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DRAFT

Equalities, Human Rights and Civil Justice Committee

**Comataidh nan
Co-ionannachdan, Còraichean
Daonna agus Ceartas Catharra**

Thursday 24 September 2026

Session 7



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Thursday 24 September 2026

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE

5th Meeting 2026, Session 7

CONVENER

*Katie Hagmann (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Meghan Gallacher (Central Scot and Lothians West) (Con)

COMMITTEE MEMBERS

*Holly Bruce (Glasgow Southside) (Green)

*Amanda Lindsay (Central Scot and Lothians West) (Reform)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Carol Mochan (South Scotland) (Lab)

Collette Stevenson (East Kilbride) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Andrew Campbell (Lord President's Private Office)

Kavita Chetty (Scottish Government)

Simita Kumar (Minister for Equalities and International Development)

Ben Macpherson (Edinburgh North Eastern and Leith) (SNP) (Substitute Member)

Danielle McLaughlin (Scottish Civil Justice Council)

Kirsten Oswald (Minister for Victims and Community Safety)

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament Equalities, Human Rights and Civil Justice Committee

Thursday 24 September 2026

[The Convener opened the meeting at 09:35]

Decision on Taking Business in Private

The Convener (Katie Hagmann): Good morning, everyone, and welcome to the fifth meeting in 2026 of the Equalities, Human Rights and Civil Justice Committee. We have received apologies for today's meeting from Collette Stevenson.

I welcome Ben Macpherson, who joins us as a substitute member. As this is the first time that he has participated in a meeting of the committee, I invite him to declare any interests that are relevant to the committee's remit.

Ben Macpherson (Edinburgh North Eastern and Leith) (SNP): Thank you, convener. I am glad to be a substitute member and to be with you today. I draw colleagues' attention to my voluntary entry in the register of members' interests, which shows that I am on the Law Society of Scotland roll of Scottish solicitors.

The Convener: Thank you.

I also welcome Kate Nevens to our meeting.

Under item 1 on our agenda, we must decide whether to take in private item 6, which is a review of this morning's evidence. Are members content to take that item in private?

Members indicated agreement.

Equalities, Human Rights and Civil Justice (Overview)

09:36

The Convener: Under item 2, we will take evidence from the Minister for Equalities and International Development, Simita Kumar, further to our recent round-table discussions on the equalities and human rights parts of our remit. I refer members to paper 1. The minister is accompanied by the following Scottish Government officials: Catherine McMeeken, deputy director for equalities; Kavita Chetty, deputy director for human rights; and Rob Priestley, head of the mainstreaming and strategy unit. I welcome you all.

I invite Ms Kumar to make a short statement before we turn to questions.

The Minister for Equalities and International Development (Simita Kumar): Thank you, convener. Good morning. I welcome the opportunity to contribute to the committee's meeting.

Advancing and embedding equality, inclusion and human rights is fundamental to the Government's ambition to build a fairer Scotland. It is central to delivering our goals of eradicating child poverty, tackling violence against women and girls, promoting community cohesion and delivering excellent public services. It is essential that we create a country where everyone feels the benefits of prosperity and all can live with dignity, and that we prioritise support for those who experience the most inequality and the most challenges in accessing their fundamental rights.

I know that the committee has engaged with a broad range of organisations, representative bodies and individuals from across Scotland's equality and human rights sectors. I very much welcome the scrutiny from Scotland's vibrant civil society, which is crucial in challenging us to do better for the communities that we serve.

We all, I hope, share a desire to continue to move our work on equality and human rights from aspiration to action, an expectation that public services should work for everyone and a commitment to improving outcomes for the communities that we serve. The programme for government provided a clear statement of our ambitions. We have committed to introducing a human rights bill in the second year of this parliamentary session. That commitment to embed a human rights culture in Scotland has been welcomed by stakeholders I have met.

The programme for government also centred on vital work to tackle issues with community

cohesion and to end violence against women and girls. The committee has heard clear evidence on the importance of community cohesion and tackling social division. We should also consider the intersectionality between equality groups. None of us will be free and equal until all of us are free and equal. An attack on one of us is an attack on all of us. Those issues are at the heart of my priorities in my role. Scotland should be a place where everyone feels safe, valued and respected, and where people can live free from prejudice, hatred, discrimination and fear.

Building cohesive communities requires leadership, trust and open dialogue. We have committed to establishing a ministerial task force on community cohesion to identify priority areas for action and address emerging issues, and to increasing the community cohesion fund to £500,000, helping to support grass-roots initiatives that bring communities together, tackle division and promote inclusion. We are refreshing our hate crime strategy delivery plan and continuing action through programmes such as our anti-racism in education programme.

Tackling violence against women and girls remains a key Scottish Government priority. We have set out comprehensive actions that will prevent violence, support victims and survivors, strengthen accountability for perpetrators and challenge the attitudes and behaviours that drive violence.

More broadly, the programme for government also reaffirms our commitment to tackling discrimination and inequality experienced by LGBTQI+ through legislation, policy and partnership working. Alongside that, we will continue to work with the Welsh and the United Kingdom Governments to end conversion practices, strengthening our collective efforts to eradicate those harmful practices and protect LGBTQI+ people from the lasting harms that they cause.

In your prior evidence sessions, the public sector equality duty has been discussed. I want to particularly highlight the importance of fostering good relations as a core part of the duty and as a responsibility that public bodies, including the Scottish Government, are taking seriously.

In an increasingly polarised environment, promoting understanding, respect and constructive dialogue is essential to building a fair, inclusive and cohesive Scotland. Although views may differ on how the duty should evolve, there is broad agreement that equality considerations should be embedded in decision making, which is a principle that the Government supports.

Finally, stakeholders highlighted the importance of robust evidence and data. The next equality

evidence strategy is in development and will be informed by stakeholders' views and priorities. I agree with what you have heard: in an era of increasing misinformation and disinformation, high-quality evidence is more important than ever.

The challenges that we face are significant, but so too are the opportunities. The evidence that we gather, the voices that we listen to and the decisions that we take must all be focused on one thing: improving people's lives. We can turn our shared ambitions on equalities, inclusion and human rights into meaningful and lasting change.

Finally, convener, we have a real opportunity to make lasting progress for the communities that we serve. That is the task that is before us, and it is one that I am determined to play my part in delivering. I look forward to the committee's questions today and working with you during the session.

Sorry, but I have one further comment. I have been in post for about four months now. In that time, I have met all the political parties and quite a number of stakeholders. I thank you all for coming to the table in the spirit of collaboration. I am sure that we all come to this from our different values, and we represent different political parties, but where our values align and we share priorities, we should move forward with the ambition to work together. This is about the people we serve outside this committee room. I will endeavour to work constructively, and I invite the committee to do the same, to help us all achieve that shared ambition.

The Convener: Thank you very much for that helpful opening statement, minister.

Members have a range of questions on the areas that we want to delve into today. As you said, we have held a couple of round-table sessions, which have been really informative.

I will start. You spoke about putting aspiration into action. That is vital. We have heard from a range of stakeholders how important it is that they receive feedback, so that, when they come to give evidence to the committee, they know that their evidence is making a difference and that there will be an outcome. The committee certainly wants to focus on outcomes—what we need to achieve for the people of Scotland. We will probably cover a huge range of areas this morning. As I said, I may touch on a few to start with.

09:45

The first is about community cohesion. You referenced the funding that is available. It would be helpful to hear what that looks like and how you envisage the committee being able to scrutinise that. Although I am sure that the £500,000 is hugely welcomed, how much impact will it have on

the ground when it is spread across Scotland, especially when it comes to remote and rural areas?

It would be useful to hear your view on public sector reform and where you see your role in leading that debate nationally.

Will you also touch on some of the gaps in the implementation of legislation? Again, that is an area that we have heard quite a lot about—legislation has come forward but not been implemented, and there are gaps.

Those are some broad themes to get us started, after which I will invite other members to come in.

Simita Kumar: I will take in turn the three aspects to your question.

Community cohesion is something that I am deeply concerned about, as everyone around the table should be. Stakeholders to whom I have spoken are concerned about it. We are in a different political and societal landscape. Just yesterday, I was at a round table with an older people's forum. Perhaps people will not typically think that community cohesion comes out of that space, but it did, reflecting on the real sense of fear that communities are experiencing.

I am a person of colour; I am also proudly an immigrant; and, as minister for equalities, I am not immune to some of the things that people out in the public are experiencing. That is a sad reality of where we are in society. Convener, bad actors are filling some of the vacuum that people are experiencing when it comes to the root causes of poverty and the cost of living crisis. They are filling that space and, almost, putting blame on to some people in our society; a lot of that is focused on immigrants, asylum seekers and refugees. That should be called out by each and every one of us around the table and beyond. We need that shared leadership to be able to absolutely challenge some of those notions. As I said, I encourage all of us to do that, because we will not otherwise be able to create a safe and inclusive environment for any of us.

In my opening statement, I remarked that, unless and until all of us feel free and safe, none of us is free and safe. It is about having that human rights and equality lens over everything that we do. For me, that is essential.

I also have a plea. We had a debate in the Parliament about community cohesion. I am looking at Carol Mochan and Holly Bruce. That conversation and shared leadership is what we need in our society. Addressing community cohesion is not for me or the Government but for all of us.

Your other point, convener, was about the fund. As I have said to the committee and it will know, we have increased the funding from £300,000 to £500,000. However, just for clarity, that is separate from our other ambitions. For example, it is very separate from our funding for violence against women and girls and our anti-racism education.

I do not want those things to be conflated. Our community cohesion funding is very much focused on grass-roots initiatives. My officials and I are still working out some of the detail of how we distribute those funds. However, there is a shared ambition to challenge some of the behaviours that we have seen but also, as I said, to think about the root causes, including child poverty.

You mentioned the spread of funding and understanding the differences between rural and urban communities. It is well documented that we have seen a lot of speech—I was going to say hate speech there—and demonstrations up and down the country. No city or rural community is immune from that. As part of the funding, I want to truly look at the spread and make sure that we are meeting our responsibility across the different communities. I give the committee reassurance that, when I go away and speak to officials, that issue will be at the forefront of my mind.

You also talked about stakeholders. I am meeting stakeholders, and the First Minister has also met stakeholders, from faith and belief backgrounds, from different ethnic minority backgrounds, from Gypsy Traveller backgrounds and from wider society. I do not want to come back to the committee in a number of years and say, "Oh, my goodness, how things have regressed." The word "regression" has come out quite a bit in my conversations. How can we, in 2026, still be dealing with issues that are so profound? There is a shared understanding of the challenge that is in front of us but, as I said, there is an opportunity and shared ambition to address that.

Your second question was about public sector reform.

