on their life and what little power they will have to change it. They live every single day without choice at all.

It is inconceivable to suggest that the introduction of assisted dying is about choice when disabled people do not have choices in life. In a world where so many have little or no choice, we cannot risk making death the only choice that they ever have. If the bill passes, in a world of inequality it will be easier to access help to die than help to live. That is why I am asking colleagues to vote against the bill tonight.

I do not have much to lose when it comes to my body or my functions, and I, too, am scared of losing what I have, as others are—of course I am. However, I know that life can be good when we create a society where we have the support to live it, and live it well. Please, colleagues, vote against the bill, and choose to make it easier to live than to die, not the other way round.

19:38

Evelyn Tweed (Stirling) (SNP): I start my speech with the words of Kate Buchanan, who was a constituent of mine. Kate said:

"I don't want to die, but I am going to … I want to be just like the rest of you—not thinking of dying all the time. But I can't, it consumes me, it totally dominates my living, worrying about what is going to happen to me and my family. I want my children to not see me suffering, I want to mitigate that. And the only way I can see that happening is through this Bill passing. When you are debating this … think of me and think of my family … and all the other hundreds of families that are going through exactly the same thing. And do right, do right for Scotland."

Kate died in October 2024.

Kate's husband, Rodger, shared these words with me:

"My wife, Kate Buchanan, was an active supporter of the assisted dying bill. It has come too late for her to benefit. She found a lump in her breast in September 2023 and died in October 2024. She was fairly well until August 2024 and continued to have good days until mid-September. She was lucky enough to receive excellent care from Strathcarron hospice for the final five days of her life, where the staff were unfailingly kind and responsive. But even the best palliative medicine has its limits, and Kate knew that. It wasn't the death that she wanted. Actually, she didn't want to die. She loved life, but she knew she was going to die soon. She had stockpiled some medications to be able to

take her own life, but, ultimately, we decided we didn't have the knowledge to be sure of using them effectively and safely, and we didn't want to put a friendly GP or a GP friend in a difficult or unlawful position by asking for advice."

He went on:

"While Kate was an effective supporter of the assisted dying bill, she had a flaw as a campaigner. She was ill. She was dying. She wasn't going to be able to see the campaign through to the end—something she shared with many other supporters of the bill. Kate was very conscious that this wasn't a characteristic shared by many of the campaigners opposing the bill. And so that brings me to the point that she tried to make in her campaigning. That it is the task of you, as MSPs, to keep her and her fellow dying and dead supporters of the bill in mind; to represent, as elected lawmakers, those constituents who are no longer here; to put their point across and to have the courage to imagine having that difficult conversation with a loved one about how they wish to die, when it becomes apparent that death will come unavoidably soon."

This bill has come too late for Kate, but it is not too late for us to vote for assisted dying and to give terminally ill people like Kate the death that they wished for. Remember Kate's words and do right—do right for Scotland.

19:42

Paul O'Kane (West Scotland) (Lab): This is undoubtedly the most consequential decision that we will make in this session of Parliament, just five days before its conclusion. Indeed, it is one of the most consequential decisions that this Parliament has ever made in its relatively short existence. Many MSPs in the chamber will have made their final speech in the debate knowingly; we have heard about some of that already. Some in the chamber will make their final speech unknowingly. Some, of course, will return to the chamber to make speeches in coming years.

Nobody's place in this Parliament and nothing that we do here is certain. As colleagues have already referred to, the only thing that is certain in life is death. Over these past days, weeks, months and years, we have debated what it is to die, what it is to have a good death, and how we support people in our society throughout their life and in its completion.

I want to begin, as I did at stage 1, by acknowledging the variance of views and experiences that have been shared with me by constituents and many others across the country—shared with genuine concern, passion and honesty. I will vote against the bill this evening, but I want people to know that I will do so with a genuine respect for those with whom I have found that I cannot agree, including Liam McArthur, the member in charge of the bill.

At stage 1, I set out my key concerns on coercion, and the deep concerns that disabled people have communicated to me in relation to the bill, not only during my time in Parliament but throughout my career working with people who have a learning disability and their families.

At stage 2, I followed growing concerns about the right of conscientious objection for healthcare professionals and organisations. As colleagues will know, in my amendments at stage 3 last week I sought to enhance protection from coercion, mandate training on it and provide an opt-out for organisations, particularly those with a faith ethos. I will dwell briefly on the failure of the latter amendment.

I cannot fathom why we would pass a bill that would not provide a sufficient safeguard and a right of conscience for organisations in this country that have provided care for hundreds of years. Those organisations and institutions are at the heart of our communities. Whether members have faith or not, they should recognise that those organisations and their staff have walked with, laughed and cried with, and held the hands and the hearts of people in our community in the darkest of moments. They cannot be allowed simply to be put into the annals of history. They have a place, they belong in our communities and they must be protected. My amendment that sought to protect them failed by only four votes, which was markedly different from the margin by which the general principles of the bill were agreed to at stage 1.

Of course, my opposition to the bill goes beyond just the amendments that were passed or not passed last week. I fundamentally believe that we do not debate the issue on a level playing field. We have heard a vast amount of testimony from disabled people about their fears of what would happen if the bill was passed. That is not imagined and it does not come from nowhere. It comes from the daily lived experience of disabled people and their families. In a country as rich, as democratic and as socially aware as ours, too many disabled people feel that they are not heard, not seen and not valued. They are our colleagues, our constituents, our neighbours and our friends. This is no longer a debate for the kitchen table, the pub or the radio. A monumental decision is before us, and we must hear their voices.

I come back to the comments that I opened with about certainty. Our time in this place will come and go, and the debates that we have, the victories that we mark and the disappointments that we experience will fade. However, the decision that we make tonight will be lasting and its impact will be wide. We must look disabled people in the eye and assure them that we can give them safety, dignity and protection—the things that they need to live their lives. I do not believe that we can do that. If there are colleagues tonight who, even now, at this hour, are unsure about that or any other

aspect of the bill, they must join me and many others across the chamber at decision time and they must vote no.

19:47

Ross Greer (West Scotland) (Green): At stage 1, I said that I supported the principles of the bill but not the specifics. I believe that the circumstances of our deaths should be as safe and compassionate as possible, but for too many people suffering prolonged and undignified deaths in Scotland, that is not because of a lack of effective palliative care. There is a total consensus in this Parliament on the need to improve Scotland's palliative care services, but that is not enough for everyone at the end of their life. People still suffer over their final days and weeks, whether they effectively starve to death or lose their autonomy and the dignity that, for them, is rooted in that autonomy.

The first draft of the bill did not strike the right balance between affording the option to those who are at the end of their lives and giving sufficient protection to vulnerable individuals, but it is to the credit of Liam McArthur and a great many other people inside and outside this Parliament that the bill has been so significantly strengthened. Daniel Johnson secured the most important change—the requirement for the six-month prognosis. I recognise that that will disqualify some people who, perfectly legitimately in my view, and without any external pressure, wish an assisted death because of their illness, but it hugely reduces the risk of vulnerable people being coerced into something that they would not otherwise choose. It is not perfect, but it ensures that the system is only for those who are approaching the end of their life.

I am grateful to the Health, Social Care and Sport Committee for agreeing to my proposal for an advocacy service for any patient who wants it, and to all MSPs who supported the further changes last week to make that service stronger. The advocates would provide an essential service, helping patients to navigate the system and know their rights and options, and acting as an additional safeguard against coercion.

On top of that, the patient must have palliative care options presented to and discussed with them. In addition, the doctor must inquire about indirect pressures, including issues such as financial pressure, and they must discuss potential coercion.

The assessments by both the medical practitioners who are involved have been strengthened to include requirements for assessments to take place in person and by medics who have met the patient on more than one occasion. Thanks to Ruth Maguire, there is an additional structured assessment at the point of the second declaration that must take place in private. That is an important protection against coercion, particularly by partners or caregivers.

I am frustrated, though, that the very late concerns about legislative competence created so much uncertainty last week. We can be absolutely clear now that, if the bill is passed, it will not commence until arrangements are in place to ensure that no worker is ever required to participate in the process, that any worker who exercises their right not to do so is protected from any detriment as a result and that training and qualification requirements have been set for the professionals who are involved. That leads me to an important point.

This is the final vote on the principle of the bill, but, if it passes, it is not the final vote on whether a system commences. Once those provisions are in place to protect staff and to set training and qualification requirements, commencement regulations will be laid before this Parliament. If Parliament considers any of those to be inadequate, the commencement regulations can be rejected and the system will not start. The guidance that is necessary for the system to operate will also be subject to a resolution of this Parliament—a further safeguard and a further opportunity for Parliament to exercise its rightful control. I respect that that might not feel like a sufficient safeguard for some, but it is for me.

I will close by repeating what I said in the stage 1 debate. I sincerely believe that this is not an issue that should be decided by opinion polls. Organisations on both sides have shown that we can get whatever answer we want, depending on how the questions in polls are worded. The public have put their trust in us to make this decision on their behalf. It is the most important decision that I can imagine this Parliament making. For my part, I cannot reconcile myself with the prospect of denying those who face a life-ending illness the dignity of dying on their own terms. I will vote for the bill this evening.

19:52

Humza Yousaf (Glasgow Pollok) (SNP): I, too, thank Liam McArthur for the approach that he has taken in engaging with members across the chamber, on both sides of the debate. I do not think that there is anybody better suited—either in temperament or in manner of engagement—to have brought such a sensitive and complex bill to the chamber, and I sincerely thank him for that.

I echo Liz Smith's comment that this debate, throughout its stages—1, 2 and 3—has been an exceptional demonstration of this Parliament at its

best. It is perhaps cheeky of me to say this as I leave this Parliament, and as someone who has been an MSP for 15 years and was in Government for 12 and has never once voted against the whip, but perhaps less whipping in this Parliament might not be a bad thing after all.

In what is likely to be my final speech as an MSP—other members have said this—I cannot think of a more consequential piece of legislation to be speaking to. In 15 years in this Parliament, I, like so many of my colleagues, have cast hundreds, if not thousands, of votes. Day after day, we come to this chamber and, more often than not, we vote as instructed by that slip of paper that is handed to us by our whips. However, today, there is no party line—no whip. Today, every member must be guided not by a slip of paper, but by the weight of their own conscience.

My conscience tells me this: a society that leaves someone with a terminal diagnosis believing that their only options are either to endure intolerable suffering or to end their life prematurely has failed them. I refuse to accept that those are the only two choices available. There must be a third one—one that gives people comfort, relief and, yes, dignity in their death—without sending the message that ending their life is the only option available to them.

As someone who has taken a number of bills through this Parliament—and, dare I say, one or two that have even courted some controversy—I know how carefully we must think about the unintended consequences of legislation, especially legislation such as this bill, which is born of good intentions. Over the years we have corrected bad law, we have amended acts and we have even repealed acts. This bill is different, however. When the unintended consequences are death, there is no correcting it afterwards. No repeal can reverse it, and no secondary legislation can undo it. Death is final.

Even many of the bill's strongest supporters have had to concede that there is no absolute, cast-iron safeguard against coercion. Coercion is not always loud. It is not always an overt threat. Sometimes it is quieter than that. Sometimes it is a look, a sigh, a hesitation, a sense that you are a burden, a feeling that your family would simply be better off without you. That is what troubles me the most.

That is not to say that those who argue passionately for the right to an assisted death do not have a case; of course they do. We would have to have a heart of stone not to be moved by some of the testimony that we have heard. I know that from personal experience. When my uncle died from pancreatic cancer, aged 54, I washed his body in preparation for his funeral, as is our Islamic custom. He had been a stocky man—5 foot 8 and 13 stone—before his diagnosis. By the time he died, he weighed just 6.5 stone. As I washed him, I could feel his bones protruding through his skin. When he died, I felt grief and heartache, but I also felt relief that he was no longer suffering.

I therefore say this with real empathy for those who are facing terminal illness, pain, fear and loss of dignity. If, in giving a small minority this option, we create a law under which even one person ends their life because they feel guilty, dependent or like a burden, then the Parliament will not have made compassionate law; it will have made dangerous law.