The Convener: If I may, I will pause you there. That is helpful. You mentioned that the funding allocation is still being looked at. Once that is agreed, I think that the committee would appreciate further information on that.

Other members are looking to come in, so I will just pause you there.

Simita Kumar: Sure—no worries.

The Convener: I have one final point before I bring in other members. Holly Bruce has her hand up, and I know that Amanda Lindsay is looking to come in.

The committee has been asked to carry out a short inquiry into the rise of racism across Scotland. It would be helpful to hear from you briefly how, if we were to do that, that information could inform your work. What are your thoughts on the committee taking forward that short inquiry?

Simita Kumar: Very simply, I would welcome that. Anti-racism is in my portfolio, but it applies across Government and the services that we deliver. In all the work that we do, we have to see through that lens. As someone who has personally experienced racism, whether in this role or wearing any other hat, I am profoundly aware of the issue. I would welcome the committee's understanding of the rise of racism. As I said, if there is anything that we can do in support, collaboration and partnership to take forward that work, I would be all ears.

The Convener: Thank you so much.

Holly Bruce is looking to come in. We will come back to the other points as well.

Simita Kumar: Absolutely.

Holly Bruce (Glasgow Southside) (Green): My question is about the community cohesion fund and the task force. I represent a very diverse area of Scotland—more than 88 languages are spoken in my constituency of Glasgow Southside. That is a thing of beauty and diversity. However, one issue that is facing Glasgow and, indeed, the whole country is oversubscription to English for speakers of other languages—ESOL—classes. I have been chatting to local colleges about that. Will the task force look into that issue or will it be covered by the community cohesion fund?

One of the amazing grass-roots organisations in my constituency is the South East Integration Network, and there are great integration networks throughout Glasgow, including the Maryhill Integration Network. Will they be part of the discussions on the fund's guidelines and ambit?

Simita Kumar: I very much thank Ms Bruce for her questions. The membership of the ministerial task force is still being worked on. If there are suggestions from the committee, my officials and I are happy to consider them. We need to strike a balance between having all the voices around the table and not making the membership so large that we are not able to progress our work. We are still to decide the details of the task force regarding its remit and membership, but we hope that its first meeting will take place sooner rather than later—our ambition is for it to take place in October. If you feel that you or members of your constituency can contribute to any of those aspects, please get in touch with us. As I said, if there are appropriate suggestions, we will consider them.

On your question about ESOL classes, I heard about that issue a lot on my visits during the summer recess. We know that demand for ESOL classes is quite high, and there are communities that are responding to it, either within the sector or through colleges. I will give a great example. With my other hat on, I visited Edinburgh College, which offers ESOL classes with construction courses, for example, or courses for other trades. That is a great way of providing ESOL classes while thinking about where we need to strengthen our workforce.

The details of the community cohesion fund are still being worked out, but there is separate funding for ESOL classes. We recognise that demand is high and continues to grow, so I will consider whether we can do more through the budget-setting processes.

I welcome your comments about the diverse constituency that you represent. However, unfortunately, it has been the centre of some of the demonstrations. I assure you that I am happy to work with you, in a collaborative spirit, to see whether there is anything that we can do collectively on the issue, because I am mindful that, if we do not work together and show shared leadership, we will give rise to some of the bad actors. I want to assure anyone who is listening that those bad actors are in the minority. The majority of Scottish people—the Scotland that you and I know, love and believe in—are welcoming. I understand that and have felt it, so we are not talking about the majority of Scots. Our ambition is to ensure that Scotland remains a safe, inclusive and welcoming country, so I am happy to consider anything that we can do in that shared space.

I hope that I have covered all your questions.

The Convener: That is really helpful. It is important to put on the record that there has been a significant increase in such attitudes. In the 2025 Scottish social attitudes survey, about one in three people—31 per cent—agreed with the statement:

“Sometimes there is good reason for people to be prejudiced against certain groups”.

Ten years previously, the figure sat at only 22 per cent, so there has been a 9 percentage point increase. Therefore, all the work that is being done is absolutely necessary. I welcome the commitment.

10:00

Amanda Lindsay (Central Scotland and Lothians West) (Reform): Thank you so much for coming and appearing before us, minister. I share your concerns about cohesion. As we discussed when we met, I also condemn any form of violence and racism. I agree that, in Scotland, we have a proud tradition of welcoming migrants who come

here and contribute. However, do you agree that we are at risk of conflating legal immigration with illegal immigration and the small boats crisis that we are, sadly, seeing on the south coast of England?

Immigration is a reserved matter, but housing is not. My constituents are concerned about people who, as they perceive it, are coming here illegally and being housed at taxpayers' expense. Do you agree that those are valid concerns? Some of the people voicing those concerns to me are legal migrants who have come here in a legal and lawful way.

Simita Kumar: Thank you very much, Ms Lindsay. I was noting down the different elements of your question. I thank you for the assertion that you have made about condemning racism. That is really important. I am heartened to hear you say that, because one of the things that I have heard time and again in Parliament is the use of words such as "strangers".

When Keir Starmer, as Prime Minister, used the word "strangers" in his speech, there was an appropriate public response to its use. That word serves only to divide communities. I am now hearing it regularly in Parliament. As an immigrant sitting in that room, it has made me feel so unwelcome. It has caused me to question my being here, my existence and the contribution that I have made, not to mention those of everybody else in our vibrant migrant, asylum-seeking and refugee communities.

I want to challenge you on the use of the term "illegal immigrants". People are not illegal. As I said, Scotland has always had that fantastic, welcoming nature, and I want to preserve that. I have seen the beauty and the positive versions of Scotland that I know and believe in. I am sure, Ms Lindsay, that you will share that belief.

The issue with some of what you have said is that much of it is to do with misinformation. I will take each issue in turn. We have seen an increase in the number of people coming in—you used the term "small boats"—but that has been a result of Brexit. As you will appreciate, a lot of the issues that you have touched on are reserved matters, but we need safe and legal routes for people to come to this country. As a result of Brexit, those routes have been taken away. I would challenge some notions around the issue.

I—and, I am sure, a lot of people around this table—have seen images of small boats being used and promoted in the media as something to fear and to suggest that their use has increased. However, if you look at the statistics—which I do not have in front of me but am happy to provide to the committee, although they do not sit with us in the Scottish Government—you will see that there

has been a decrease in the number of people arriving on our shores.

However, there is also a lot of misinformation. You touched on housing, and I have a great example of misinformation relating to that. There was an article in *The Telegraph*, I believe, that said that the City of Edinburgh Council is prioritising housing for asylum seekers. That is categorically untrue. The chief executive—the leader—of the council wrote to *The Telegraph* highlighting that claims are untrue. There is a fair system in place that analyses the priorities of anyone waiting to be accommodated in our housing, but those untrue claims are being repeated time and time again in Parliament—

The Convener: We will want to touch on the issue of misinformation, too, I am sure. I am conscious of the time, and we have so many questions still to come.

Simita Kumar: Sure—no worries.

The Convener: I will come to Meghan Gallacher next. If we could have shorter answers, that would be appreciated.

Meghan Gallacher (Central Scotland and Lothians West) (Con): The discussion that we have been having is important, but I would like to move to the proposed human rights legislation that will be introduced in year 2. The Equality and Human Rights Commission has warned the Scottish Government not to "replace or duplicate" the legal protections that are already in place for sex-based rights. How does the minister see that integrating with the future human rights bill that will be travelling through Parliament? Is she concerned that a bill of that nature could stray into reserved matters?

Simita Kumar: No, I am not concerned. Everything that sits under the forthcoming human rights bill is still being looked at and considered. One of the things that we are absolutely certain about is that the bill will operate within our devolved competence while working alongside existing UK equality law.

We have developed proposals. As for any interaction between the bill and the Equality Act 2010, I can give the committee assurance that, in any such cases, the latter will take precedence. There has been some concern about issues such as the definition of "sex". The Scottish Government accepts the Supreme Court's ruling on that issue, and I reiterate that, if there is an interaction between the human rights bill and the Equality Act 2010 in any shape or form, the 2010 act will take precedence. That is clear to me, and I hope that it is clear to the committee.

The proposals around the human rights bill are being considered carefully. We are considering how best to navigate what is—as you will be well aware—an evolving, highly complex equality landscape. Our ambition with the human rights bill is to strengthen Scotland's human rights framework. I want to ensure that we see absolutely everything that we and public bodies in Scotland do, and our culture, through that human rights lens.

We were just speaking about social attitudes, which the convener talked about, and community cohesion. We know that there is so much more that we can do in that human rights space. I encourage the committee to work with us as we consider the competencies and the complexities of the bill to ensure that we are responding to the needs of our communities in strengthening the proposals and by viewing everything through that human rights lens.

Meghan Gallacher: I appreciate that. There has already been discussion of how the bill might conflict with sex and gender. You will be aware of the round-table discussions at which questions were asked in relation to the Convention on the Elimination of All Forms of Discrimination against Women—CEDAW. What is your interpretation of CEDAW?

Simita Kumar: I will almost be repeating myself here. Traditionally and historically, some people have used “sex” and “gender” interchangeably. The Government is clear—and I repeat myself now—that we accept the Supreme Court's ruling on the definition. As I said, if there is any interaction between definitions, the Equality Act 2010 will take precedence. According to the Supreme Court, the 2010 act has given a definition of “sex” and of “biological women”. I do not see a conflict with that. We need to be clear about the UK equality law taking precedence; that is a matter of what is within our devolved competence.

Therefore, I do not see ambiguity in that regard, but, as I said, I am happy to work with you and the rest of the committee to clarify matters. I do not see a conflict, but I will happily bring in Kavita Chetty, in case there is anything that I have not covered.

Kavita Chetty (Scottish Government): Thanks, minister. I think that you covered most of it, but I reiterate that, in developing the proposals, we have been careful to consider the complex interactions with the Equality Act 2010. It is worth noting that the policies that were developed during the previous parliamentary session, in the 2025 discussion paper on the proposed human rights bill, proposed that CEDAW be actively considered under the future human rights framework rather than there being a compliance duty. In part, that was to provide a further safeguard in the event of

complex interactions between CEDAW and the 2010 act. As the minister said, that means that, when, in exercising its functions, a duty bearer finds an interaction between, say, definitions in the Equality Act 2010 and the bill, the provisions in the 2010 act would prevail.

Holly Bruce: A week or two ago, the committee heard evidence from human rights organisations, which said that they would like to see a maximalist approach to the human rights bill. They are concerned that that will not be the case when the bill is introduced, so can the minister speak to that?

The Convener: I will bring Amanda in before the minister replies.

Amanda Lindsay: Thank you for clarifying that the Equality Act 2010 will take precedence, that the Government accepts the Supreme Court ruling on sex and gender, and that those terms will be kept separate. However, the paper on the human rights bill proposes putting gender identity in the equality duty but not defining it. What does the Government mean by the term “gender identity”, and what legal effect will it have?