When disabled people's organisations and domestic abuse organisations and experts warn us, and when those who know what it is like to live with dependency tell us that this law could expose people to pressure that they may never name as coercion, we should not just hear them—we should listen to them.

To colleagues who remain undecided tonight, I simply say this. If you are not absolutely certain that this bill can protect those most at risk, then do not pass it. If even one person chooses death, not from true autonomy but from quiet pressure, that is one person too many.

19:57

Maggie Chapman (North East Scotland) (Green): I believe that life is precious. I believe that life is a gift. I believe deeply that all life has inherent worth. That worth does not diminish with illness, with disability or with proximity to death. However, valuing life is not the same as insisting that life must be prolonged at all costs, in all circumstances, regardless of the suffering and regardless of the wishes of the person living it.

I believe in bodily autonomy. I believe in choice. I believe in the compassionate principle of being able to choose a good death. This debate has never been abstract for me. It is about family members, friends and constituents facing the end of their lives—in pain, in fear and, far too often, without the control, dignity or peace that they deserve.

Liam McArthur's bill asks us a simple but profound question: do we trust people in the most difficult moments of their lives to make decisions about their own bodies, their own suffering and their own death? For me, the answer is resolutely yes.

People across Scotland have been talking about this question for years. Many are asking for honesty, for autonomy and for compassion. The majority of our constituents agree with the Humanist Society Scotland that

"This bill is about compassion, dignity, and the fundamental right to choose."

We should be clear that the bill is not about abandoning care. Organisations such as Dignity in Dying remind us that good end-of-life care and assisted dying are not opposites but partners. They argue that everyone should have the right to plan and to control their own death, supported by robust safeguards and high-quality care. I agree. We must invest in palliative care—absolutely—but we must also recognise that even the best palliative care cannot relieve all suffering.

I have also listened carefully to people of faith. Quaker voices, in particular, speak powerfully of conscience, compassion and the importance of accompanying people with love at the end of life. Although there is not unanimity, many people of faith emphasise that moral agency and care must go hand in hand and that we must not turn away from suffering but respond to it with humanity and respect.

I have concerns about aspects of the bill, particularly the six-month prognosis requirement that was agreed last week. Prognostication is not an exact science. Clinicians have told us that predicting life expectancy can be deeply uncertain. By setting an arbitrary limit, we risk excluding people who are suffering unbearably but do not fit neatly into that timeframe. I believe that eligibility should be based on suffering and autonomy, not on a rigid estimate of time remaining.

In our deliberations, we have heard personal testimonies—a wealth of evidence on the lived realities of those at the end of life. We have also heard fears about coercion, vulnerability, the lack of decent palliative care and the message that the bill sends to disabled people. I take those concerns seriously, but I believe that the answer to them is not to deny choice altogether; it is to design care and safeguards that are strong, transparent and rooted in trust.

Right now, the absence of a legal framework does not mean the absence of assisted dying. It means inequality. It means that some people—those with means—travel abroad, while others take matters into their own hands, often in horrific, traumatic and lonely circumstances. That is not a compassionate status quo.

I come back to the people at the heart of this debate—those facing the end of their lives, who are asking not for the impossible, but for dignity, agency and peace. We cannot remove death, but we can shape how people meet it. I am very grateful to Liam McArthur for giving us the opportunity to shape our own deaths. Let us choose compassion. Let us choose dignity.

20:02

Douglas Ross (Highlands and Islands) (Con): Like others, I recognise the incredible work that Liam McArthur has put into the bill in the last week, the last month and this entire parliamentary session. When I heard that an assisted dying bill was being introduced for a third time, before I knew the make-up of the Parliament this session and the views of individual members, I thought that it had the best possibility of passing this time because of the member in charge. Liam McArthur is the rare politician who it is very difficult to dislike. He works across the political spectrum and is compassionate, empathetic and absolutely committed to this cause. No matter how the vote goes tonight and no matter the fact that, less than two hours away from the vote, many of us are still unsure of how it will go, the fact that the bill has come this far is down to his efforts and the efforts of his team and of the non-Government bills unit. I want to put on the record, as someone who will not be supporting the bill, my complete admiration for what Liam McArthur has done to get this very passionate and difficult issue to the floor of the chamber and the way in which he has done it.

I will not be supporting the bill, but it has caused me more trouble than any other vote that I have taken part in. As Liam McArthur said when he was quoting Lisa Fleming, we have all had constituents—many hundreds or thousands—who have written to us about their personal experiences. They have been some of the most difficult and distressing emails and letters to read and respond to. You would have to have a heart of stone not to understand the pain and suffering that those constituents' loved ones have gone through and how much they want to alleviate that for themselves or their loved ones in the future.

Others have spoken about their family connections, and I thought that George Adam, once again, spoke very passionately about his wife and his family. In my family, my wife takes a completely different view from me; she has always been very much in favour of the bill, and she cannot understand why I would not be. Therefore, this is an issue that splits not just parties; it splits families and couples, too, and there is no right answer. At the end of today, each and every one of us will cast a vote, and we will be able to defend it, one way or another.

For me, it all comes down to what is not in the bill. The fact that conscientious objections were taken out of the bill—for understandable reasons and because of the requirement for a section 104 order—concerns me. It also concerns the Royal College of Psychiatrists, which moved from a neutral position to a position of opposition to the bill, as well as the Royal Pharmaceutical Society, which similarly said that, because the bill did not

contain vital protections for pharmacists and other healthcare professionals with conscientious objections, it could no longer remain neutral on the bill and urged members to vote against it.

Another issue that I have wrestled with a lot is that of coercion, which we have heard many members talk about tonight. If we cannot be absolutely certain—absolutely sure—that no one will feel coerced into taking their own life, because they feel a burden, or because of the efforts of others, we cannot support the bill.

Russell Findlay (West Scotland) (Con): I, too, fear that the bill cannot prevent coercion. We cannot legislate for human nature and human fallibility. Having changed my mind, and having decided to vote against assisted dying tonight, I wonder whether the member agrees that, if any member at this late stage is still in any doubt, the responsible thing for them to do would be to vote no.

Douglas Ross: I understand that members will still be in doubt at this late stage, despite all the debate that we have had, because this is such a difficult decision. However, as Humza Yousaf said in what I thought was an excellent speech, if just one person ends their life as a result of coercion, the bill will have failed. We will have failed as legislators, and this Parliament will have failed. We cannot allow that.

I will end by making two brief points. Liam McArthur has said before tonight, and others including Rona Mackay, Patrick Harvie and Alex Cole-Hamilton have said in the chamber this evening, that this bill is the most heavily safeguarded bill of its type anywhere in the world. That sounds really good and very comforting, but I see no way of assessing or judging that statement. I would love it to be true, but I am just not sure that we have the data, or the background, to support such a view.

Finally, there is another voice that I thought that we might have heard before in this debate, but we have not. As the enormity of this decision weighs heavily upon us all, I have been listening to experts. This morning, we had an intervention from someone whom I have respected for some time. Sir Harry Burns was this country's chief medical officer from 2005 to 2014, and when he writes about the bill, as he has done this morning to urge MSPs to oppose it, we have to listen carefully to what he says. He said:

"We may have no medical cures for their physical illness, but we can and should give them a sense of control over their lives, not a pathway to death."

I do not want to give people a pathway to death. If the bill, and the proceedings around it, have done anything, it is to ensure that not just Parliament in this session but Parliament in the next session and the next Government prioritise palliative and hospice care, so that we can ensure that people live their lives to the fullest opportunity for as long as they can, instead of giving them a pathway to death.

20:08

Daniel Johnson (Edinburgh Southern) (Lab): If one thing is clear, it is that the whole Parliament is united in—frankly, almost nauseating—tribute to Liam McArthur. However, the tribute is deserved. On a very personal level, and thinking back to our most recent conversation about the bill, I just wish that disagreeing with people was always so agreeable. That is a genuine personal tribute.

This is a bill that I have found difficult; indeed, I was opposed to the previous legislation that came before the Parliament. However, when I examined the matter from first principles and asked myself whether I would want to exercise this option if I were terminally ill, I concluded that I would. Should people have an option, and would they have autonomy? I think so. However, I do not believe that people make decisions in isolation. They make decisions in the context of community, society and family.

Ultimately, when we legislate, we create expectations and norms. We create expectations of how people will behave in certain ways. Therefore, we have to ask ourselves whether we have the safeguards and protections that that needs, and we have to ask ourselves what kind of bill we have. I asked at the beginning of the stage 3 amendments, is this a permissive bill or is it a precautionary one? Is it one that enables people to do things, or does it provide people with an option in extenuating circumstances with safeguards?

Unfortunately, in my view, we have arrived at a bill that is the former. Yes, we have introduced many additional standards, considerations and procedures but, ultimately, what the bill boils down to is a decision that will be afforded to people on the basis of two medical practitioners' judgments—yes, those judgments will be based on experience and training, but they will be the judgments of two people. That is why I think that the section 104 order is problematic. It is not because we will not have a say—we will—but the detail of that is so critical and we will not be able to scrutinise it or challenge it. We will be given a binary choice. Further, there is no external check on those two doctors' judgments; there is no point of escalation and there is no oversight.

When we listen to the external royal colleges, we must listen to the detail. It is not only about the protections for conscientious objection. The Royal College of General Practitioners said in one of its principles that there is a lack of an independent

and transparent system of oversight, monitoring and regulation. That is what the bill lacks.

A great number of members have said that the bill has more safeguards than any comparable piece of legislation. That is simply not true. If you look at the Australian legislation and at where such legislation has already been passed, you will see that virtually all of them have three external safeguards. Half of the Australian jurisdictions have a permit-based system, whereby every request has to be externally approved. Even in those that do not, every single Australian jurisdiction has two forms of external oversight, including a tribunal, by which individual requests can be escalated and assessed by the individual themselves, the medical practitioners or those who have immediate concern for the individual, such as family members. Each and every jurisdiction has an oversight board that oversees the implementation, assesses individual requests, can make referrals to other authorities, including the police, can provide advice to Government and provides on-going statutory review and recommendation.

We have neither of those oversight or safety mechanisms in the bill whatsoever. We have a narrow bill. It is true that we have increased the number of things that we are going to ask medical practitioners to take into consideration, but it ultimately boils down to two doctors' opinions—doctors who can make mistakes or errors of judgment. They may make referrals, but no amount of referral will stop those errors or mistakes.

Very often when we legislate in this place, "good enough" is good enough. Legislation by necessity has to be a matter of compromise, but this is not an area where we can afford compromise—"good enough" is not good enough.

If members are seeking solace from the statements of members in the chamber that the bill has more safeguards than any comparable legislation, they are mistaken. If they do not believe that those safeguards are in place, they should not vote for the bill.

20:13

Michelle Thomson (Falkirk East) (SNP): This will be my last speech in this chamber, and I am proud that it is in a debate on this bill—one where we are all free to be colleagues acting on behalf of our fellow Scots, regardless of our view or our vote at decision time.

I will begin my remarks by considering the philosophical tension that underpins the proposed legislation. On one side, the proposals before us can be seen as a continuation of the individualism that is now described as agency, and, in the context of this debate, the ability to make choices about the manner and timing of one's own death. On the other side, we are reminded by philosophers such as Marcus Düwell that

"in the concept of human dignity questions about the role of humanity, the rights of individuals, and the structure of our normative social and political orders are interconnected."

In essence, we confront a profound fault line between two fundamental considerations: respect for individual choice and autonomy, and recognition of human vulnerability and the state's duty to protect life. However, we will not settle that philosophical dispute this evening—certainly not through the binary vote that each of us must cast.

During the stage 1 debate, I said that, whatever our vote, harms will occur. They occur already. Terminally ill people sometimes starve themselves to hasten death. Others are slowly overmedicated until life ends. We have heard multiple such examples from colleagues. That is our status quo.

My greatest concern during this process has been the risk of coercion. Members know my particular interest in the protection of women. That concern led me to support many of the safeguarding amendments, even in the knowledge that such amendments would make the bill more complex and, at times, more unwieldy. That said, coercion cuts both ways. I have heard first-hand evidence of families exerting significant pressure on their loved ones not to go through with their final wishes.