Simita Kumar: Ms Bruce, on taking a maximalist approach and understanding the stakeholders, I assure you that I and my officials are engaging with many stakeholders to understand and consider their views. The cabinet secretary and I will be considering the development of the human rights bill over the next couple of months, and, as you will appreciate, we are mindful of the complexities of the interaction with other laws and of the need to act within our devolved competencies. Careful analysis is under way to ensure that any aspects of treaties that could be incorporated in the human rights bill will fall within our devolved competencies. The overarching principle will always be to strengthen our human rights protections. As I said, I accept the challenge, but we need an understanding that there is a challenging political and legal context, and we want to be able to introduce a bill that addresses some of those issues.

Ms Lindsay, at the risk of repeating my reply to Ms Gallacher, we accept the Supreme Court's judgment on the definition of sex, and the Equality Act 2010 will take precedence. On the definitions that you have described in the human rights bill paper, I appreciate that other papers have been published in the past, but they are in the past. The proposed human rights bill is still being considered, so I do not see the same conflicts that you see.

I will repeat my earlier statements. We should not be in danger of promoting the rights of one group without understanding how they would interact with the rights of other groups. Intersectionality is built in across all the work that

we do, especially around equalities. Some disabled people are also part of our LGBTQI+ community, for example. I assure people that we are considering all the effects in that space. The Scottish Government accepts the Supreme Court's judgment on biological sex.

I will leave it there, convener, and if there are any further questions, I will come back to it.

10:15

The Convener: Amanda Lindsay will come back in on that, and then we will have questions from Carol Mochan.

Amanda Lindsay: Am I right in thinking that the new bill will use the word "sex" only as in "biological sex" and that the concept of gender identity will not appear? If the concept of gender identity is to appear, what is the Government's definition of it?

Simita Kumar: Thank you very much, Ms Lindsay. Apologies, convener—I feel as though I am repeating myself. As I said, we are considering what will go in the bill, and that has not been decided yet. I do not want to give evidence to the committee on things that have not yet been decided. As soon as we are in that position, I will be happy to come back or to write to the committee.

As I said, we are considering a human rights bill to strengthen people's rights, which will include a lot of the grounds, including colour, sex, sexual orientation, disability and age. However, it would be inappropriate for me to give any further examples, given that we are still in the consideration and development space. We are working within certain legal contexts and within devolved competence, but those things are being considered.

I will bring in Kavita, in case there is anything that I have missed.

Kavita Chetty: I would just underscore that we are highly conscious that we are in a complex and evolving legal landscape when it comes to the interaction of this framework with the reserved matter of equal opportunities, so we are giving that really careful consideration.

The Convener: Thank you for that. I would just add that there are obviously the nine protected characteristics outlined in the Equality Act 2010. If the language of the 2010 act is used in the development of the bill, that will probably be really welcome, especially given your statement that it would override any human rights bill.

Carol Mochan (South Scotland) (Lab): I thank the minister for her strong statement on

misinformation at the start of the meeting, which I really welcome.

I have two questions, if you do not mind, minister. The first is on data. You probably heard in the round-table session that, although we collect data, it is perhaps not always the right kind of data when it comes to intersectionality. We collect a lot of data, but it is perhaps not being used to its full potential. I want to get a commitment from you and your team that you will heed the information that came from the round-table meeting and work with groups to get the proper data, so that we can meet all our responsibilities in Scotland.

Secondly, you perhaps saw that we took evidence on the human rights of people living in rural areas, which is a really important issue in Scotland. The fact is that things such as affordable food and affordable housing are a real problem in rural areas. I am a great believer in cross-brief working, and I would like to hear a commitment from you that you will tackle that particular issue.

Simita Kumar: Thank you for your questions, Ms Mochan. Before I start answering, I welcome the spirit of generosity that you have shown me in the past couple of months. I very much echo your points about cross-collaboration, especially where we have shared ambitions, values and goals. Before wearing my Government hat, I worked for Public Health Scotland, so data is in my professional healthcare background and I am a firm believer in it. No one will need to convince me about the importance of data, because that is part and parcel of who I am, given my professional background.

I hear you strongly in relation to the intersectionality of data and the intersectionality of the equality groups, which is key. Some practical considerations have been set out in the intersectional evidence review that was published in 2024, especially around ethnic minority women. The equalities analysis team also undertook a disability evidence review in partnership with disabled people's organisations. I want to assure you that officials are mindful of that intersectionality and of data in general. We have some fantastic examples of that from public bodies, but there is also variation from public body to public body, and it is my job—and, I suppose, the job of the committee—to ensure that we have consistency across public bodies. Ms Mochan, I am very mindful of the fact that, the more data we have, the more we will be able to understand the challenges and issues and address them better, so I will take that point away.

Your second point was about human rights and access to services in rural communities, and the answer is yes—I absolutely understand the challenges that women, in particular, face. We

have touched on violence against women and girls, which is a really important issue, and, as part of delivering equally safe, we have funded something like 114 projects across 110 organisations, over all 32 local authorities. That funding is used partly to make sure that we have services up and down Scotland that understand the challenges that urban communities face as well as the challenges that rural services have. In the domestic violence space, there are many challenges in helping women to get accommodated elsewhere. We are mindful of that, and the Government is doing things such as delivering equally safe and, through our funding, making sure that it is happening across all communities.

I would welcome any thoughts that you have on anything that you and I can do in that space, Ms Mochan, because it is about representing the views of all our constituents in our programme in order to make sure that we address those challenges.

Holly Bruce: First, I will go back to my question on maximising the human rights bill. One of the treaties for consideration is the one that incorporates the right to a clean, healthy and sustainable environment. What are the minister's views on incorporating that into the human rights bill? The right to a healthy environment is a prerequisite for all human rights, and it will be important for generations to come in dealing with the impacts of climate change.

Secondly, and moving on from that, I would love to hear the minister's thoughts on the proposed UK ban on conversion practices. I understand from the programme from government that the idea is that the UK Government will bring forward legislation to that effect. I am concerned that that means we will not be able to properly scrutinise that legislation in Scotland, and I am also concerned about its compatibility with the United Nations Convention on the Rights of the Child. What does the minister think about that, given that it will not be a Scottish act and therefore not applicable here?

The Convener: I am conscious that we have only around 20 minutes left and that there are several areas to cover, so please keep your answers succinct. We can always follow up after the committee meeting. Thank you, minister.

Simita Kumar: On the right to a healthy environment, as I have said, the proposals for the bill are being considered and we have to work within our devolved competence. Ms Bruce and I share an ambition for Scotland to become an independent country so that we do not have to work within the narrative of the challenges that we face in working within devolved competence. However, in saying that, as I have said to other

colleagues, we are absolutely conscious that we need to have a human rights lens at the heart of everything that we do and all decision making in Scotland. It is in that spirit that we will consider all legal contexts and all the treaties in that space. My answer is similar to the answers that I have offered to other colleagues: those issues are still under consideration and it is not appropriate for me to tell the committee something that has not been decided yet. However, as somebody who comes from a small south Pacific island, I am very conscious of climate change. I will leave that there.

I think that Ms Bruce and I are aligned on the issue of ending conversion practices, and I want to give her assurances about that. Since before the programme for government was announced, I have been engaging with LGBTQI+ stakeholders, and my officials do so regularly. I put it on the record that I recognise the strength of feeling that there is about not pursuing a Scottish bill on the issue at this stage—I stress that that is at this stage—and we are engaging with the UK Government in good faith. Members of the committee would also hold me to account if we were not doing that.

I wrote to the previous UK Government minister and I have written to the current one, and we have now had a positive response, with the offer of a meeting with my UK Government counterpart to discuss the issue and to carry out that scrutiny. I encourage all members around the table to speak to their counterparts at Westminster in order to help us to scrutinise the draft conversion practices bill. They will be meeting in a committee like this and will be able to scrutinise the bill.

You will have heard from the First Minister that we are looking for a comprehensive understanding of conversion practices. There is a shared understanding that they are cruel and inhumane and that they have no place in Scotland or in any part of our society, so we want to address them. There is that shared belief and understanding.

I will leave it there, as I am conscious of the convener's ask. If there is anything that Ms Bruce and I can do outside this space, I would welcome that.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning, minister. As I have said to colleagues already, I apologise for the fact that I am not there in person. I am sparing you all the passing on of my bugs. However, it is a delight to have you at the committee, minister, in your first appearance in front of us.

I have two questions, if that is okay with the convener. One is on an issue that has already been touched on: the worrying increase in tensions in our community, particularly around race. You have spoken a wee bit about that in

answer to questions from other members, and I do not want you to repeat yourself—I do not think that the convener would allow that, given the time. However, can you say any more about what the Scottish Government is actively doing to bring more harmony to our communities? Is your department, or are other Government departments, involved in any work to manage the current situation?

10:30

Simita Kumar: I thank you, Mr MacGregor—again, with my public health hat on—for not passing anything on to me or the committee. I wish you a full recovery.

Mr MacGregor is right when it comes to concerns around the community cohesion space and understanding that there has been an increase in racism and the tensions that exist in the community. I will not go into some of the things that I have already touched on, but we are working collaboratively across all sectors of the community. For example, we have a faith and belief group, and, along with the Cabinet Secretary for Social Justice and Housing and the First Minister, I met a range of stakeholders on the Thursday before the attacks in Edinburgh, which happened on the Friday. The ambition was to bring together members of the community from different backgrounds, including ethnic minority communities, Gypsy Traveller communities and faith and belief stakeholders, to give strength of feeling and leadership on that important issue. In our capacity as MSPs, Ben Macpherson and I also visited some of the mosques that were impacted by the attacks in Edinburgh. That leadership is there, we are continuing it and I encourage all members to show that shared leadership, as I said previously.

Mr MacGregor, there is a lot of misinformation and disinformation online. We are incredibly mindful of that and equally mindful of the need to tackle it. Of course, we have the community cohesion fund. I will not go into the increase in that, as I have previously discussed it. However, I want to highlight the interaction between that community cohesion space and what is happening in the violence against women and girls space. We cannot treat any of those issues in isolation. We need an understanding across all areas, including online harms and education. It is about understanding what our young pupils—boys and girls, children and young people—are unfortunately being exposed to online.

The sharing of misinformation and disinformation is giving rise to division in our society. Again, I will not go into some of the language that has been used in the Parliament; however, the Government sees it as a clear

priority. To reflect again on the programme for government, the First Minister highlighted three things that we know involve some of the root causes. Eradicating child poverty is one of those, and tackling violence against women and girls is another. I have said quite a bit about that, and we have a ministerial task force on that second issue. I will also be taking forward the community cohesion task force with colleagues in the cross-ministerial portfolios.

I can therefore give the committee reassurance that a lot of practical things are happening. We are working closely with Police Scotland, for example, and with local authorities through the Convention of Scottish Local Authorities. I met our COSLA representative yesterday. There is a shared ambition and shared leadership in that space, and I hope to continue in that spirit.

Fulton MacGregor: Thanks, minister, for that full and heartening response.

I will put on the record a reflection on something that I experienced recently. Probably a few months ago, I visited a mosque with my colleague Neil Gray. The mosque sits on the border of our constituencies, so it serves both populations. I have visited it regularly over the 10 years during which I have been an MSP; I have always made a Facebook post about those visits and there has never been any issue. After the most recent visit, however, my post went viral and received really derogatory comments from people across the UK—it felt organised. I felt that I had to take a stand against that, so I made a counter-post calling those comments out, which, I am pleased to say, did equally well, with people coming on Facebook and being supportive.

Please answer this question briefly, because there is another area that I want to come on to: do you think that some of the stuff that we are seeing online is co-ordinated? When I clicked on the profiles of some of the people who were commenting on my post, I found that they were from all over the UK and, to be honest with you, there was no need for them to be thinking about a mosque in Coatbridge. Have you also found such co-ordination and are you working with other agencies to tackle it?

Simita Kumar: If you want to see a lot of evidence of that, you should visit my X—or Twitter—account to get a flavour of the abuse that I get in that space. We are seeing a rise in the use of artificial intelligence and the number of bots. You are absolutely right that there is co-ordination in what is going on in the online space. As I said, I am conscious of misinformation and disinformation online and of the co-ordination to double down on that kind of speech.

On your experiences with your social media posts, I apologise to you and to the community that you serve that we are in that space and that communities are experiencing that. When we go into the communities that we serve, we can have such a positive impact; the flip side of that is the co-ordinated response of horrible language, misinformation and disinformation. That is impacting our Jewish, Muslim, Sikh and Hindu communities—people of all faiths, and of none—and it concerns me.

I will pause there because I know that you have a second question. However, I know that there has been a rise in the use of AI and the number of bots, and a rise in the number of co-ordinated takedowns and comments. I strongly encourage people to ignore those as much as they can—or to call those things out, because it is really important to do that, too.

Fulton MacGregor: Kate Nevens, who is attending the committee today, might want to come in on this area. What engagement have you had with the Gypsy Traveller community in the early days in your role? Does the Government have any plans to work further with that community to improve its situation?

You will be aware of the round-table session that we had last week, in which a powerful case was put forward by one of the participants that this committee, and the Parliament and the Government as a whole, should be doing more to support that community. Do you have any early thoughts on that? I appreciate that you are not long into your role.

Simita Kumar: I echo your points. Ms Nevens and I have spoken about this issue. I have met with representatives of the Gypsy Traveller community in the context of anti-racism and community cohesion. I continue to work with COSLA and local authorities to address the situation and I have a meeting in the diary for early October, when I will have further discussion with members of the Gypsy Traveller community.

You will be aware that the First Minister apologised for some of the historical impacts of policies. That is crucial. The Government is determined to work in collaboration and discussion with our Gypsy Traveller community and we are mindful about doing so.

There are some fantastic examples of that. For instance, we have invested about £10,000 in Perth and Kinross Council to support its cultural initiatives linked to the tinker experiments and to ensure that we promote the history and heritage of Gypsy Traveller community. Through the affordable housing supply programme, we have allocated funding for accommodation. So, a lot of

work is happening in that space. However, you are absolutely right that engagement is important.

I am pleased to tell the committee that I will meet members of the Gypsy Traveller community in Pitlochry in early October. I will have that meeting in the spirit of collaboration and engagement with which I have all meetings, and I am looking forward to working with that community.

The Convener: We have only five minutes left. I will take questions from Ben Macpherson but, unfortunately, I am not sure that we will have time for questions from Kate Nevens.

I had the pleasure of meeting the Council of Europe's Commissioner for Human Rights, who raised a number of issues, including concerns about the trans community and redress schemes for Roma communities across Europe and for the Gypsy Traveller community here in Scotland. I appreciate what you have said, minister. Work on that has been done by the University of St Andrews; we do not need to go into it now, but, if that can be taken forward, it will be important. It would also be good to know what plans the Government has following the First Minister's apology. We can take that forward after the meeting.

We come to questions from Ben Macpherson.

Ben Macpherson: Good morning minister. I have a brief question that relates to your role as the minister for international development and to other aspects of your portfolio. You will be aware that the Scottish Government has international development schemes in Malawi, Zambia, Rwanda and Pakistan. Given the economic growth in Rwanda, and in order to focus resources in Malawi and Zambia, I have wondered for some time whether it is time for the Scottish Government to step back and to wind up its activity in Rwanda. Would you consider that? I understand if you do not have anything to say on that today, but I would be grateful if you could give it some consideration.

Simita Kumar: I appreciate where you are coming from. I understand that that is not part of the committee's remit, but the question has been asked. Our work with our partners in sub-Saharan Africa is crucial, and engagement with some of our partners, during the Commonwealth games and beyond, has shown me the impact that we are having in Rwanda, Malawi and Zambia.

You mentioned economic growth in Rwanda. I appreciate your point and will take it away for consideration with the committee that deals with that part of my remit. However, because of its economic growth, Rwanda is able to mainstream some ambitions through the services that we are partnering with. The issue is not something for this committee to consider, but if there is anything that

you and I can do outwith this committee, I am happy to take those conversations forward with my international development hat on.

The Convener: I am conscious that there are areas that we have not touched on. There has been reference in all our meetings to the learning disabilities, autism and neurodivergence bill that was not introduced. Do you want to make any comments about that in your final remarks? We have also not touched on the misogyny bill. Do you have any brief comments to make about that?

I apologise to members who wanted to ask further questions, but we are drawing this part of the meeting to a close.

Simita Kumar: Given that I have only a minute, I will be brief. The misogyny bill will be taken forward by my justice colleagues. I know that Ms Oswald is giving evidence after me, so she will be able to give you a little bit more detail. We are absolutely collaborating, especially on violence against women and girls, and there is cross-party consensus about our ambition to work collaboratively. The misogyny bill will be a crucial tool in addressing violence against women and girls.

You mentioned the LDAN bill. As you will know, primary legislation takes years to come forward, and the Government is taking good, practical steps right now to help our children, young people and adults with learning disabilities, as well as autistic and neurodivergent people. I know that that is a concern for my constituents and for people up and down Scotland.

However, I can give some reassurance that we have practical examples that will help constituents, even before primary legislation is introduced. Those issues sit in my portfolio, but they are also covered in Ms Todd and Ms McAllan's portfolios. If the committee requires further information, I am happy to liaise with it to provide further details.

The Convener: It will reassure the committee to know that, as well as the Scottish Parliament working across portfolios, ministers also work across portfolios in those areas. Thank you for that.

I apologise to members who wanted to come back in again, but we will now conclude this morning's first evidence session. I thank the minister and her officials for coming to see us today. We will now suspend briefly to allow a changeover of witnesses.

10:46

Meeting suspended.

10:49

On resuming—

The Convener: Our next piece of business is to take evidence from the Minister for Victims and Community Safety further to our recent round-table discussion on the civil justice part of our remit. I refer members once again to paper 1.

The minister is accompanied by Scottish Government officials Anna Donald, deputy director, criminal justice division; Denise Swanson, deputy director for civil law; and Jo Gillies, mainstreaming and inclusion strategic lead. Welcome to all our witnesses this morning.

I invite Ms Oswald to make a short opening statement before we turn to questions.

The Minister for Victims and Community Safety (Kirsten Oswald): Thank you very much for inviting me to come here today at this formative point in the committee's work plan. I look forward to continuing such engagement throughout this parliamentary session.

I start by acknowledging the stakeholders who have contributed to the committee's round tables in advance of today, and I thank them for the informed discussions that the committee has had with them. Those organisations have represented a wide range of subjects, many of which touch on my portfolio of responsibilities. I know that the purpose of the sessions was to feed into the committee's work plan, but I hope that it helps for me to be clear that the points that were raised have been heard by the Scottish Government.

In this statement, it will not be possible for me to cover everything that we are working on across my portfolio, nor even everything that is a priority. However, I will briefly highlight a few key areas of focus. The Cabinet Secretary for Justice recently said at the Criminal Justice Committee that people are at the heart of the justice system. I endorse that very strongly, which is why ensuring that people have access to justice is one of my top priorities. The reason for that is that access to justice is a fundamental principle of a fair and democratic society. It is essential in supporting individuals to understand, protect and enforce their rights, regardless of their situation, income, background or circumstances.

As the committee will be aware, legal aid is a key pillar of access to justice. Although we can be proud of our legal aid system in Scotland, I recognise the need for reform, which is why this Administration made a commitment to launch a consultation on a new legal aid reform bill in the first 100 days of Government. We delivered that commitment, on time, by the end of July, and the consultation is open until 13 October. It seeks views on how legal aid can become a simpler,

more user-centred system that is better able to respond to identified need. That will inform not only the development of the reform bill that we will introduce, but other legal aid policy decisions in the future.

I will also progress wider work to support access to justice, such as the implementation of the Regulation of Legal Services (Scotland) Act 2025, which will widen access to legal services and enable innovative service delivery models. That represents a substantial area of reform that requires a phased, proportionate and considered approach to commencement.

More generally, I highlight the priority to tackle violence against women and girls, which is a serious societal problem that holds no place in a modern Scotland and that is of interest across a number of portfolios, including mine. As the committee will be aware, the First Minister pledged in the programme for government to drive the change that is needed to tackle the behaviour of men, as well as the prevalence of sexism and misogyny.

I briefly note the importance of public service reform, which is a priority across the Government, as evidenced by the public service reform strategy. Across the justice portfolio, we are working with partners to deliver person-centred, trauma-informed reform that is focused on improving the efficiency, effectiveness and accessibility of the justice system. I see that as key to supporting public service reform and delivering better outcomes.

Those are just a few of my many priorities. Many other pieces of civil justice work that I have not touched on are currently in train, such as the implementation of the Children (Scotland) Act 2020, aspects of family law that we have recently consulted on and our work on community cohesion, to name but a few. I look forward to the committee's questions.

The Convener: Thank you for those opening remarks. A number of members have questions, so I hope that we will be able to have a deep dive into some of the issues.

You talked about having a simplified system for legal aid. One of the key points from our round-table session in relation to the role of legal aid was at a slightly higher level. What are we looking for legal aid to do? Having that definition will be crucial when we consider reform of the system. Do you have any opening thoughts on the areas that we should be focusing on? What do we want legal aid to do?