A further significant concern relates to the decision that key aspects of protection and regulation will now be handled through a section 104 order rather than via section 30. Even though section 104 orders are commonplace, like others, I remain unconvinced by the UK Government's reasoning. It is a sober reminder that power devolved is power retained. I caution those who believe that, should the bill pass, the choice that they hope for will be immediately and seamlessly available. Politics will not end with tonight's vote.

If part of our job is to pass good legislation—and it is—we must recognise that no bill is ever and can ever be perfect. This one is no exception. What we can say is that the member in charge of the bill has conducted this process with courtesy, respect and a genuinely open mind. I also commend the Scottish Government and, in particular, the Cabinet Secretary for Health and Social Care for the way in which they have handled this difficult terrain.

For my part, I will vote for the bill. It is not an unqualified vote. It is an on-balance, all-things-considered and, I hope, reflective yes. For those who remain uncertain, let me offer one final reflection. Yesterday, I visited my doctor and then my elderly father, I spoke to his carers and I talked

to local constituents. I asked people informally what they thought. That was by no means rigorous research, but every person I spoke to expressed support. I believe that the public are ahead of us on this matter, and they look to us to create the progressive, dignified, supportive and enlightened Scotland that they seek.

Whatever the outcome this evening, the margin must be clear enough to give people confidence that the Parliament has reached a decisive conclusion. Therefore, I urge members who might be considering abstaining to vote one way or the other, so that we have the clearest indication that we can get of the will of the Parliament.

20:18

Douglas Lumsden (North East Scotland) (Con): I, too, pay tribute to my friend Liam McArthur. I can only imagine the emotional toll that this process has taken on him. Whatever the result of tonight's vote, he has done a brilliant job in highlighting the suffering that so many people are forced to go through at the end of their lives.

I was not planning to speak in today's debate. I spoke in the stage 1 debate and thought that I had said everything that I wanted to say. However, I then thought that this would be my last chance to speak in a debate in this parliamentary session, and it might be my last chance to speak in the chamber for ever, as Paul O'Kane pointed out.

I could not look myself in the mirror if I did not do all that I could to try to get the bill approved. I did not take part in the discussions on stage 2 or stage 3 amendments, but I listened carefully to what everyone was saying. I must admit that I was saddened when listening to some of the debate last week. We heard a lot about doctors, nurses, lawyers, managers and social workers. At times, it felt as though we had forgotten what the bill is about. It is about people. The bill is about people suffering and what we could do to make their deaths as dignified and as pain-free as possible by giving them a choice when the end has come to reduce their suffering. We need to remember when we vote tonight that it is about the person who is suffering and giving them a choice.

Much has been said about palliative care. Of course we need palliative care, and of course we would all like it to be better, but palliative care is no magic wand. It is not like taking a couple of paracetamols to get rid of a headache. It does not remove all the pain and make everything all right. People should still have a choice when the pain becomes unbearable. It is certainly not an either/or when it comes to the bill.

Like many people here, I have got emotional over the bill. I have had conversations with those closest and dearest to me about the topic that no one likes to talk about, which is death. It is going to happen to us all and we should be able to talk about it, but it often seems too hard to do just that.

As I said at stage 1, I think I would never be able to have an assisted death. I think I would fight to have my last possible breath, but I cannot be sure. None of us here can be sure because none of us is suffering in the same way that some people are having to suffer right now.

We all have stories. My story is about a friend of mine caring for his mother at the end of her life. She was hooked up to morphine but begging her son to end her suffering. He will live with the guilt that he was not able to help his mother more when her pain was unbearable and all hope had gone. That is what we are putting people and their families through, but today we can change that.

As I said at the start, this might be the last time that I speak in here, but if it is, and if the bill passes, I will feel that I have achieved something in my time here. I will have played my part in reducing suffering. We have an opportunity to reduce the suffering that some are forced to go through at the end of life. I appeal to all colleagues who have not made up their minds. We have an opportunity to show what a compassionate place Scotland can be. We have an opportunity to reduce suffering at the end of life. We have all heard too many stories of people having a bad death. We have the opportunity today to make that better and to make a difference.

Assisted dying does not mean that more people die; it means that fewer people will suffer. Please do not let that opportunity pass us by. Let us not kick the can down the road for others to make that choice later on. Let us show that this Parliament works and truly represents the majority of people outside of here who support the bill.

20:23

Monica Lennon (Central Scotland) (Lab): Death is a universal experience, yet it remains a difficult subject. We all approach this debate with a profound desire to live. People who are asking us to support the bill would certainly rather live, but for many of them, that choice has been removed by a terminal diagnosis.

I think of my constituent Joanne and her father Robert, a retired firefighter. The unbearable reality of Robert's terminal illness led him to beg his family to help him die. Too many families have been in that position. Too many people have experienced an agonising death against their wishes, yet it remains taboo—consigned to the too-difficult box.

I thank Liam McArthur for creating a respectful space for the stories of dying Scots and his

immense capacity to listen. I also honour those who shared their most painful moments, so that others might not face a similar lack of choice. In a recent interview, I listened to Lorna Slater, who spoke movingly about her father's beautiful death in Canada. I know that holding a loved one's hand at the end is a sacred privilege, but for some, the law makes that peaceful holding of our loved ones impossible.

The Scottish Government has confirmed that the bill is within our legislative competence and is deliverable. We have vital clarity that commencement will only happen once employment protections and conscientious objection rights are in place, as well as requirements for training and qualifications.

The views of clinicians are important, but I was struck by the words of Rhona Baillie OBE—the chief executive of the Prince & Princess of Wales Hospice—in a letter to all of us, and I hope that all MSPs have had a chance to read her words. Rhona is a supporter of change, with more than 40 years' nursing experience. She is advocating for a rights-based approach that is centred on the patient. I am heartened to hear that, should the bill be agreed to, her hospice is adequately prepared to engage with the new legal clinical framework.

I have seen the work of our hospice movement at first hand, even walking through fire for Kilbryde hospice. I say to those who argue that this is not the time because our systems are underfunded that they must join me in demanding that hospice-led palliative care no longer relies on bake sales and raffles.

Assisted dying is not a replacement for palliative care—it is additional. Our views on how healthcare should be in the future must not be used as a cover to deny individual choice today. Whatever our own beliefs and preferences, our decision must be transparent and honest. Vote on this bill, not on one that does not exist.

Our responsibility is not to judge but to provide a compassionate and safe choice for terminally ill people who want to have that choice. Voting for the status quo is not a neutral act. It will deny safeguards, hope and compassion to many. Tonight, I will vote yes for choice, agency and dignity for dying Scots.

20:27

Lorna Slater (Lothian) (Green): My father chose to have a medically assisted death. He died on 6 November last year.

The process to access assisted dying was not straightforward. My mother, who was devastated by his decision but understood it, had to initiate the process and find the doctors and nurses with the right training. The service was not offered by the palliative care facility where he was, so she had to find people who were willing to attend from other facilities. Dad then had to go through all the interviews, the paperwork and the cooling-off period.

At each stage, the medical practitioners tried to dissuade him from proceeding. The reality is that only people as comfortable with administrative paperwork and as determined to work through complicated logistics—arranging multiple in-person meetings and so on—and setbacks as my well-educated middle-class parents could have made that happen.

When the doctor arrived, he gave what he called his "butter chicken speech". He said, "Hello, Mr Slater. I see you're here with your family. That's lovely. We don't have to do this today, Mr Slater. I can come back next week or next month. If you would even like to just have butter chicken with your family tonight, we can make sure that you can do that." Dad had to energetically—and, to be honest, quite grumpily—insist that the procedure go ahead.

Dad was very ill. He was dying and had been moved to a palliative care facility a few months earlier when that became clear. He had excellent care. My mother spent hours with him every day, and he saw his grandkids regularly. He knew that he was not going to get better. He would never again be able to play Scrabble with my mother at the kitchen table or walk in the woods bird-watching as a citizen scientist—his favourite thing in the whole world. That was on top of the daily discomforts of tubes and injections, of being lifted and moved, of interventions and medical procedures, and of being rushed to hospital in the middle of the night when something went wrong.

My father was afraid that he would lose capacity and that the moment would come when he would lose the ability to make choices and understand what was happening to him. He knew that he was going to die and he wanted to do it in the bright light of day, surrounded by his family, while he knew who we were, before he could be incapacitated by pain or by pain medications. He was ready to go. He did not want to risk gasping out his last alone and afraid in the dark of the night.

My middle sister and I live a long way away from my parents, and his choice meant that he knew we would be there and that he would not die alone. It gave him the comfort of knowing that my mother would not have to cope alone, coming home from the hospital alone to an empty house.

Originally, only my mum was going to stay in the room during the procedure, but, as the nurse was getting things set up, my mum gestured for us to stay and the nurse said to me and my sisters,

"Don't feel like you have to leave. This isn't going to be traumatic. Your dad will fall into the best and deepest sleep he's ever had. He'll probably even snore a bit," and that is exactly what happened. Mum climbed into the bed to cuddle him, we girls held his hand, I got to hug him, and he told us that he loved us. He told us to look after my mum and he fell asleep—he did snore a bit. It was beautiful.

I wish that death for myself. I wish it for anyone who wants it for themselves. I do not mind if you would never want this choice for yourself but please, please do not prevent other people from choosing it for themselves. We should all have the right to choose.

20:32

Jamie Greene (West Scotland) (LD): I thank Lorna Slater for that speech—that was beautiful. I think that, tonight, we have heard some of the most profound and powerful speeches I have ever heard in this place, and I thank all members for that.

On a more positive note, friends, I celebrate another year alive this week, but I do so while also remembering those we have all loved and lost. It is bittersweet to end my time here discussing death. I voted to pass this bill at stage 1, like others, to let it run its course, and I have said little since. I think that we have done it justice. Half of the amendments that passed came from those who opposed the bill. I wish that we made more laws like this.

The debate ranged from fears of the worst of humanity on one side to well-meaning compassion on the other. I think that I sit somewhere in the middle, because there is always risk when making law. Our task is to weigh up that risk and mitigate it where we can. No bill is perfect, so the question we must ask ourselves is not an abstract one. If I or someone I love want that choice at the end, will it be there?

I want to speak plainly and from the heart, because I was deeply conflicted by this subject. Although every one of us will die, few of us will have a choice about the timing or manner of our death, and some argue that that is how it should be.

Truth be told, I do not want to die. I am afraid of it. After some recent ill health, I have spent many moments thinking about my own mortality. Will my death be quiet and peaceful, or accidental and sudden? Will it be painless or painful? In reality, our end-of-life choices are not always truly choices—do not resuscitate, nil by mouth, morphine, let nature take its course—but the one thing I cannot get out of my head is this: what if? What if palliative care can do nothing more for me? What if, in excruciating pain, I lose my dignity and control? What if I wish the end would come sooner and in a manner of my choosing? What if I would rather say my goodbyes with a smile on my face and perhaps a tear in my eye—not when I can neither see nor hear my loved ones? What if my body is spent but my mind is staunch and I decide that my time has come?

Regulated assisted dying already exists, but, disgracefully, only for those with the means to access it. Unregulated, unassisted dying exists by way of suicide, and that cannot be right. How is that in any way a choice?

I fear a painful death more than death itself, so the dilemma that I have grappled with is simple. God forbid the day ever comes when I need that choice, but would I rather it was there or not? Members must ask themselves the same question—there or not?

If I want that choice at the very end, I must offer that choice to others. I have no privilege in death. If we vote to deny people that choice tonight, we deny everyone that choice, including ourselves and including people out there who one day might need it—and who am I to deny someone that most final of decisions in life?

Dignity in death is not just a slogan—it is a right. When it comes to assisted dying, I believe, in my heart of hearts, that more people would be harmed by its absence than by its presence. If we vote against the bill and it falls, I believe that I would wake up tomorrow and regret it, and I think that others in the chamber might, too. I could not look someone in their eyes in their dying days and tell them that I denied them that choice.

I will sum up in the words of Diane, who wrote to us all on Saturday afternoon. She simply says this:

"It is better to have it and not need it than to need it and not have it. It is my body, my life and my death. Only I will know when enough is enough. Please grant me the choice to fulfil my dying wish."

I say to Diane that, tonight, I will do just that. I make this plea to others: it is not too late to change your mind. No one will judge you for that. Vote to give me that choice. Vote to give yourselves that choice. Vote to give everyone that choice.