Kirsten Oswald: When I started looking at legal aid, one of my first reflections was that, although there have been various adjustments along the

way, the current system has been in place for a very long time. Although I am sure that the system was absolutely fit for purpose when it was first conceived, the world that we inhabit today is very different and the challenges that people across the country are trying to navigate are very different from those that existed at that time.

We must seize this opportunity to put in place a structure that is not only fit for now but flexible enough to allow its useful purpose to be sustained in years to come, because we are all well aware of the speed of change in society and the impacts on people's need for legal aid.

The reason why all that matters is that legal aid performs a specific purpose: it allows people to pursue or defend their rights and to fund their legal defence when they would otherwise be unable to do so. In relation to access to justice, legal aid is vital in ensuring that people are able to secure fairness in the justice system. We need a system that is fit for purpose and that has taken account of the views and perspectives that have been fed in by individuals who have experience of the system, whether it be users or people who work in legal aid. I am keen that we capture as much of that information as possible before the consultation ends on 13 October.

The Convener: It is helpful to hear confirmation that people are at the heart of this. The First Minister's programme for government references the need to work around and support people, because it is not necessarily about systems. It is heartening to hear that.

You mentioned the importance of access to justice as a key pillar. What are your views on the advocacy services across Scotland in relation to providing access to justice, especially regarding the UNCRC and children's rights to access justice? It would be helpful to hear your thoughts on advocacy.

Kirsten Oswald: That is crucial. When we are considering the bigger picture of legal aid and access to justice, we should ensure that we capture views and perspectives on reform and, more broadly, that we have in place systems that have at their heart those who are less able to advocate for themselves. We should have in place good, strong systems that capture feedback and deal with the needs of those who might not be in a position to advocate for themselves.

You referred to the need for us to have children at the centre of what we do and to be mindful of their rights as we go about our work. That is central to the justice portfolio, as it is to many others.

11:00

Amanda Lindsay: Thank you for coming, minister. It is heartening to know that access to justice is a top priority. I am sure that we would all agree on that.

During our evidence sessions, the Scottish Legal Aid Board acknowledged to me the burden that bureaucracy in the system contributes. What could you simplify now, without waiting for the bill? Can you give an example of a change that we could make and a date by which we could hope to have that change made?

Kirsten Oswald: That is a pertinent question. In essence, we are looking at a two-pronged approach. There is general acceptance of the need for reform, and I am positive about the engagement that I have had in that regard, including with the Scottish Legal Aid Board. However, the reality is that the system as it stands will continue to be in place for a period of time, until we have the revised system. Therefore, it will be important that we capture opportunities to be efficient.

The legal aid processes and systems have continued to evolve—I say that in the hope of being reassuring. It would be impossible for us to conceive of a system that had not evolved. That includes work on, for instance, making some of the interactions between solicitors and the legal aid system a little less burdensome and bureaucratic. However, bureaucracy is a real issue, and I most sincerely hope that it is dealt with by the reform.

There are two trains. There is the opportunity for reform with the bill, and there is, to an extent—although there will be limitations—an opportunity to do little bits to the system as it stands to try to deal with burdens, whether they are bureaucratic or something else. The reality is that most of our focus will be on making sure that we are in a positive place in terms of the reform, but the point is well made. The Legal Aid Board, which manages the technicalities and operation of the system, is also very receptive to that. That is an ongoing conversation. The technicalities are probably for the board rather than for me, but the point is well made and the issue is under constant discussion.

Amanda Lindsay: My next question concerns access to justice. How do you measure the number of people who qualify for legal aid but cannot find a solicitor? That was one of the things that bubbled up during our evidence sessions.

Kirsten Oswald: That point has been made to me as well. People who seek a legal aid solicitor might find that challenging in some cases. Some good pieces of work have been done that have had a positive impact on that, but there is more to do.

I anticipate that part of the reform work will deal with that, and we hope that we always have a focus on access to justice. Concerns that have been raised with me include geographical ones, which are about people not being in the same location as a solicitor who can offer a specialism in the area of law that they seek. It is important to say that there is no necessity for a person who is looking for legal aid to be in the same geographical location as the solicitor. It is absolutely possible for people to be in different locations, and it happens. As we all know, a lot more work is now done online, and there is also a degree of travelling.

Reform will provide opportunities to be a little more innovative in how we deliver the services, and that will, I hope, deal with some of those geographic issues. We should not underestimate the potential for centres to deliver different legal aid services, and there is also the potential for more online work. However, I am mindful of the geographic challenges that have been highlighted. In a rural or island community, where a limited number of solicitors might be available, if two parties who are in dispute with each other are both looking for a solicitor but there is only one, that can present challenges.

I am certainly very alive to that, and I know that there will be feedback about it. If people have more feedback, they can send it into the consultation. I hope that we can deal seriously with the issue during the period to come.

Holly Bruce: Thank you for coming today, minister. I am very interested in the bill. Will it involve the removal of means testing for people who are experiencing domestic abuse or who are at risk of street homelessness?

Secondly, on consultation, I understand that there is an open consultation at the moment, but are we reaching out to law centres? Govanhill Law Centre in my constituency does a lot of legal aid work. How are we taking law centres' experiences into the drafting of the bill?

Kirsten Oswald: I will start at the end of that, if that is okay.

It is profoundly important that we capture as much of the thinking that the people who have knowledge of the system can bring to the table. That may include law centres. A significant amount of outreach work has gone on and is continuing. The final piece of outreach work that I am involved in will be on 12 October. The consultation ends on 13 October. However, it has been a job of work over the entire consultation period. The outreach is vital. Officials are doing a significant amount. We absolutely want and value the input of people with the expertise that law centres bring.

However, I am also super enthusiastic about the potential for input from people who have lived experience of the system. You mentioned people with some very specific areas of need, such as people who are experiencing—did you say, street homelessness?

Holly Bruce: Yes, and domestic abuse.

Kirsten Oswald: On street homelessness, I may ask officials to come in if I am missing information. Legal aid is means tested, but it strikes me that, obviously, the means would be a challenge if someone is in such a difficult position. If you are thinking of a particular point when it comes to the interaction between street homelessness and legal aid, I would be very happy to hear it. Fundamentally, the system is there for people who do not have the means to deal with it themselves, so it strikes me that that might be relevant to somebody who is experiencing street homelessness.

On domestic abuse, there is, as I said, a need for reform, which is why we are committed to a legal aid bill. At the moment—this may go back to Amanda Lindsay's question as well—the system continues to move forward, even though the reform track is running. The Scottish Legal Aid Board has updated its guidance to say that it realises that it can be difficult for applicants who have had to flee an abusive or controlling relationship to be able to provide documentation, for instance. That is a tangible reality. The Scottish Legal Aid Board says that it will use its discretion in such situations to disregard income or capital where it considers that that is reasonable. It is a change not in the policy but in the understanding and appreciation of the different challenges that people face.

Legal aid is available to people who are victims of domestic violence and who seek protection if they meet the statutory eligibility criteria, but I think that that is really your point—that there should not be another kind of test. However, that may also be the point that I am making about reform, and I ask people to feed their views and thoughts on it into the consultation.

As things stand, the steps that the Scottish Legal Aid Board is taking will make it somewhat easier for people in very difficult situations to navigate the system, which can be challenging for anyone who has had to flee a situation in their home and who may not have access to bits of paper. That should not be an impediment to accessing justice.

The Convener: I will briefly continue on the legal aid theme before passing to Meghan Gallacher to ask about a different topic.

In session 6, our predecessor committee recommended that legal aid for collective actions

should be revisited. What are your thoughts on that?

Kirsten Oswald: It is a complex area in terms of the way in which the law and the systems fit together. When it comes to collective actions, different structures are in place that we would want people to move within.

Do you have a specific point in mind when you are asking about that, convener, so that I can respond as helpfully as possible?

The Convener: One of the recommendations of our predecessor committee during the previous parliamentary session was that that should be looked at. Is it an area that you are looking at, or is it part of the reforms?

Kirsten Oswald: That is helpful. All areas are on the table. It is helpful for us to understand the different challenges and concerns that people have. One of the things that we are trying to do is to look at the system itself. What does the structure need to look like in order to support people in the most constructive way, rather than creating new kinds of litigation, for instance, if you are thinking about group action in that way.

The framework should provide for more flexibility, easier access and a more sustainable system, so that people will be able to operate within it now and in years to come. I suppose that that means that there would be the opportunity for further changes if they are needed, but this particular reform is aimed primarily at the system and the structures that are in place.

The Convener: Thank you very much. We will perhaps come back to some of your points about online aspects, processes, AI in civil justice and proceedings. There are lots of areas for us to come back to, but I will bring in Meghan Gallacher.

Meghan Gallacher: Good morning, minister. I want to ask about the misogyny bill. I had wanted to put questions to the Minister for Equalities and International Development, but I am hoping that you might be able to assist, as the bill falls within the justice portfolio.

I am looking for a little help in understanding what a misogyny bill would achieve. The Government has argued that the new bill will create additional misogyny-specific criminal offences that are not provided for in the Hate Crime and Public Order (Scotland) Act 2021. I am looking for a bit more information on what those offences would be and how they would be incorporated into the bill that the Government did not proceed with in the previous parliamentary session.

Kirsten Oswald: It is an area of significant interest and concern to all of us across Parliament.

This is one of our manifesto commitments. The reason for that, and part of the focus on violence against women and girls, is the shared concern that we all have about the real and growing challenges that are so obvious to all of us.

On some of the detail, misogynistic harassment could be dealt with in that space. More broadly, the need for us to pin down exactly what we are talking about here—if we are talking about misogyny and how the bill fits together with the other strategies and measures that we have in place—is a real opportunity for us to make constructive, deliverable change. That is absolutely what we need to do, while acknowledging that misogyny is a significant issue and ensuring that the bill is underpinned by clear and specific provisions.

I am probably limited in the detail that I can give at this point. However, as part of the broader push, it is profoundly important to pull all the levers that we can to deal with violence against women and girls.

11:15

There was a Scottish statutory instrument that made the stirring up of hatred on the basis of sex an aggravated offence. This is all part of the same broad area of concern, and the misogyny bill and the strategy to deal with technology-facilitated violence against women and girls are all part of the same piece of work, which is very much cross-portfolio work. There will be a number of voices involved, which is healthy, because it is a subject that should occupy all ministers and all parliamentarians. I do not know whether that answers your question, but I am happy to give further detail if you want me to address other elements.

Meghan Gallacher: That answers my question for now. I appreciate that, given that we do not have the bill in front of us, there are a lot of areas that you are unable to cover this morning. The broader point that I am making is that this Parliament has a bad habit of passing legislation without implementing the provisions that should follow. If the misogyny bill is introduced, will there be a full-scale cross-portfolio review of previous legislation relating to domestic abuse and violence against women and girls with provisions that have not been enacted? We came across that issue in the last session of Parliament, and I do not want history to repeat itself in this session of Parliament, because it could be that we are pursuing something that might already exist and could be implemented.