20:37

Ruth Maguire (Cunninghame South) (SNP): I start by sharing my respect for Liam McArthur; I find him to be a good parliamentarian and a good man. However, I must also say that it remains a fact that consent, choice, free will and autonomy are not being experienced equally by all. My fear remains that, for the estimated one in three women who are living with domestic abuse, the bill, even with the modest amendments that have been made around coercion, could become another

lethal tool to be wielded by an abusive partner. The danger is real. The deadly consequences for those women would be final.

I normally relish debate, even when it looks like I am going to lose, but today I feel really uncomfortable. This legislation frightens me, and I am not someone who scares easily. I did not get into politics to talk about myself and my own feelings; this is certainly not a natural space for me to be in, arguing against something that I am fearful of rather than for something that I believe will bring about a positive change or protect people.

In what will be my last speech in the Parliament, I am a little sad that my final contribution shares fear and not hope, but I am scared that, if the bill passes because of the perceived positive impact on the small number of people who wish to end their lives early, the negative and equally impactful experiences for many others and for our society as a whole will be immeasurable, and they will not be something that we can come back from.

As well as the casework that I receive from citizens who are not currently having their needs met by the health and social care services, I have direct experience of living with a diagnosis that will not be cured. My life will be shortened—I do not like saying that out loud, especially in front of you lot, but it is a fact.

I find it really hard to put into words the impact that the language of dignity and compassion being used to talk about ending life has had on me, as if, somehow, wishing to carry on but with help is undignified and burdensome and unfair to people who love me—and that is just in the context of us talking about it in Parliament. My blood runs cold thinking about sitting in a room in a hospital and having a doctor raise that with me as we weigh up treatment options.

I share that thought in the full knowledge that people in my situation are not a homogeneous group and because I want colleagues to consider, if it weighs so heavily on me, as someone in a position of financial privilege with a large, loving family who are able to care for each other—indeed, as someone whose job it has been for 10 years to have difficult conversations and debates and to have my views and beliefs challenged—how this all plays out for people who do not have the privilege that we have.

In considering that, let us have our eyes open to the strain that our health and social care systems are under. Not everyone is receiving the care that they need. If the bill is passed, it will be funded from existing stretched budgets. What healthcare will we stop to fund this? Are we really going to be a country where the state funds dying while hospice care relies on charity? Consent, choice, free will and autonomy are not experienced equally by all. It is not a free choice if someone does not have access to good palliative care, it is not a free choice if someone has no family to support them and they are lonely and isolated, and it is not a free choice if they are grappling with poverty or other forms of inequality.

If the bill is passed, institutions will not be able to make a choice to opt out, meaning that some valued hospices and care homes will close at a time when we really need them, and doctors will not have a choice to opt out. It is a fact that those protections have been stripped out of the bill. There are no guarantees on what they will look like, and this Parliament will not be able to scrutinise or amend them.

In voting against the bill today, I am just choosing to vote for the inherent dignity of life, and I urge colleagues to do the same.

20:42

Sue Webber (Lothian) (Con): This evening's debate has been deeply emotional. Many members have spoken about the deaths of loved ones and how those experiences have shaped their views on assisted dying. I begin by acknowledging that sincerity. None of us comes to the issue lightly, and I do not question the compassion or integrity of those who will vote differently from me this evening.

When I entered Parliament, I instinctively shared many of the same instincts that lead people to support the principle of assisted dying. Two motivations have come through clearly from members across the chamber. The first is the desire to reduce unnecessary suffering and the second is the desire to respect and protect individual autonomy. Those are humane values, and they are values that we all share. They are not the dividing line in this debate. The real question that is before us tonight is whether those principles can be translated safely into the bill that sits in front of us. Having studied the safeguards that are proposed in the bill and listened closely to the debates throughout its passage, I have come to the conclusion that the bill does not provide that certainty.

My greatest concern is the risk of coercion. Amendments have been made in good faith to strengthen the safeguards, and I recognise the effort that colleagues have put in to that work, but I remain unconvinced that coercion can be reliably detected in every case. Experts have highlighted how subtle and deeply embedded that pressure can be. In situations of domestic abuse, for example, people often come to see the world through the perspective of the person who is exerting control over them. They may not

recognise that pressure until they have had the time and space to reflect on their circumstances. The process set out in the bill does not allow for that depth of reflection. In legislation of such gravity, where the consequence is irreversible, even a small risk must weigh heavily on us.

I have been troubled by the reliance on the section 104 order to determine key safeguards and by matters such as conscientious objection, and the training and qualifications required of medical professionals. Those are not technical or minor details; they are fundamental protections. Yet we are being asked to pass legislation knowing that those aspects and safeguards will be developed later through secondary legislation, subject to limited scrutiny and not shaped directly by the Parliament.

We are legislating in one of the most sensitive areas of human life. Any uncertainty about how core safeguards will ultimately be defined is a serious concern. Throughout stages 2 and 3, I proposed amendments that were intended to strengthen the bill. Those debates did not provide reassurance for me—they confirmed that important gaps remain.

I also remain concerned about how an assisted dying service would sit within the NHS. If such a service were ever legalised, it must never become an expectation placed on patients or clinicians, yet the structure of the bill risks embedding it as a normal part of NHS provision.

I received a letter from 370 healthcare professionals across Scotland. There were many familiar names in that document, including those of clinicians that I have worked with for decades, ex-presidents of the royal colleges in Glasgow and Edinburgh, and consultants and medical directors from Aberdeen to Wishaw.

As we reach the end of this long and emotional debate, there are simple questions that we must ask ourselves before we vote. Can coercion always be detected? Are the safeguards fully defined and determined by the Parliament? Will the legislation avoid fundamentally changing expectations in the NHS? Ultimately, the doctor-patient relationship will change for ever. If we cannot answer those questions with a yes, with complete confidence, our responsibility as members of the Scottish Parliament is clear. We must vote no.

20:47

Alex Rowley (Mid Scotland and Fife) (Lab): First, I acknowledge every person who has taken the time to contact me to set out their views on the bill. Without doubt, this bill has generated more correspondence than anything else that I have dealt with in the 12 years that I have been an MSP: several thousand constituents have contacted me to set out their views. As I said in the stage 1 debate, some of the experiences that people have shared with me were heartbreaking. I understand with sincerity the strong views and beliefs, and the legitimacy of the arguments on both sides of the debate.

For me, the questions around access to quality palliative care are crucial to the debate and to my decision making. The proposer of the bill has said time and again that it is not one or the other, that access to quality palliative care should sit alongside access to assisted dying and that people should have that choice. However, we know that that is not currently the case: if the bill were to be passed tonight, people dying would have access to assisted dying but would continue not to have access to quality palliative care. They would be in a position whereby they can be supported to choose death but they would not be supported to choose life.

Only four weeks ago, I raised a question in the Parliament on the report published by Marie Curie showing that one in three people in Scotland die with unmet palliative care needs. I am sure that we would all agree that that is an unacceptable situation but, for me, it is fundamental to the question that we are debating. I say again that if you are dying and you are not able to access the support and care that you need, but you are able to access an assisted death, you are being denied the choice of life. That cannot be right and it is not right.

There are many other unanswered questions over the bill, but one that I will highlight is the cost of delivering it, which is unknown. The Scottish Government says that a degree of reprioritisation will be required. In other words, members are being asked to support a bill over the implementation and cost of which there are many uncertainties; nevertheless, we are being warned that other services will be cut to fund it. Surely, that is not right.

I found myself struggling throughout the debate on amendments at stage 3, because legitimate arguments are being made on both sides of the debate. I kept asking myself what I would want at the end of life. Would I want to be able to make the choice of an assisted death? However, I kept coming back to the first principle, which is that I would want to be able to exercise the choice of accessing the support of quality palliative care. If that choice is not available, there is no choice.

We have the power, ability and resource to prioritise palliative care and make Scotland a world leader. For the reasons that I have stated, I believe that that should be our priority, and I will vote against the bill tonight.

20:51

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): I, too, thank Liam McArthur, from the bottom of my heart, for enabling and empowering us to debate a very important issue.

I clearly recall staring for a full five minutes last June at a message from my best friend as the world around me fell away. It was a message of four small words with mammoth implications: "She has called it."

I had known Madame Bergeron from the age of 19. She was the epitome of a classy French chic woman—always immaculately turned out, slightly aloof and sarcastic, and oh so determined. She terrified me and awed me in equal measure. She had pioneering heart surgery when both her kids were still teenagers, and she lived her whole life disabled, yet she commanded every room that she ever entered. She was not always easy to live with, but she was loved fiercely by all those around her.

She had been living with terminal cancer for more than three years, and it had consumed her entire abdomen. That day in June, she had sat down heavily in her wheelchair and felt something burst inside her very distended stomach. At that moment, she knew that she would develop full-blown peritonitis and sepsis and would require all kinds of pain medications and sedation to try to manage her symptoms, in a hospital setting, before succumbing within the week.

That was, categorically, not the path that she wanted. She had lived with the very best of palliative care and, for most of those three years, the palliative effect of the ability to have an assisted death. She called that her security blanket. It had given her great comfort as she chose to live for as long as she could, with grace and courage.

She was anything but suicidal. A Catholic of strong faith in the Quebec Roman Catholic tradition, she said that she knew that her God was merciful and that she had the support of her priest and her community when she set in train the plans that would help her to leave this world on her terms, as she had lived her whole life.

Nathalie dropped everything to drive the three hours from Montreal to Shawinigan, where the family gathered for one last evening. There were tears and there were laughs—and, boy, were there commands. Madame Bergeron was conducting like a symphony master. She wanted everything to be just so. Nathalie recounted to me that she could not help but be frustrated at her mum's painstaking choice over her final pyjamas and dressing gown, until she realised that her beloved maman was dying as she lived—elegant and oh so bossy.

The house was full on the afternoon that Nicole Bergeron died, peacefully dressed in white daisies. Her bed was surrounded by loved ones, who shared the most tender of moments. She was able to speak to each of them, and the words that she spoke to my best friend were the salve that has helped Nathalie to come to terms with her loss. Nathalie has also described her mother's death as beautiful. Madame Bergeron, tu me manques énormément.

Please contrast Madame Bergeron's passing with the way in which my mum, Irene, died, 12 years ago this week, after more than two weeks without food or water. She was surrounded by love, absolutely. She had also been assessed as having capacity and as making her choice free from coercion, but she did not have a peaceful death. She took the only legal option that was open to her under our current laws—and it was awful. I do not have the words to describe to members how awful it was, Presiding Officer. If you have not seen somebody starve to death, there are no words to describe it. She deserved better.

My decade at Scottish Women's Aid taught me how real coercion can be, but it also taught me that the answer to risk is not to look away from difficult situations. I spent time training police officers, social workers and housing staff about coercive control before this place had even named it and recognised it. With the right skills, training and opportunity, it can be detected. To say otherwise is simply to walk away from a wicked issue.

Right now, behind closed doors across this country, women with terminal illnesses who are experiencing domestic abuse have no safeguards. The bill would help to bring that coercion into the light, to remove the power from abusive men and to return that agency to its rightful owner. That is what the bill is about—agency and autonomy. We must give our folk choice. It is, after all, the settled will of the majority of our constituents, including those who are disabled and those who have experienced domestic abuse, especially those who are terminally ill. They are forgotten in all these conversations. They are our most vulnerable citizens. Please vote yes for them.

20:56

Brian Whittle (South Scotland) (Con): On a topic on which many members are either vehemently opposed or passionately supportive, we have seen both sides seek to have a genuine, constructive and respectful debate on the substance of the bill. I commend colleagues across the chamber on both sides of that debate. I make special mention of Liam McArthur and his team for their efforts in introducing the bill. I also want to highlight the fact that members and their

staff have worked incredibly hard to make the debate worthy of such a significant issue.

There are those who are vehemently against the bill and there are those who strongly support it. I absolutely respect our colleagues' right to their positions. It strikes me that, after 10 years in this place, where I consider some of our interactions and some debates to have been less than ideal political discourse, we are finally getting to show what this Parliament really can be.

At stage 1, I voted for the principles of the bill. I did so because my instinct is to allow choice, even though the choice of an assisted death is not one that I can ever imagine making for myself. I recognise that, thankfully, I have never been in that position. The fact that it is not a choice that we, as individuals, would make or believe in does not mean that we should automatically take that choice away from others.

However, it is, of course, not black and white. I had serious reservations about the bill as drafted, and I said that it would have to be significantly amended. I remain concerned about the exclusion of pharmacists from the healthcare framework, despite their expertise in the supply, handling and effects of medicines and other drugs, and the lack of safeguards for other healthcare professionals.

Similarly, there are concerns about the risk of coercion, especially in the amendments that allow for doctors to raise the subject of assisted dying with patients at their discretion. The doctor-patient relationship involves a profound degree of trust. To my mind, a doctor proposing assisted dying to a patient as an option could compromise that trust and risk the patient feeling pressurised towards a choice that they may not otherwise make.

The bill has shone a much-needed light on palliative care, social care and general access to medical care. It is not about other care provision, but assisted dying cannot be seen in isolation. I mentioned giving choice to people, but it must be a real choice. It must be a choice that includes appropriate palliative care, social care and medical care. Without those elements of care, it is no choice at all.

I hear that East Ayrshire Council is reporting a £10 million deficit in its social care budget, which will inevitably result in cuts to services. I hear that North Ayrshire Council is delivering critical care only. Only yesterday, on a visit to care services, I was told of a couple who are having their care package cut, and they are now waiting for the outcome of this bill. That is being replicated across Scotland.

Many members have talked about their own experiences. I have not done that yet, but tonight I will. My aunt recently died of stomach cancer. In the middle of the night, she was on her hands and knees in agony, waiting for pain relief to arrive. However, she eventually accessed palliative care, which gave her a much more comfortable last week or so and a much better experience for her and the family.

Too often, we have heard that appropriate end-of-life care is not accessible, be that palliative care, social care or general care. As the need increases, cuts are being made. Shame on us. It has to be better than that.

I know that, whatever way we vote today, we will be seriously letting down a huge swathe of the public. My decision comes down to having evaluated everything that I have heard in evidence, in the debate on amendments, both in the chamber and in committee, and through my community. I have come to the conclusion that there is no right answer here.

I began my speech by saying that I believe instinctively in choice, but it must be real choice. I have come to the conclusion that, if I have any doubts, I cannot vote for the bill. At the end of life, we should have the option of choosing how we depart this planet on our own terms. Unfortunately, to my deep regret, I do not think that the bill, in the current social climate, meets the high bar that is required to pass assisted dying legislation. Given those concerns, I cannot, in all conscience, vote for the bill.

21:02

Jackie Baillie (Dumbarton) (Lab): As I said last week during consideration of stage 3 amendments, and as others have repeated this evening, this is the most consequential bill of this parliamentary session, and it is probably the most consequential bill of the devolution era.

Although I will vote against the bill at decision time, I want to join everybody across the chamber in commending Liam McArthur for his approach, his openness with colleagues, irrespective of political persuasion, and his engagement with lots of professional organisations and families who have experienced difficult deaths. His approach has been second to none.

This is the third vote on assisted dying that I have participated in. The two previous bills, which were brought by Margo MacDonald and Patrick Harvie, were wide in scope, with few safeguards, leaving the door open to unintended consequences. As a result, clinicians at the time opposed the legislation, and both bills failed at stage 1 by a considerable margin. By contrast, this bill has taken a much narrower approach, and many medical and palliative care bodies have remained neutral as a result.

Since the bill was first proposed, I have heard very moving stories from those who believe that assisted dying could have prevented unnecessary suffering and from those who want agency at the end of life. I have also listened to the concerns of disabled people and those who fear that assisted dying could have led to a loved one's unnecessary death. I cannot do justice to their testimony in four minutes, but their stories stay with us all.

We have considered the role of doctors and nurses, the definition of a terminal illness, the risk of coercive control and much more besides. However, there is no decision on the model that would be used, and there is no certainty about the cost to the NHS for the implementation of this bill. All of that is taking place against a backdrop of financial pressures on palliative care, leaving us with the uncomfortable question of whether terminally ill patients will be able to make a choice at all. I will not rehearse many of the arguments that have been put, but I agree with all of Bob Doris' comments about palliative care and Brian Whittle's comments about the real crisis in social care just now.

In dealing with the bill, I worked with Hospice UK, Children's Hospices Across Scotland—otherwise known as CHAS—the Royal College of Nursing and the Royal College of Psychiatrists to improve the safeguards in the bill. Some of my amendments were accepted, and I thank colleagues for that. I recognise that there has been progress from where the bill started.

There is a fundamental problem with the bill, however. The Scottish Government rightly advised that the employment issues covered by the bill were not legislatively competent, so the bill can become law only with a section 104 agreement between the Scottish and UK Governments. Provisions allowing protection for staff were therefore completely removed from the bill last week, with the promise that they will be put back in after the bill has passed. That was a watershed moment for many members. The UK Government has taken a position of neutrality that mirrors that of the Scottish Government, but I was genuinely concerned that the cabinet secretary could not guarantee to me, when I questioned him, that all the safeguarding provisions would be replicated through a section 104 agreement. For many MSPs, that was the equivalent of asking them to vote in the dark—and for that to come so late in the day was problematic.

There are questions about whether the bill was competent even on introduction. Consequently, it came as no surprise that the Royal College of Psychiatrists changed its view from being neutral to opposing the bill, as did the Royal Pharmaceutical Society in Scotland. Many of us have received emails from clinicians expressing significant concern on that point.

We have all been weighing up the views of constituents: the views of those who will have to implement the bill if it is passed and the views of families who have lost loved ones in difficult circumstances. In all this, our job is to consider the impact of the bill. That is unemotional; it is about analysis. In doing that, I have come to the conclusion—regretfully—that I cannot support the bill as it stands.

21:07

Keith Brown (Clackmannanshire and Dunblane) (SNP): Like others have done, I will mention the point made by Liz Smith about the excellent nature of the debate that we have had. However, she mentioned something else, which has not been repeated but which I think is worth repeating. I have always thought that it is perfectly possible for this Parliament to have debates of this quality, but we just choose not to do it. The other point that Liz Smith made about the need to get past the rancour and bad humour that is too evident in the chamber too often is extremely important, and I hope that that view prevails in the next session of Parliament.

The approach that I have taken to the bill has very much been to maximise, where I thought I could, the safeguards that were presented through the amendments that would apply in the event that the bill passed, but not to the extent that I thought that they would make the bill unworkable if it did pass.

There are two issues for me, like for many other members. First, there is the section 104 process, which is a huge issue. No one in this Parliament will draft the section 104 order; it will be drafted by others. It is then due to go through a process in which this Parliament will have no say, and it may be rejected completely. To those who say—rightly, I think—that this is one of the most important bills that we have ever considered, I say, how can they accept that we will not see two vital areas of legislation through to their conclusion because the decision will be taken by others? I cannot accept that. I do not trust the idea that another Parliament can be trusted, and not because of any malevolence on its part—I think that is evading responsibility.

My main concern has always been in relation to the issue of coercion and especially the pressure that people will put on themselves. When I think about this, I usually have in my mind the picture of a woman—usually a mother. In the past few years, I have lost a niece, a sister, a mother and a partner in similar circumstances, all of whom were mothers. This might be a misogynistic view, and it

might be patronising, but my view is that mothers in particular feel much more keenly than the general population the need to relieve burdens on others. It is almost socially instilled and, if it is not, it comes through sheer love—a word that has not been mentioned much in the debate until this point.

I was very touched by Lorna Slater's speech. It is of course true to say that this is also possible for men, but it may be a matter of a mother, in particular, deciding, for example, that her remaining family would be better off financially if she was to decide to go for assisted dying, or that it would be easier for some of her children—in my case, sisters having to travel from Wales and England to come and see her on a regular basis—were she to choose assisted dying. I know that there will not be many cases like that, but, like Humza Yousaf, I would say that one is too many.

It is also important to say—as Michelle Thomson did, although doing so has not been prevalent—that there is pain on both sides. I acknowledge that people will still have to go through some of the terrible experiences that they have to go through currently if we do not pass the bill, but those who are urging that we pass it should also acknowledge that, if it does pass, there will be pain on the other side. Members can imagine that, if their mother, sister or somebody else they know decided to go for assisted dying for reasons other than the ones that have been proposed, because they felt that in that way they would be less of a burden, there would be pain on that side, as well. Both of those experiences are extremely valid.

It is also true to say, as Ruth Maguire did, that the issue of domestic violence and the fact that women can be made to feel that they have no worth are extremely important in all of this.

I was extremely moved by Pam Duncan-Glancy's speech. It brought home to me, in a way that had not been done previously, the idea that a lot of disabled people probably cling to and take a huge deal of comfort from the fact that assisted dying is not currently in law. That is worth thinking about.

In my view, two of those issues are crucial. One is the section 104 issue, which is about the inability of the Scottish Parliament to see through some of the bill's most crucial provisions, or even to be absolutely assured that they will be seen through. I remind members that I told them during stage 3 that a GP had come to see me and said that she would resign immediately if any bill was passed that took away the right to conscientious objection. The other crucial issue is coercion. Explicit coercion is a true concern, but more pressing for me is the idea of self-imposed coercion. I do not think that the second of those issues can ever be successfully dealt with, although the first one perhaps could be.

In conclusion, I think that a law on assisted dying will come at some point. I just do not think that this bill is the bill that we should pass.

21:11

John Mason (Glasgow Shettleston) (Ind): One of my colleagues suggested to me that he would rather that religious people be up front and say that they oppose the bill because of their belief in God. As that is one of my reasons, I am happy to say a little from that angle. However, I have other reasons for opposing the bill, including reasons from a financial perspective, given my background as an accountant.

On the financial front, when we debated amendments to the bill last week, Michael Marra questioned whether the financial memorandum fully covered the estimated costs. However, another angle that relates to finances is whether there is an opportunity to save money if someone chooses an early death. It seems to me that the public purse has the potential to save on hospital places, on care home fees, on pensions and, perhaps, on other costs if assisted dying becomes an option.

Clearly, if someone chose to die just a few days before their natural death, that would not make much difference to cost. However, if someone had a life expectancy of six months but could perhaps go on for a year, the savings could be considerable. That is not to mention the fact that, for a family who have a well-off elderly relative, getting their hands on the estate more speedily could be very attractive. We know that power of attorney is abused by some families and that it is not well policed. Therefore, it seems likely that a range of players could potentially benefit financially if assisted dying became an option.

That is why last week I deliberately chose to talk about "encouraging" rather than just "allowing" an early death, which was the phrasing that Lorna Slater objected to. Sure, we are talking right now about giving people more choice—of empowering them and using words such as that. However, we need to look further ahead at what could happen and at what—I think—is likely to happen.

We have discussed how difficult it is to stop coercion or pressure on someone to end their life prematurely, especially when that pressure could be very subtle. How much more could that be the case when financial incentives are added in?

What about the angle from a Christian perspective? At its core, our belief is that God gives life and God decides when life should end. Clearly, there are also human reasons for both

birth and death, but we believe that, behind all that, God is guiding and directing. I should say, to be fair, that not all Christian believers oppose assisted dying; just on Sunday, one of my friends at church told me that he supports it.

What about the question of suffering? Surely a loving God would not allow suffering, would he? That is a question that folk often ask and have asked for many years of people of faith. There is not exactly an easy answer to that question, but, yes, actually, God does allow suffering.

We believe that, because human beings chose to go their own way rather than following God's way, suffering came into what God had made to be a perfect world. Suffering is happening all over the world, and there can be suffering with a natural death and with an assisted death. We all want to reduce suffering as much as we can, whether we have religious belief or not, so I absolutely support the many calls for better palliative care and encourage the provision of more resources for the hospice movement, as others have said.

At the end of the day, no one really wants declining health or a death, yet they are part of the human condition. One big difference for those of us with a Christian belief is that we are promised life after death, so however hard our lives might have been—and, for that matter, however hard our deaths might have been—there is something better available to look forward to.