Kirsten Oswald: First, I do not think that, in pursuing this bill, we are pursuing something that already exists, and that is important, particularly in the context of what you have just asked me. Action

is more important here, so the ability to legislate and act is vital. I am not aware of a plan to do a deep-dive exercise in relation to legislation that has not been implemented in this area, but the point about ensuring that we can act is well made. We are acting on a significant number of wide-ranging matters, and other things are now in train. That action is key, because we want to ensure that we can make a tangible difference in relation to violence against women and girls. The whole broad range of things that are actually happening—which is your point, really—will be kept under very careful review, and we will obviously follow the progress of the misogyny bill with interest in that regard.

Meghan Gallacher: That is helpful. I will be brief because I know that we are up against time, but it would be helpful if the Government could look through legislation that has been passed in the Parliament. If we are going to introduce bills, they must answer the questions of what the issue is and how are we going to resolve it. My concern is that there could already be legislation that has not been implemented that could answer that question, but we will not know that unless there is a deep dive of relevant legislation.

Kirsten Oswald: I absolutely believe that the misogyny bill needs to be introduced, because there are questions to be answered and action is necessary. That is my very strong view on that. I reiterate that we are taking significant action in relation to violence against women and girls, and, from the members in the room, I take it that we all support that. That action and the planned action are needed now and they are all tangibles that should deliver the reduction of violence against women and girls, which is the whole purpose. I hope that we might come back to that conversation.

The Convener: On the specific point about legislation that has been passed but not implemented, there are a number of areas that are maybe outwith the scope of this discussion, including better regulation of child welfare reporters in family law, which is an issue that has been shared with me in my constituency work. The committee has heard of a number of areas in which legislation has been passed but not necessarily implemented, and, in the interests of openness, we might choose to do further work on the matter and therefore might well invite you back to talk about it.

Kirsten Oswald: I am happy to come back and do so. Would it be helpful to talk about child welfare reporters, convener, or is that for another occasion?

The Convener: I see that a couple of other members want to come in, so rather than put

myself in, I will call Amanda Lindsay and Holly Bruce.

Amanda Lindsay: On the theme of violence against women and girls and cross-portfolio work in that respect, your colleague Neil Gray has stated that domestic abusers and sex offenders will not be part of any early-release scheme. Can you guarantee that?

On the same theme, I am aware that the definition of short-term sentencing is being pushed from four to five years. Will that move to an extra year incorporate the sentences of domestic abusers and sex offenders?

And—[*Interruption.*] May I ask the final part of my question, convener? I am sorry—it is in three parts.

Elderly long-term prisoners are going to be released, too. Will they include serious criminals such as murderers and sex offenders?

Kirsten Oswald: I do not want to be unhelpful in any way, and I am happy to have conversations on what are serious issues, but I think that those are criminal justice questions, so I would need to switch hats—and maybe rooms, too. I am not saying that to avoid your questions—I do not want to do that—but I am slightly unsure as to whether I can answer them at this committee.

The Convener: I will just jump in and make it clear that we have to stay with the committee's remit, which is to do with civil justice. Although you have raised important points, certainly within the context of human rights and equalities, and although the committee might wish to take such issues forward, it would not be necessarily for the minister to respond to those specific questions.

Kirsten Oswald: I should reassure Amanda Lindsay that I will be appearing at the Criminal Justice Committee—in fact, I am sure that the date is in the diary—and all of the points that you have made will, I expect, be discussed by that committee. I think that it is positive that people want to engage in conversations on that matter.

The Convener: I can come back to you, Amanda, but do you have any questions that you want to ask just now in the civil justice space?

Amanda Lindsay: No. I asked those questions because the minister's remit includes victims, and I thought them pertinent, given how potentially dangerous the changes are for women.

Kirsten Oswald: We do not disagree on the seriousness of the subject, and I certainly welcome the focus on victims; indeed, it absolutely has to underpin everything that we do. We talked about the people who are at the centre of the whole legal and parliamentary process at the beginning of this evidence session, and this is an area where

people must be central. The focus on victims connects with, and runs through, the focus on violence against women and girls, and I am very happy to come back to either committee to talk about those subjects.

The Convener: Thank you for that. I will bring in Holly Bruce and then Carol Mochan.

Holly Bruce: Following on from Meghan Gallacher's comments about the misogyny bill, I have to say that I am relieved that it is being introduced. I understand that it was going to be introduced in the previous session and, as someone who was a campaigner, though not an MSP, at the time, I am pleased that it is going to be brought back. I am keen to see harassment being part of it, as well as catcalling and other cultural behaviours that boys and men display towards women. I am very keen for it to be part of a cultural change, and I think that the public space component of it is important.

We know that a lot of harassment and misogyny happens on public transport; at the moment, though, we have enforcement measures on our trains and subways, but not on our bus network. Therefore, when the proposed bill is, as I hope, passed by the Parliament, enforcement will be a key part of its having a real impact on people's lives. Are you aware of that specific issue of public transport—you seem to be indicating yes—and can you comment on it?

Kirsten Oswald: I apologise to Holly Bruce for my ironic facial expression. I am aware of harassment on buses and have experienced it myself. The bus is my predominant means of transport, which I hope gives me quite a lot of insight into the various challenges—and the many positives—of using it.

Considering all the buses that I take and have taken, I take some reassurance from the fact that I have not often experienced harassment. However, just one incident of anyone being harassed on a bus is absolutely one too many. It is totally and wholly unacceptable for people to face harassment, which I accept is a reality. What Holly Bruce said is true: people do face harassment and it is often very gendered. That is not the only kind of harassment, however; people also experience other kinds of harassment in public spaces and that is also wholly unacceptable.

I can say a couple of things about the issue, although there are some areas on which I would need to seek further advice. I am happy to do that and to write to Holly Bruce. It is absolutely not okay for anyone to experience harassment and we must be upfront in saying that it is simply unacceptable. Nonetheless, bus provision and the bus network are real positives in our communities, as is the

ability to get from A to B cheaply, especially if you live in the west of Scotland or if you are younger, older or have a disability. We must not let the challenges that Holly Bruce outlined take anything away from that.

Regarding how people's experiences in public places, including on buses, might interact with legislation, it may be a bit early to get too far into the weeds of that, but I would be happy to take that away, have some conversations and write to Holly Bruce, because we need to ponder how best to deal with that issue.

Holly Bruce made a profoundly important point about the need for social change. The First Minister's comments about violence against women and girls, but also about social cohesion, are really important and are not just talk. It matters to say clearly what we mean, what we stand for and who we want to be as a country, but we need underpinning action on community cohesion to be part of any action—including the misogyny bill—on violence against women and girls. That is all part of driving change so that people do not think that any of the actions that Holly Bruce mentioned are acceptable and so that everyone can go about their business in a far more peaceful way, without worry.

The final thing to say is that we appreciate that there is a lot of work to do in those areas. That work will cut across portfolios and we are absolutely committed to doing it.

Holly Bruce: I am also aware that the Young Women's Movement has done a lot of research on buses.

I have a question about domestic abuse legislation. The committee has discussed the fact that part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 has not been implemented. We heard from civil justice experts that there are logistical implications for the courts. How can we overcome those to allow the act to be fully implemented?

Kirsten Oswald: Can you tell me a little bit more about what you mean by logistical implications?

Holly Bruce: Part 1 of the legislation is about perpetrators being removed from the home. I cannot remember the name of the witness who told us that civil justice courts do not sit every day, which means that there are barriers to implementation because the act says that perpetrators must be removed from the home within a day. I believe that that is correct, although I would have to check it. Those logistical implications impede the act from being fully implemented.

11:30

Kirsten Oswald: That is a really helpful explanation.

We are absolutely committed to the policy that underpins part 1 of the act, on the removal of perpetrators and the ability to engage with the courts.

There are some operational challenges, as you have outlined. The tight timescales are part of that, but you can understand the underpinning logic, and there is a need to ensure that you take account of the situations of the people involved, too.

It is quite a complex situation. That being said, we have a plan to get on and deal with that level of complexity. An implementation board and an operational group have been set up to look at the logistical issues and operational challenges. Engagement has included Scottish Women's Aid, the Crown Office and Procurator Fiscal Service and Police Scotland—people who have an absolute knowledge of the system and of people's experience of it. The previous Minister for Victims and Community Safety was part of the discussions, and a short-life working group was established to look at whether there was potential for change in relation to the existing legislation. Perhaps that feeds into Meghan Gallacher's earlier remarks on the need, first, to identify whether there is a challenge and, then, to take steps to act.

The operational group has met several times over a short period of months. It has identified a number of issues on which we will consult shortly. I hope that that tangible action will allow us to get past the structural barriers that you have described to us, so that we are in a better position to ensure that the system will work for people. You talked about court time and so on as part of that, and those are the kind of challenges that we hope that the consultation will allow us to fathom out with people.

The Convener: I would add that we need to be really careful about what sits within our remit of civil justice and family courts; if we are looking at the criminal justice system and enforcement, we must consider whether issues sit in the Criminal Justice Committee space. This highlights why we must not sit in our silos, and our committee has the opportunity to reach across different portfolios. I appreciate the complexities.

Carol Mochan: Thank you so much for the information that you have provided this morning, minister. My question builds on what colleagues have been speaking about. We heard in the round-table meeting that there is the feeling in the civil justice sector that there are some really good laws but that, for various reasons, we are not able to

implement them. What are the Government's reflections on that?

Some interesting issues came out of the meeting. How do we crack the nut on things such as advocacy services being available in our most deprived communities? We heard that people in those communities often do not understand or know what laws are there to support them, but they need to be able to access advocacy. As a new minister, what are your reflections on what we might be able to do in this parliamentary session to ensure that people's rights are realised?

Kirsten Oswald: That question is really helpful in placing the focus on people, who are at the centre of all this. I will try to get to all the different bits of your question; please come back to me if I do not do that.

On the point that you made about legislation that might be unimplemented, I note that that is quite a complex subject. I say that on the basis of having had a significant number of conversations about it with officials and others—I hope that it is helpful to hear that. Those conversations are always in the space of how we can get from here to there, because everybody wants us to be able to put provisions in place in such a way that people can rely on a difference being made.

When looking at unimplemented legislation, quite a lot of the detail that I have been drilling down into has told me that something is happening but that it has not finished happening yet, if you see what I mean. There is a body of work under way, including on some really complex pieces that you would characterise as unimplemented, which I understand. That is a significant body of work that will be brought to fruition.