Perhaps not surprisingly, I am currently reading a book about retirement, and it makes the point that older people have so much to offer. We all have so much to learn from people who are older than us and also to give to people who are younger than us. So, please, colleagues, let us not undermine the older people, their value and what they still have to contribute. They are valuable, and I think that we are duty bound to oppose this bill.

21:16

Kenneth Gibson (Cunninghame North) (SNP): The years of hard work and dedication of Liam McArthur and, before him, Margo MacDonald and Patrick Harvie have taken this Parliament to a definitive moment. Rona Mackay, Alex Cole-Hamilton, Sandesh Gulhane, Carol Mochan, Lorna Slater and many others have made thought-provoking and moving contributions. Like them, I back choice for anyone of sound mind who is stricken by eternal illness and the loss of bodily functions, of autonomy and of basic human dignity.

Of course, we already have assisted dying, for people who have money. Up until the end of 2024, 608 UK citizens had ended their lives at Dignitas in Switzerland, at a cost of £7,000 to £14,000 each. Those deaths often happened earlier than necessary because of the need to be able to travel.

At stage 1 of the bill, I mentioned a West Kilbride constituent who suffered from progressive supranuclear palsy, which is a horrific neurodegenerative terminal disease. In August, she ended her life in Switzerland. In reality, we have a two-tier system with assisted dying only for those who can afford it and the status quo for everyone else.

We must recognise that, across the UK, 300 to 650 terminally ill people take their own lives in despair each year, denied an assisted dying safe death. Desperate people watching a loved one die in agony sometimes risk prosecution and incarceration by ending the life of a terminally ill loved one. Palliative care does not always alleviate insufferable pain. A regulated system, backed by legislation, must be better than the status quo.

Dr Julian Neal, a retired GP, said:

"To deny patients the choice of an assisted death when we know that a significant minority of deaths are wretched, no matter how expert the provision of palliative care, seems to me utterly wrong. But this is what I was forced to do when asked for help to die by a patient with advanced metastatic melanoma. He was intelligent and knowledgeable about what lay ahead, wanting to avoid a lingering demise. I explained that I was unable to help him due to the very real threat of imprisonment. I was later horrified to learn that he had shot himself.

An assisted dying law would provide a kinder, safer alternative which I and a growing number of doctors would be prepared to be involved in; a welcome and much-needed change from the cruelty of our current system."

Zoe, who is not a constituent, said:

"By the end, my mother's cancer had spread … all the way to her brain and she was in terrible pain. Mum was determined not to let the cancer do its worst; that she would construct some kind of escape. Because she had no other viable alternative, she attempted to take her life out in the garden, alone.

When we discovered her she was still breathing, and as it began to grow cold I rang an ambulance to help move her inside. I told them of Mum's clearly defined wish not to be revived and showed them the legally-binding documents to prove it, but they would not listen. A doctor … threatened me and called the police. Paramedics, doctors and police officers were all in my garden arguing about what to do, as my Mum lay dying on the ground.

Hours later Mum regained consciousness and was in emotional and physical agony. She had written heartfelt notes to us, which the police confiscated. A few weeks later, Mum did finally manage to escape her pain. I was questioned by police for hours and made to sign a five page statement. Then she was subjected to an autopsy; the final insult.

Eleven months later my husband Andrew was diagnosed with colon cancer. His death this year was full of horror, pain and indignity; we crossed every line we didn't want to cross. I cannot put into words how different it would have been for them and for our family if my Mum and my husband could each have been assisted to go peacefully as they wished, and with the dignity they deserved."

Supporting the bill is about compassion, personal choice and human dignity. For the many like Zoe, please support the bill.

21:20

Stephen Kerr (Central Scotland) (Con): I am sure that this must be one of the most serious and thoughtful debates that the Parliament has ever undertaken. I begin by acknowledging the sincerity of colleagues across the chamber. I have been moved by speeches from members on both sides of the issue.

Members who support the bill do so out of compassion for those who are suffering. Members who oppose it do so out of concern for the vulnerable and for the principles that guide medicine. No one approaches such a decision lightly.

For me, this is not an abstract question. Like many people, I have been at the side of those I love as their lives have come to an end. I watched my parents die. I watched my wife's mother die. I have watched dear friends and family pass from this world. Some of those deaths were peaceful; some were harder. Those experiences stay with us. They remind us of something simple but profound: death is part of life. It comes to us all. Experiences like that shape how we think about questions like this. They remind us that death is not simply a matter of policy or law. It is deeply personal. It touches every family.

However, the decision before the Parliament today is not about abstract principles. It is about the legislation that is in front of us. It is about whether the bill represents sound and safe law. I have come to the conclusion that it does not.

During the bill's passage, we have heard increasingly serious concerns from those who would be responsible for its operation in practice. There have been letters from hundreds of doctors and nurses, including the one that Sue Webber quoted earlier, warning us that, in their professional judgment, the bill does not contain sufficiently strong safeguards to protect patients from coercion, untreated mental illness or unmet social and palliative care needs. One signatory of one such letter put it plainly, saying that this is not a theoretical debate; it concerns the safety of real patients.

We have seen royal colleges and professional bodies move from neutrality to opposition as the details of the proposed legislation have become clearer. At the same time, members are being asked to approve legislation in which important safeguards will, ultimately, be determined through secondary legislation and processes beyond the direct scrutiny of this Parliament. That should make us all pause.

If the legislation fails, it will not fail in theory; it will fail in real lives. As several speakers have said, under such a system, one mistake would be one too many. None of us can stand here today and say with certainty that the framework before us would eliminate that risk.

Opposing the bill must never be mistaken for indifference to suffering. It is quite the opposite. Our responsibility is to ensure that every person in Scotland receives the care that they need at the end of their life. Wherever someone lives in Scotland, they should have access to high-quality palliative care, effective pain relief, skilled medical support and the compassion that allows them to die with dignity. That means that we need serious investment in palliative and end-of-life care and honesty about the gaps that still exist across our country. Many members across the chamber have spoken about the need to strengthen those services. On that point, I believe that we are all united.

I will vote against the bill. When doubts remain about a decision of this seriousness, caution is the wiser course. On a matter of life and death, the Parliament must be certain before it changes the law.

21:25

Michael Matheson (Falkirk West) (SNP): As I rise to make my last contribution to a debate in this Parliament after some 27 years, I cannot think of a more consequential debate taking place during my time here. I offer my congratulations and thanks to Liam McArthur and to colleagues across the chamber for what has been a very dignified and considered debate to this point.

We all care about people dying and want to see good deaths for those whom we love and for ourselves. However, the bill would not just create a new option for a few. If enacted, it would impose a new reality for every person towards the end of their life—the option of assisted dying. In my view, it would change life and death for everyone. In our consideration of the bill, we should be particularly mindful of the impact that it could have on some of the most vulnerable members of our society, who lack agency in their decision making.

Last week, I shared my concerns that the safeguarding measures in the bill would not provide suitably robust defences against the risk of coercion. In 2018, as a Parliament, we listened to the voices of women who had suffered at the hands of abusers through domestic abuse. We listened to their plea to recognise the extent of coercive abuse, and we worked with experts to shape legislation to tackle the issue. Now, more than ever, I believe that we need to listen to those

voices again as they warn us of the dangers that the bill would create.

Isabelle Kerr, who has run rape crisis centres in Scotland for decades, recently stated that the bill

"assumes that busy doctors will have the capacity and expertise to spot signs of abuse. My experience tells me that they won't in most cases."

She went on to say:

"MSPs need to realise that coercion will occur under an assisted dying law. In my view, the real questions are who will be coerced to die, and how many such deaths will be missed."

She continued:

"This is a complex issue. Strong arguments are put forward by both sides … However, the success of legislation often boils down to its workability. I feel duty bound to point out that the Assisted Dying Bill at Holyrood is not workable in its approach to detecting coercion."

Those are strong words—not from a person who opposes the law in principle, but from someone who is concerned about what we might call the constituency of very vulnerable people in our country. When supporters of the bill talk about choice and autonomy, they should remember that those are not the reality for some women, disabled people and older people who are trapped in abusive and coercive situations. We should be in no doubt that coercion would take place. No words in this bill would prevent it, because, sadly, not everyone who dies has people around them who truly have their best interests at heart.

Domestic abuse experts, such as Dr Anni Donaldson, have warned us that the bill

"risks offering a new, potentially lethal weapon to abusive men whose partners have been diagnosed with life-threatening or terminal illnesses."

The Scottish Government's evidence shows that, as we continue to have a hidden population of victims of abuse and coercion in Scotland, it is inevitable that that population will include individuals who are or become terminally ill. Abusive relationships do not end after diagnosis.

Although I recognise that those who support the introduction of assisted dying are eager to see legal change, we cannot and should not ignore the serious and real threat posed to vulnerable people through coercion.

Given the extent to which domestic abuse remains so prevalent in our society, coupled with the continued low rates of disclosure and the challenges of detecting coercion, it is inevitable that coerced deaths will occur if the Parliament agrees to the bill.

Therefore, to those members who remain torn about the bill, I respectfully say this: do not back it if there is any seed of doubt in your mind. Remember that there is no room for uncertainty when it comes to life and death. I urge members to vote against the bill at decision time.

21:30

Jackson Carlaw (Eastwood) (Con): I supported Margo MacDonald's bill and Patrick Harvie's bill on the matter. I eventually abstained on Margo's bill. She told me to abstain for reasons that I will not repeat here, because I might get arrested.

I have found today that I come to this debate with no personal story to match some of the most profound and inspiring stories that I have heard across the chamber. Any personal story that I would bring would be quite feeble by comparison.

I have learned two things to my surprise in the debate. I will say this once and never again: I could have listened to Ross Greer's speech again, and secondly, I might have preferred Krystle Ross to be the member of Parliament rather than her husband. That might be a sentiment that others would agree with this evening, having had time to reflect on it.

I pay particular tribute, as others have, to Liam McArthur, and not only to him, but to his team, going back to Jack, George and the other people who have helped since. The former of all those, when my head of office left in 2022, told me that he was adopting me as my unofficial carer, which was both charming and deeply alarming. They have worked incredibly hard to process the enormous volume of correspondence and work that Liam McArthur has had to progress during this session of Parliament. None could have done so with the charm, dignity, ease and restraint with which he has. His conduct in progressing the bill is, as others have said, a remarkable tribute to him and to this Parliament. He has done a fabulous job.

I stand here as someone, members will understand, who was not always terribly sure about this place, but I have come to have a profound respect for it. In fact, I have cherished its potential in the 19 years that I have been here, but not always its output. I remember when I first came in and looked around the chamber walls, I wondered, "What are these things?" I thought that they were bottles of whisky. I was told that that is the silent majority of Scotland looking at us as we debate the issues before us.

Over the years that I have been here, whether we were debating the ban on smoking, the groundbreaking legislation on improving the lot of people who require wheelchairs, the introduction of free personal care, same-sex marriage—I remember arguments about coercion being made at that time—or travel to the United States for women suffering as a result of transvaginal mesh,

I have seen that when this Parliament works together, it is at its best. All those things, I have to accept, would probably not have advanced the social life of Scotland had this Parliament not been here to do it.

In this debate, I am reminded that each of us is equal. We are not loyal to any manifesto or any party leader tonight, however well intentioned their interventions might be. Each of us is an equal voice in the proceedings before us.

Today, I had quite a profound experience. I went into a Costa in my constituency before I came in here. There was a group of guys and a couple of women who talk about things every early morning. The Costa was very busy. I asked them what they would do if they were me and they all put up their hand in support, but that was not what was profound. I looked up and all around the Costa, other hands went up as well.

We should not forget, although it cannot be the only thing that governs our decision tonight, that the vast majority of the people of Scotland understand what is before us and support the progression of the bill.

I return to Ross Greer and to the reason why I enjoyed his speech, which was because he set out, in technical detail, the actual safeguards introduced by Liam McArthur during the progress of the bill and because he explained that we would need commencement orders to pass before the bill could actually be enacted. That is the answer for Jackie Baillie and others who say that they do not know about the bill. If members do not like it, they do not have to vote for the commencement orders in that final analysis.

It is the voices of the terminally ill that are missing from the chamber tonight. I ask members to look around and answer this: if your neighbour said to you, “I’m dying in excruciating pain,” would you say, “Well, I’ll do something about palliative care, years from now,” or, “I’m very sorry, you’ll have to endure”? That is not the answer.

To move forward today is to recognise a single truth: we all have a right to life but we do not have a duty to live whatever the circumstance before us. I do not know whether I would take advantage of the opportunity, but I believe that it is wrong, in this day and age, to deny individuals that right.

21:35

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I begin by paying tribute to my late colleague Margo MacDonald and to Patrick Harvie, pioneers on the subject, to Liam McArthur, whose dignity has been extraordinary, and to all who have contributed so far.

I am 81 and more aware of my mortality than most other MSPs. I think about it quite regularly. My power of attorney is in place, my will is in place and the wee purple file where I keep all my wee secrets about where the money is hidden is there for my boys to find.

I repeat that I respect those with firm religious opposition to assisted dying but I know that, no matter how we amend the bill, they are never going to vote for it. That is it for them, so I want to speak to people who are on the cusp, or to the people who have said that they are in doubt and are not going to support the bill. I will speak to them. I have listened to the concerns about capacity, undue influence and coercion, mostly in the context of disability, both physical and mental, or of domestic abuse. I say to members that I am satisfied that the bill provides barriers and protections for those vulnerable groups and that I certainly would not vote for it if that were not the case. Indeed, if it is passed, I predict that this will be the most policed and most closely monitored legislation ever, and I welcome that.

The bill is about choice—the final choice for me and others who may wish to die if we have a terminal illness and are at the end of life. It is not about competing with or undermining palliative care. I am delighted that concerns about palliative care provision have been brought to the fore. If the bill is passed, and even if it is not, I will campaign for better funding and provision of palliative care for everyone.

The bill is about choice and neither of my parents had choice. One had a good death; the other had a very bad death.

Dad got up one Monday morning, made his bed, placed his pyjamas neatly under the pillow, set the breakfast table then sat down in his armchair with his cup of tea on one arm and a digestive biscuit on the other. His last words were a phone call to my brother. He told Tony that he felt not right, and the phone hit the floor. He died with his cup of tea and digestive biscuit barely touched, in his own chair, in his own home and surrounded by a gallery of family photos. It was our pain to find him there, not his, and, although it broke our hearts, we were grateful that it had happened that way.

Mum had cancer for months. She worsened and, for the last three weeks, was in the Western general hospital in Edinburgh, just waiting to die. She was told practically on arrival that they could do nothing but would try to make her as comfortable as possible. I saw her with my father almost every day. Only once did she express her fear, when she whispered to me, out of his earshot, “Christine, will there be pain?” I said, “No,” of course, but there was. Near the very end, Jim, the wonderful and understanding charge nurse took

Dad, me, and my siblings Tony and Catriona aside and asked if he could “up the morphine” to help with the pain, although it would probably accelerate death. Together, we said, “Yes,” and we thanked him.

The First Minister knew my parents well, the good people who they were. In the case of my unassuming, uncomplaining mother, the family made the choice for her. She had no right to choose. That is all I want—the right to choose. I do not want to be like my mother, who was drug stupefied. We did not know whether she could hear us. I hope that I will have some control and dignity and be aware of my surroundings, with my sons, Angus from Canada and Niall from London, by my side. That must be my choice. It is not for everybody, but I would like it for me.

I say to members: please support the bill, and if you are in doubt, please do not stand in the way of it but abstain.

21:40

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I have found this debate hard, so I have no right whatsoever to offer any judgments about the conclusions that other members have so carefully reached and still more carefully argued tonight, not least Mr McArthur. For all of us on both sides of this debate, profound personal experiences and huge questions of principle are engaged—although, as Stephen Kerr rightly said, we are not debating a principle tonight. We did that at stage 1. We are now debating the bill.

I tried to support amendments that I thought might introduce safeguards, but I avoided backing wrecking amendments, as I saw them, that might have landed the bill in court. After all of that, however, I am still looking at a bill that genuinely troubles me. One of the reasons is that, as other members have mentioned, there are significant holes in it. I realise that there were legal reasons why Parliament had to remove the provisions that guaranteed health professionals a right not to participate. The best hope now is that those gaps will eventually be filled in by Westminster. That prospect clearly reassures some members but, notably, it does not reassure the Royal College of Psychiatrists in Scotland.

I was personally surprised that Parliament did not accept an institutional right to opt out. Like Mr Hepburn, I was also genuinely taken aback when Parliament rejected some of Mr Johnson’s amendments. They would have prohibited doctors, rather than patients, from initiating a conversation about assisted dying. For older patients from many backgrounds, a doctor is still an authority figure, and some people have told me that they simply lack the confidence to ever contradict a doctor.

I recognise that the bill is founded on the vital principle of personal autonomy. For me, however, it exhibits an idealised vision of that autonomy. It pictures a world in which people exercise choices without any external forces ever being placed on them. I think of the woman in a controlling relationship or the person who has the unspoken fear that living out his last years in a care home might cost his children the family house.

The bill also seems to assume that people seek out the help and support that they need in their lives to allow them to be assertive about their rights. In rural and other traditional communities where the desire to save face and avoid being talked about can be powerful forces, such an assumption is, believe me, often ill-founded.

Clearly, families, doctors and nurses already have to wrestle with deeply distressing end-of-life decisions. I am in awe of the members who have been able to speak so openly and movingly of those experiences. The manner of some deaths raises questions about human suffering to which I offer no trite answers.

However, I have to recall the advice that is often given to legislators that hard cases make bad law. That is definitely not to belittle the terrible hardness of the situations of which we have been speaking tonight and on which we now have to legislate; rather, it is to remember that our laws generally have a wider application than we envisaged.

We now have a bill that is opposed by the Royal Pharmaceutical Society in Scotland, numerous former presidents of the royal colleges of physicians and surgeons in both Glasgow and Edinburgh, the Royal College of Psychiatrists in Scotland and Inclusion Scotland.

The Scottish Council on Human Bioethics, meanwhile, has said that the bill

“infringes the UN Convention on the Rights of Persons with Disabilities”.

Anyone who feels that they can see past objections such as those needs to feel very sure about the bill. I am not, and so, respectfully, I will be voting against it.

21:45

Stuart McMillan (Greenock and Inverclyde) (SNP): First, I pay tribute to Liam McArthur for how he has conducted himself, and to him and his team for how they have gone about taking forward the bill. It is clear that a huge amount of time and effort, and passion, has been put into it, so I thank him very much for that.

This is very much the toughest decision that I will have come to in my time in Parliament. Without the whole parliamentary process, from the first

meeting that I had with Liam McArthur's team in November 2021 to the amendments at stages 2 and 3, I have wrestled with the following two questions. First, are you against the principle of assisted dying? I am not. Secondly, does the bill provide enough safeguards to create what is being proposed? I do not think that it does.

I have never had a strong belief either for or against assisted dying; I have always been torn on it. I wish that I did have a strong view either way, but I never have. I was pushed a bit more towards supporting assisted dying over the years, and that is because of family circumstances in which relatives have suffered a terminal illness: some with dementia, some with cancer and others with Huntington's disease. I have seen how their lives changed and how they struggled, particularly towards the end of their lives.

The experience of those family members pushed me towards being more supportive of the principle, but I was never 100 per cent there, so my vote tonight is based on the contents of the bill that we have discussed and amended.

Before I go on, I thank all the hundreds of constituents who have been in touch with me. Jackson Carlaw touched on the silent majority, but I respectfully highlight to him that the overwhelming majority of people who have directly contacted me want me to vote against the bill. However, my decision tonight is a decision that I have come to myself.

Has the bill been strengthened in parts? Yes, it has. Has the bill been weakened in parts: yes, it also has. Ross Greer spoke earlier regarding protections, and he is absolutely right. He went through some of those protections in great detail, quite a lot of which I absolutely acknowledge.

I also welcome another two protections: the age of those who can apply has been increased from 16 to 18, and someone must have at least 12 months' residence in Scotland before the first declaration of wanting an assisted death is made.

However, I disagree with allowing doctors to raise the issue of an assisted death with their patient. I disagree with allowing a doctor, who must remain at the time of ingestion of the drug, to be able to assist the patient. I disagree with the lack of opt-outs for hospices and other facilities. A variety of amendments were lodged at stages 2 and 3 seeking opt-outs for religious organisations that operate care facilities. They were seeking a conscientious objection opt-out, but those amendments were rejected.

Other members have spoken about the section 104 order process, and I share some concerns in that regard. Section 104 orders have been used before in the Parliament and there has been engagement between the two Parliaments on that, so they are not a new process. However, I do not believe that they have been used on such a contentious matter before.

Last Friday, MSPs received an email from the Royal College of Psychiatrists in Scotland. It has remained neutral on the principle, but, following the removal of section 18 from the bill, it now believes that vital safeguards have been removed. Once again, that touches on the section 104 order issue.

As we have heard, other bodies have also now rejected the bill because of a lack of safeguards. Those include the Royal College of General Practitioners Scotland, the Royal Pharmaceutical Society, the Medical and Dental Defence Union of Scotland, the Royal College of Physicians and Surgeons of Glasgow and some others.

In conclusion, after reading the amended bill over the weekend and considering all of the above, last night was the time when I finalised my decision. I came to the conclusion that I could not support the bill and, sadly, I will be voting against it.

The Presiding Officer: I call Liam McArthur, the member in charge of the bill, to wind up the debate.

21:49

Liam McArthur: I thank colleagues on both sides of the debate for their contributions. I particularly thank those who are making their final contributions in the chamber, whether, as Douglas Lumsden and Paul O'Kane observed, they realise it yet or not.

Today's debate has certainly emulated the debate that we had at stage 1, back in May. It has been a high point of this Parliament. I echo Liz Smith's comments and the plea to those who are elected to the next Parliament that we up our game more consistently. I again pay tribute to Liz Smith, who will be an enormous loss to this Parliament.

Reflecting on the debate, it seems clear that the Parliament might well vote against the bill shortly. If that is the case, I believe that it is a decision that many in the chamber, including many who will not return to it after May, will come to regret deeply, although not as deeply or as painfully as those dying Scots and their families who desperately need us to act with courage, compassion and urgency.

With apologies to the Parliament, we are now beyond debate and I simply need to set out why the ban on assisted dying is failing too many people at the end of life, despite the best efforts of palliative care, and why passing up this opportunity

to address that failure and the trauma that it causes would be unforgivable.

I know that there are members whose position on assisted dying has been set for some time—both those for and against. I respect those positions, even when I fundamentally disagree. In the time that is available to me now, I plan to address those who remain conflicted. Some voted to support the general principles at stage 1 and others did not. All that I know is that they feel torn. They know that the current law lacks compassion and safety, yet they wrestle with doubts and questions.

This decision weighs heavily on us all, but, for some, there will be genuine fear. Despite consistent evidence of overwhelming public support for assisted dying, including among those of faith, there is fear that comes from being denounced from the pulpit or in church circulars.

Despite the bill being explicit that disability alone is excluded from eligibility criteria, and despite peer-reviewed research from Professor Ben Colburn at the University of Glasgow showing that such laws do not cause harm to people with disabilities or undermine healthcare accessibility for disabled people, there is fear that there might be an impact on those in the disability community, who, again, polls suggest strongly support a change in the law.

Despite the House of Commons Health and Social Care Committee finding no negative impacts and, in many cases, improved investment in and engagement with palliative care in jurisdictions with assisted dying laws, there is fear about the interaction with such care.

Despite no evidence from other jurisdictions and the fact that medical professionals already deal with such assessments in relation to patients stopping eating and drinking, and in relation to decisions about taking, refusing or withdrawing treatment, there is fear about coercion, when amendments to the bill last week put in further safeguards.

Despite there being absolutely no possibility of any act coming into force without robust no duty/no detriment protection or key training, qualification and experience provisions being in place, there is fear about protection for medics.

There is fear about a so-called slippery slope, for which, as the Commons health committee concluded, there is no evidence anywhere in the world in relation to terminal illness mental capacity models of assisted dying. Moreover, the courts here have made it clear that this is a matter for the Parliament to decide.

There is then the more generalised fear about taking a decision of such significance.

I do not underestimate those fears, but they are nothing compared with the fear felt by those who must be at the centre of the debate.