For example, some parts of the Children (Scotland) Act 2020 are complex, so there is lots to be done on that. A lot of work is under way to bring about the conclusions that we all want to see. I am happy to get into that sort of detail, either now or at another point, if that would be helpful.

Work is under way, but that does not mean that we should sit back and say, "It's fine, because work is under way." That is certainly not what I am suggesting. The knowledge about what has not yet happened is driving the planning process.

The reasons why things have not happened are often understandable if we pause and think about them. The legislation might not be as it was initially conceived—it might have been amended—which might have made things more difficult. That is not an argument against amending legislation, but the reality is that legislation sometimes changes between the point at which it is conceived and the point at which it comes out the other end, so

additional work is needed to ensure that we can deliver it.

Alternatively, there might have been changes to other pieces of legislation that have resulted in their meshing with or cutting across existing legislation. Again, I can think of relevant examples relating to the 2020 act in that regard.

It is a complex issue, and it is interesting that it has come up a couple of times in different ways. That perhaps indicates that the committee will come back to me on it, which I welcome.

There is also significant interest in advocacy. It is important that there are different ways in which people can access support and the law. Some of our conversations about legal aid have been very much about ensuring that there are easier and more accessible ways for people to access the support that they need in that regard. There is the space for us to be more flexible and a bit more open to doing things in different ways, because we cannot just continue down the path that we have been on.

There are some fantastic specialist organisations and providers, and I am very supportive of the work that they do, which plays a significant part in making access to justice a reality for more people. That is particularly important for people in more difficult situations. I appreciate that everybody is in a difficult situation if they are trying to access justice, by the nature of the field, but some people are in particularly difficult situations. We are open to being a bit more flexible and imaginative in how services are provided. That is the direction of travel, and I am keen for that to continue.

The Convener: I am conscious that we have only 20 minutes left of this evidence session. I would like to cover a couple of points relating to AI processes and group proceedings, but I will bring in Meghan Gallacher first.

Meghan Gallacher: I have a quick question about power of attorney waiting times, which have been discussed. It would be helpful if the minister could provide an overview of what the Government is doing to drive down those waiting times.

On a different issue, potential human trafficking was reported in the news this morning. In one of Police Scotland's biggest operations, it targeted an organised crime group. I understand that the issue covers various portfolios, but, given that the case spans Aberdeen, Dundee, Falkirk, Edinburgh, Glasgow, Ayrshire, Lanarkshire, Midlothian and the Borders, it would be good to hear what cross-portfolio work is being done to tackle organised crime. That feeds into the community cohesion work, too.

Kirsten Oswald: I will start on that point and go back to the point about power of attorney. I also followed that significant story in the news, and it is important that we look at it. I know that this committee covers civil justice, but the police deserve a huge amount of credit for their work. It is essential that we take all the steps that we can to disrupt the work of human traffickers, including the connections to organised crime. People are being put in the most outrageous situations that are almost beyond our imagination.

Human trafficking is such a serious issue, and it is one that I spent quite a bit of time looking at over the summer. I spoke to people—who were good enough to speak to me—who had been trafficked themselves, to understand exactly what had happened to them. It is important to get under the headlines on the issue. Although there is a lot that is, necessarily, a question for law enforcement—there are clearly serious issues; I am thinking about the work of the serious organised crime task force—there is also a human element. The unspeakable things that happen to people who have been trafficked extend across all the areas that you could imagine, and more.

I will flag some of the good work that is being done. Although it is slightly to the side of that issue, impressive business-driven work is going on to identify people who are at risk of being trafficked or who have been trafficked and to engage, through business, with the proper authorities to make sure that people can be made safe and get the support that they need. That is where the human side comes in. If people recognise that there is a trafficking issue, they are keen to engage with the system. There is a lot in there that may be for discussion in places other than here. The issue cuts across ministerial portfolio responsibilities, particularly in relation to the connections to troubling organised crime. That brings the human element into focus, and I welcome our interest in it.

In relation to powers of attorney, was it the delays that you were asking about?

Meghan Gallacher: Yes.

Kirsten Oswald: I understand why you would be interested in that. There has been a significant increase in the number of people who are looking to get powers of attorney. There is a backlog there, which is not desirable. In case it is helpful to anyone who is watching or listening to the committee, I say that if there is a need for something to be expedited, that will happen. I say that reassuringly; it is important for people to be aware of that, because when someone needs something to be expedited, they will probably be in a very difficult situation or at a difficult time in their life.

That does not take away from the substantive point that there is a delay there, which means that people are waiting longer than is reasonable or than they ought to, to get powers of attorney. The figures show that, since 2021-22, there has been a 39.5 per cent increase in the number of applications. That is a large increase, but it is not okay for there to be delays to the extent that there are.

How do we deal with that, aside from expediting pinch-point cases? Funding has been delivered in that area. However, the Office of the Public Guardian has had a substantially increased number of applications, and its challenge is to work its way through those two issues. The Office of the Public Guardian has a new case management system, which went live in February last year, and it is working through the post-bedding-in period. There was a necessary bedding-in period; the two-track approach that was used before that bedding-in period has ended. The benefits of the new system were not seen quite as quickly as, perhaps, the office—and we—had hoped they would be.

The Scottish Courts and Tribunals Service probably also hears the point that you made, and it has prioritised investment in the Office of the Public Guardian in acknowledgement of that. This might be a point to come back to, but I understand why the SCTS has done that and hope that it might make the difference, because such a delay is not okay.

The Convener: Thank you very much. I will bring in Fulton MacGregor, who is online.

11:45

Fulton MacGregor: Welcome to the committee. I want to speak about the Children (Scotland) Act 2020, which you have touched on a bit, and to ask whether the Government remains committed to implementing that act in full.

I also want to ask about the possibility of introducing further reforms to tackle parenting disputes. That is in the context of some of the work that Shared Parenting Scotland has done, which has found that quite a lot of evidence suggests that one parent—it tends to be fathers—does not have the same amount of contact. How can that be balanced out in domestic abuse cases? Does the Children (Scotland) Act 2020 provide enough protection when it comes to domestic abuse?

I am sorry—I asked a lot of questions at once, but I keep cutting in and out online.

Kirsten Oswald: Yes, it felt as though you asked a lot of questions, but I will do my best to answer them. Please keep me right if I do not answer the points that you were looking for me to answer.

I think that your first point was about implementation of the Children (Scotland) Act 2020, which is an important and wide-ranging piece of legislation. I am probably unable to go through every element of it and give you a detailed timetable as I sit here, but if there are particular points that you have in mind, I will certainly try to address them. I assure you that, over the next 12 months, our priority is to make significant progress with implementing a couple of parts of the act.

First, there is the register of child welfare reporters, which the convener touched on earlier. That is an important point. Secondly, there is child advocacy. A number of provisions in the act have already been commenced, and we are looking at what comes next. As I said earlier, significant work is ongoing in those areas to ensure that we can deliver on the different aspects that require a little bit more work.

With regard to child welfare reporters, a working group is under way, and an implementation plan is in place to establish the new register of child welfare reporters. We are also in the initial phase of working on child advocacy. I hope that those are useful examples of where we will go next.

You also asked about domestic abuse as it relates to the Children (Scotland) Act 2020. Is that correct?

Fulton MacGregor: Yes.

Kirsten Oswald: I just want to ensure that I appreciate all the different angles. On domestic abuse and how it meshes with the 2020 act, it is important that family law is able to navigate those two different but connected areas. We need to ensure that civil law processes are able to help to protect victims and their children and to hold perpetrators to account.

The Children (Scotland) Act 2020 goes a long way towards ensuring that we can best protect children and families who are affected by domestic abuse. I have mentioned the ongoing work to put in place the new register of child welfare reporters and to ensure that they are properly skilled and trained to understand the dynamics of domestic abuse. I think that people—especially members of this committee—will appreciate that it is not a straightforward area of work and that there is a need for proper specialists.

There is also a need to ensure that children at the centre of contact and residence cases—I think that that was the other point that you asked about—have access to child advocacy services, so that they are centred in those conversations, with a focus on their needs and welfare. That will be done to some extent by ensuring that their experiences are central while looking after their

safety and working out how to navigate such family justice decisions.

The final point is that there is provision to have special measures in some cases to protect vulnerable witnesses and parties in proceedings. That is important in, for instance, non-evidential child welfare hearings.

It is a complex area of the law, and those are necessarily complex situations because of the nature of the topic, but I hope that I have been able to give you some of the information that you were seeking.

The Convener: Thank you, minister. I hope that that helps Fulton MacGregor.

Holly Bruce: I want to continue with the family law theme. I have been highlighting at committee my views on better rights for LGBT families. We have heard from various solicitors in that regard. Jamie Speirs indicated that a lot of work still has to be done in that area. That is especially the case in relation to situations in which both parents are female and unmarried, as their legal rights as parents are very different from those of parents who are heterosexual and unmarried. Is the Scottish Government considering that within the current family law framework? Do you have any plans to reform the law, within devolved competence?

Kirsten Oswald: That question is helpful in ensuring that we consider the whole range of families when we think about laws and how they affect different family set-ups. Families come in all different shapes, so it is important that we think about how different people will be impacted and take account of that. I am not sure that I have been contacted about, or that people have flagged particular gaps in relation to, LGBTI people's experiences in interacting with family law, but I would be happy to hear more on that.

It might be helpful to set out some of the rules on parental rights and responsibilities. If somebody is the birth mother of a child, they have parental rights. It is perhaps not relevant to the scenario that you set out, but there are certain criteria that dictate whether a father gets parental rights. Perhaps there is a degree of complexity to navigate if both partners in a family are female, and I take that point. I would hope that we could have such conversations if you think that there is a gap.

I have been interested to see the interconnection between the different kinds of families who might interact with the justice system and the training that is provided to people who work in that system. It is helpful to ensure that everyone who accesses justice has confidence that the people with whom they come into contact

are properly skilled and understand the different dynamics or challenges that they might face. The Lord President is responsible for the training angle for those who sit under his remit, but I know that some really interesting and positive training is happening in the field that you have raised, to ensure that people in same-sex relationships—in all different kinds of relationship—are understood and that the justice system caters for everybody, regardless of their different life circumstances.

That probably answers about half of your question, but I am happy to look further and to come back on the issue if you think that there is a particular gap.

Holly Bruce: There definitely is a gap. I flag to the minister quickly that a really good group, Outside the Box, runs the queer families Glasgow project. It has been doing a lot of research into the issue and has involved lecturers from the University of Strathclyde in work to reform birth certificates. That might be of interest.

Kirsten Oswald: Thank you for flagging that.

The Convener: I am conscious that we have only five minutes left, but I will bring in Ben Macpherson, if there are any areas that he wants to touch on. A brief answer from the minister would be helpful.