There is the fear of 22-year-old Brian Churcher, whose cancer left him in agony for two weeks in a hospice, where he pleaded with his family to kill him. His mother, Tracy, whom I met outside the Parliament earlier today, said:

"This will remain with me the rest of my life. Cancer took everything from Brian. Before it took his life, it stripped him of his dignity."

There is the fear that was felt by Nicola and her late husband, Graham, whose bowel cancer led to terrifying hallucinations and a final two weeks of hell, during which Graham asked hospice doctors to help him to die.

There is the fear that was experienced by Tora, Zoe, Sarah and their mother, Heather. They explained:

"When she lay down, she made a choking noise. So they gave her medication to clear her tubes. Then came hours of vomiting brown foam … We cut up downie covers, towels, pillow cases … using them to mop up constantly … She said, 'Tora, just kill me now'."

There was the fear of Leighanne, whose wife, Gill, died from stage 4 melanoma but who threatened to jump in front of a bus to end the pain.

There was the fear of Cath Shepheard, who sat in the garden lobby back in 2023 and told me of her experience with motor neurone disease:

"I … wondered if I could find some drugs so that I could overdose, but I didn't know … how much to take to do the job properly".

Then,

"the idea of stopping using my … [feeding tube] came into my head … and I literally felt my whole body relax"

and

"I wish I could choose something quicker, because this … may take two to three weeks".

She was right. It took Cath 17 days to die.

In 2019, the "Inescapable Truth About Dying in Scotland" report was published, drawing on testimony from palliative care professionals, dying people and bereaved families. I had planned to spare the chamber the details of some of the cases that were highlighted in that report. However, given where we stand—given the risk that the bill may fall—that no longer seems tenable, so I will quote for the chamber—and for Sir Harry Burns—the palliative care consultant who said:

"One of the most distressed patients I have ever seen in my life was a man who had had a penile cancer. His penis had been removed and he was left with a big open hole directly into his bladder. He was a very gentle person. He was so ashamed and he would cry. He was begging to have his life ended because he just hated it and he had lived for

months in that condition … He was also in pain, but that was not the main thing; it was the utter degradation. I felt so helpless. We could do nothing about that."

During this debate and in the run-up to it, some colleagues have declared their opposition to the bill. I realise that to act otherwise now would be difficult and uncomfortable, but I ask those colleagues to measure that short-term discomfort against the enduring agony and humiliation that I have just described. Could any of us face that palliative care consultant or the family of that poor man, look them in the eye and say honestly that nothing can be done, that there is no alternative and that introducing more choice, in the way that many other states and countries have done safely and successfully over recent years, is beyond us here in Scotland?

Responding to the report, Professor Sir Graeme Catto, former chair of the General Medical Council, made a plea that we need to

"listen carefully to … the compassionate honesty of palliative care professionals who recognise the limitations of their speciality; the trauma of bereaved relatives whose precious memories have been poisoned by the things no son, daughter, mother, father, sister, brother or partner should ever have to witness; and the fear of dying people who simply want the peace of mind that comes through having choice and control at the end of their lives."

Colleagues, Tracy Churcher has said that, when she thinks about her son Brian now, she remembers not the smiling boy on holiday but the terror of his illness and the agony that he experienced in his death. That breaks me.

The bill is tightly drawn, heavily safeguarded and legally defensible. MSPs can have confidence that what they are voting for will be delivered in practice. Those who are tempted to vote no this evening need to realise that doing so will not make anyone safer but will leave ever-increasing numbers of dying Scots more at risk, isolated and vulnerable.

The issue is not going away. However, by refusing to take this opportunity to act, the Parliament will simply force people to travel overseas and take decisions behind closed doors, with no safeguards, no protection and no support, or condemn them to suffer like Brian, Cath and Heather.

Throughout this process, I have sought to be measured, reasonable and respectful. In my view, that is the only way to address an issue of such sensitivity. I am enormously grateful for the nauseating compliments to me and my staff. At this point, however, I hope that colleagues will forgive me if I am also blunt. I simply cannot see how those who vote no this evening will not forfeit their right to step outside the chamber and tell themselves, their constituents and the wider public that they support the principles of a change in the law but not this bill, not at this time and not in this way. That is just not good enough. More importantly, it is a woefully inadequate response to the suffering and trauma that is experienced by the dying Scots and their families who are being grotesquely failed by the ban on assisted dying.

As a growing number of countries and states around the world, including Jersey and the Isle of Man, are proving, there is another way. We can and must do better. This is the time, this is the bill, and this is the change that dying Scots desperately need us to make.

I implore MSPs: have the courage of your convictions. Listen to the overwhelming majority of people across Scotland; most of all, listen to Lisa and the hundreds more like her, and back this bill.

The Presiding Officer: That concludes the debate on the Assisted Dying for Terminally Ill Adults (Scotland) Bill at stage 3.

Decision Time

22:00

The Presiding Officer (Alison Johnstone): The next item of business is decision time. There are three questions to be put as a result of today's business.

The first question is, that motion S6M-21100, in the name of Jenni Minto, on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by division, so there will be a short suspension to allow members to access the digital voting system.

22:01

Meeting suspended.

22:04

On resuming—

The Presiding Officer: We come to the vote on motion S6M-21100, in the name of Jenni Minto, on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill at stage 3. Members should cast their votes now.

The vote is closed.

The Cabinet Secretary for Education and Skills (Jenny Gilruth): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Presiding Officer: Thank you, Ms Gilruth. We will ensure that that is recorded.

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)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Maggie (North East Scotland) (Green)
Choudhury, Foysol (Lothian) (Ind)
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)
Fraser, Murdo (Mid Scotland and Fife) (Con)
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) [Proxy vote cast by Graeme Dey]
Greene, Jamie (West Scotland) (LD)
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)
Hoy, Craig (South Scotland) (Con)
Hyslop, Fiona (Linlithgow) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
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)
McNeill, Pauline (Glasgow) (Lab)
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)
O'Kane, Paul (West Scotland) (Lab)

Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (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)
Swinney, John (Perthshire North) (SNP)
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)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Balfour, Jeremy (Lothian) (Ind)
Regan, Ash (Edinburgh Eastern) (Ind)

The Presiding Officer: The result of the division on motion S6M-21100, in the name of Jenni Minto, on the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill at stage 3, is: For 124, Against 0, Abstentions 2.

Motion agreed to,

That the Parliament agrees that the Non-surgical Procedures and Functions of Medical Reviewers (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S6M-21101, in the name of Ivan McKee, on the Building Safety Levy (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by division. Members should cast their vote now.

The vote is closed.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, Presiding Officer. I confirm that my vote is yes.

The Presiding Officer: Thank you, Ms Callaghan. We will ensure that that is recorded.

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)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Chapman, Maggie (North East Scotland) (Green)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Neil (Airdrie and Shotts) (SNP) [Proxy vote cast by Graeme Dey]
Greer, Ross (West Scotland) (Green)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hyslop, Fiona (Linlithgow) (SNP)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lochhead, Richard (Moray) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
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)
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)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
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)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Clark, Katy (West Scotland) (Lab)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Greene, Jamie (West Scotland) (LD)
Griffin, Mark (Central Scotland) (Lab)
Gulhane, Sandesh (Glasgow) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
Lennon, Monica (Central Scotland) (Lab)
Leonard, Richard (Central Scotland) (Lab)
Lumsden, Douglas (North East Scotland) (Con)
Marra, Michael (North East Scotland) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCall, Roz (Mid Scotland and Fife) (Con)
McNeill, Pauline (Glasgow) (Lab)
Mochan, Carol (South Scotland) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
O'Kane, Paul (West Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Ross, Douglas (Highlands and Islands) (Con)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Webber, Sue (Lothian) (Con)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-21101, in the name of Ivan McKee, on the Building Safety Levy (Scotland) Bill at stage 3, is: For 70, Against 56, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Building Safety Levy (Scotland) Bill be passed.

The Presiding Officer: The final question is, that motion S6M-21005, in the name of Liam McArthur, on the Assisted Dying for Terminally Ill Adults (Scotland) Bill at stage 3, be agreed to. As this is a motion to pass the bill, the question must be decided by division. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Brown, Siobhian (Ayr) (SNP)
Burgess, Ariane (Highlands and Islands) (Green)
Burnett, Alexander (Aberdeenshire West) (Con)
Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
Carlaw, Jackson (Eastwood) (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)
Dey, Graeme (Angus South) (SNP)
Don-Innes, Natalie (Renfrewshire North and West) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dunbar, Jackie (Aberdeen Donside) (SNP)
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Greene, Jamie (West Scotland) (LD)
Greer, Ross (West Scotland) (Green)
Gulhane, Sandesh (Glasgow) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Hyslop, Fiona (Linlithgow) (SNP)
Kerr, Liam (North East Scotland) (Con)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lennon, Monica (Central Scotland) (Lab)
Lochhead, Richard (Moray) (SNP)
Lumsden, Douglas (North East Scotland) (Con)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Mackay, Gillian (Central Scotland) (Green)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McLennan, Paul (East Lothian) (SNP)
Minto, Jenni (Argyll and Bute) (SNP)
Mochan, Carol (South Scotland) (Lab)
Rennie, Willie (North East Fife) (LD)
Robertson, Angus (Edinburgh Central) (SNP)
Robison, Shona (Dundee City East) (SNP)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Slater, Lorna (Lothian) (Green)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stewart, Kaukab (Glasgow Kelvin) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Thomson, Michelle (Falkirk East) (SNP)
Todd, Maree (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Tweed, Evelyn (Stirling) (SNP)
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Ind)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Briggs, Miles (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Carson, Finlay (Galloway and West Dumfries) (Con)
Choudhury, Foysol (Lothian) (Ind)
Constance, Angela (Almond Valley) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dowey, Sharon (South Scotland) (Con)
Duncan-Glancy, Pam (Glasgow) (Ind)
Eagle, Tim (Highlands and Islands) (Con)
Ewing, Annabelle (Cowdenbeath) (SNP)
Ewing, Fergus (Inverness and Nairn) (Ind)
Findlay, Russell (West Scotland) (Con)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gallacher, Meghan (Central Scotland) (Con)
Golden, Maurice (North East Scotland) (Con)
Gosal, Pam (West Scotland) (Con)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hoy, Craig (South Scotland) (Con)
Johnson, Daniel (Edinburgh Southern) (Lab)
Kerr, Stephen (Central Scotland) (Con)
Leonard, Richard (Central Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Marra, Michael (North East Scotland) (Lab)
Mason, John (Glasgow Shettleston) (Ind)
Matheson, Michael (Falkirk West) (SNP)
McAllan, Màiri (Clydesdale) (SNP)
McCall, Roz (Mid Scotland and Fife) (Con)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
McNair, Marie (Clydebank and Milngavie) (SNP)
McNeill, Pauline (Glasgow) (Lab)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
O'Kane, Paul (West Scotland) (Lab)
Regan, Ash (Edinburgh Eastern) (Ind)
Roddick, Emma (Highlands and Islands) (SNP)
Ross, Douglas (Highlands and Islands) (Con)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Russell, Davy (Hamilton, Larkhall and Stonehouse) (Lab)
Sarwar, Anas (Glasgow) (Lab)
Simpson, Graham (Central Scotland) (Reform)
Smith, Liz (Mid Scotland and Fife) (Con)
Stevenson, Collette (East Kilbride) (SNP)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Sweeney, Paul (Glasgow) (Lab)
Swinney, John (Perthshire North) (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)
Whittle, Brian (South Scotland) (Con)
Wishart, Beatrice (Shetland Islands) (LD)
Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Gray, Neil (Airdrie and Shotts) (SNP) [Proxy vote cast by Graeme Dey]

The Presiding Officer: The result of the division on motion S6M-21005, in the name of Liam McArthur, on the Assisted Dying for Terminally Ill Adults (Scotland) Bill at stage 3, is: For 57, Against 69, Abstentions 1.

Motion disagreed to.

The Presiding Officer: The Assisted Dying for Terminally Ill Adults (Scotland) Bill falls.

That concludes decision time.

Meeting closed at 22:11.

This is the final edition of the Official Report of this meeting. It is part of the Scottish Parliament Official Report archive and has been sent for legal deposit.

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