Ben Macpherson: I will keep it brief. As a substitute member on the committee and as someone who normally sits on the Criminal Justice Committee, it is clear to me from the evidence that we have taken that the system is under a lot of pressure in multiple ways and that there is an implementation gap relating to legislation that has been passed. I say that in a very neutral way, knowing that it takes time to implement legislation well and resources to do it impactfully.

Do you want to say anything more about the need for patience in this session of Parliament as we implement current legislation, and for cognisance as we create new legislation so that we do not overburden the system? How will you and the cabinet secretary make the case for more resources for the justice system as a whole as you go into the budget process?

Kirsten Oswald: Again, I will start at the end of that question. I absolutely affirm my commitment to making sure that, through my job, I do everything that I can to make the operation of justice and access to justice work as well as possible. I am not accustomed to speaking for others, but it is safe for me to speak for the cabinet secretary on this. I know that he is absolutely committed to making sure that justice is accessible and fair, and that we do everything possible to make sure that, within the existing systems, or by taking steps to amend those systems, we have a

structure in place that is effective, transparent and fair and that works well for all the groups in our communities. Of course, it should also work well with the other elements of the system, such as law enforcement and the criminal side, although that is perhaps more for the Criminal Justice Committee. All those things have to come together, and it is absolutely our focus to ensure that that happens, but with people at the centre.

You said that there is pressure on the system, and it is absolutely right to point that out. Significant work has been done to update, review and reform in different areas of justice. That is necessarily an ongoing job of work, and a good deal of work is going on. It is probably helpful for me to circle back to public service reform, which I mentioned at the beginning, and to point to the Government's absolute focus on making sure that our systems work in the most efficient and effective way to serve the people whom we are here to serve.

I am mindful of the time constraint, so the final thing that I will say is that, where there are gaps in implementation, we are absolutely mindful of those, and I hope that we are constructive in making sure that action plans are in place. I know from speaking to officials that a significant body of work is under way to ensure that things are done properly so that there are tangible results for people, which is ultimately what we want from our work here.

I will pause before the convener stops me.

The Convener: Thank you. We have just two minutes left, but I touched on a couple of topics that we have not covered. Really quickly, I want to ask about processes and the use of AI in the civil justice system. Are new technologies being introduced too quickly? Should we move faster? Is there a view from Government on the issue? Are the processes robust and transparent at the same time?

I go back to the comments about prioritising people over structures as we move forward. I am conscious of digital exclusion and of the importance of in-person hearings. Can you briefly give any thoughts on that? Alternatively, we can follow up after the meeting.

Kirsten Oswald: I am happy to follow up on that. My brief thought is that balance is important. A significant body of work is under way to make things more efficient through the use of technology, including AI. Of course, there must be proper safeguards—that goes without saying and is really important. The other side of the coin is that digital services might not be for everybody, and we need to be mindful of the fact that people have different needs. Overall, technologies exist that have lots of positives. We can embrace them, and

the system is absolutely embracing them. Right across the justice system, technology is being used to positive effect.

My final example of that is the phenomenal work that I have seen with people being able to virtually tour courts. People who are potentially victims of domestic abuse can virtually tour the whole court building so that they know exactly what it looks like. They can do a walk-round without ever having been there, so that they have confidence to go into the building, knowing where they will go, who they will meet and exactly what it will be like. That is the best example that I can give of where technology can play an absolutely excellent part in making access to justice work for the people who are central to what we are trying to do.

The Convener: That is a powerful example to end on.

That concludes our evidence session. I again thank the minister and officials for attending. I suspend the meeting briefly to allow for a changeover of witnesses.

12:01

Meeting suspended.

12:03

On resuming—

Subordinate Legislation

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026 (SSI 2026/208)

Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2026 (SSI 2026/252)

The Convener: Welcome back. The third item on our agenda is to take evidence on two negative instruments: the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) 2026, and the Act of Sederunt (Fees of Messengers-at-Arms and Sheriff Officers) (Amendment) 2026. I refer members to paper 2.

We are joined by Danielle McLaughlin, interim director at the Scottish Civil Justice Council, and Andrew Campbell from the Lord President's private office. I welcome the witnesses to the meeting and thank them for joining us at the committee.

In the interests of time, we will go straight to questions from members.

Holly Bruce: I thank the witnesses for coming to the meeting at short notice. A letter was sent to us last night about the consultation on the changes proposed within the instruments. That letter sets out what unit price will be added and what the reduction would be for households. My question is about the equality impact assessment. I feel that the letter does not sufficiently address the impact that the change in unit price would have on women in particular. We know that many women in debt collection are facing domestic abuse or are in council tax arrears, and there is no mention of that with regard to the increase to the unit price. The consultation asked for views on a £5.40 unit price. One of the instruments before us sets out a price of £6.10. Why was there an increase to the unit price after the consultation? Why was a surcharge placed on the rural fee?

Andrew Campbell (Lord President's Private Office): I thank the committee for inviting Danielle McLaughlin and me to appear at the meeting. To be clear, there is a distinction between our respective roles, in that I act for the court. In promulgating acts of sederunt, the court does not devise the policy that is enshrined in those instruments. The function of devising the policy on civil court matters has been conferred on the Scottish Civil Justice Council by an act of Parliament. Although the court retains its historic powers to make acts of sederunt on substantive policy-based matters, as discussed during the

passage of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, as a matter of general practice, the court defers to the Civil Justice Council to devise policy. For the purposes of the meeting, my colleague Danielle will answer policy questions.

Separately, I am the legal adviser to the Scottish Civil Justice Council. For the record, there are no divergent interests between the court and the council.

I will hand over to Ms McLaughlin, who is the interim director of the council, to answer the specific question.

Danielle McLaughlin (Scottish Civil Justice Council): I thank the committee for inviting us to the meeting. I hope that the letter that was circulated helped to establish the background and why the council proceeded with a substantive review on the charging of sheriff fees for officers of the court. As the letter sets out, the council sought to achieve a number of objectives with the review and the principal instrument that is before the committee. In 2025, the council's strategic aim was to look at how we could move forward with the approach to charging for sheriff officers and messengers-at-arms. For the purposes of today's meeting, I will refer to them as officers of the court.

The strategic aim was to look at a method that would be more transparent and easier to regulate going forward. The council had already done that with judicial expenses in 2019, so it saw such an approach as a successful means by which the public and those who use the services could see them in a different light. The council committed to a detailed consultation process, analysis and review, which took more than 15 months. I appreciate that that does not answer your question, but I thought that it would be useful to set out the context.

Holly Bruce: Only one advice agency, Money Advice Scotland, was consulted during the consultation. In its response, it said that it agrees with the simplification of the procedure—as do I, as I think that it needs to be transparent and simplified. However, it disagreed that the unit price should be £5.40. The instrument in front of me shows a further increase, with the unit price at £6.10. Money Advice Scotland is concerned that the price would be unaffordable for households and called for it to be scrutinised, which is why I am highlighting it. Where did the £6.10 unit price come from? How much of it would be made up of the genuine expenses of officers of the court as opposed to profit?

Danielle McLaughlin: I cannot necessarily comment on the profit of sheriff officers in relation to any other matter. The SCJC proposes fees in relation to the role that they play in enforcing court

business and supporting the administration of justice. However, to go back to your initial point, the council issued a consultation paper to the public at large. Although we promote our publications and consultations, we cannot guarantee who, if anyone, will respond to them. Money Advice Scotland did respond to raise concerns about the unit price, but the council took a proportionate view, as the majority of its members supported the increase and the approach that was taken.

In response to your specific question about how the value went from £5.40 to £6.10, the council, in the light of the consultation, concluded that there was to be an inflationary increase to the fees of officers of the court. The principal reason for that was the difficult balance that needs to be reached in order to support the administration of justice. We need sufficient numbers of officers to be available in order to administer those court orders. However, it is acknowledged that that has to be balanced against affordability for those who ultimately pay those fees, so rises have to be proportionate.

In looking at whether there should be an increase in the fees, the council, as it has done historically, looked at inflationary rates and the applicable indices—the consumer prices index and the consumer prices index with reference to owner occupiers. It saw that, over the 35-month period in which it had not looked at the fees, there had been an increase in the indices of between 12.5 per cent and 13.5 per cent. Therefore, the council believed that it was appropriate to apply a 13 per cent uplift. Before any uplift, it had consulted on the basis of the unit price being £5.40 if we were to introduce unit price charging, and the rise from £5.40 to £6.10 was an inflationary rise of 13 per cent.

Holly Bruce: Can I come back quickly on that inflation point? I promise that I will be quiet after that.

The Convener: A couple of members have questions, so I will perhaps come back to you.

Holly Bruce: It relates to inflation specifically.

The Convener: I have a question on the exact same point, but go ahead—we then need to hear from other members.

Holly Bruce: Absolutely. I appreciate the time.

I am aware that the fees were last uprated in 2024—with a statutory instrument under the same name—by more than 11 per cent. What we are talking about in that two-year period between 2024 and 2026 is a consistent 13 per cent rise across the board. I am aware that a lot of sheriff officers have healthy profits. For example, Scott and Co's margin before acquisition write-offs is 20 per cent. I do not agree that the increase is proportionate in

relation to household income, given that there were only two years between the 11 per cent rise in 2024 and the rise of between 12 and 15 per cent in 2026.

Danielle McLaughlin: Your position is noted. I cannot necessarily comment on the profit margins of messengers-at-arms or other court officers in that regard. The council's view was that there was a difficult balance to be struck between ensuring sufficient officer numbers—in order to ensure access to justice for people—and ensuring proportionality in the fees that are charged. The indices that were looked at indicated that 13 per cent was reasonable and, in that circumstance, the council applied that rate.

In so far as this helps, it is a historical application. Although the fees were previously uprated in 2024, that uplift was for an evaluation period up to September 2022 and did not take account of costs up to 2024. In the 35-month intervening period, increasing costs have impacted members of society including, crucially, those who are effecting service of those crucial documents.

The Convener: Thank you. We can come back to this question, but we will be debating the motions on this next. Now is the chance for members to ask witnesses questions directly.

I thank the witnesses for the detailed letter that was circulated. Unfortunately, we did not get it until after 5 o'clock last night, but I did go through it. It is really clear about the steps that have been taken, and there are all sorts of appendices and references to the consultation. I hear your point about putting out a public consultation and people not coming back to you; however, that is, perhaps, a separate question of how we as a nation consult on these things, and I will not necessarily go into that.

Of course, we do want to be driven by the evidence. You have referred to CPI and also to CPIH, the latter of which is the consumer prices index including owner occupiers' housing costs. Is it a uniform view that you will always look at those two things and not at, say, the retail prices index? I am just conscious of the different methodologies for looking at inflation, but is it a consistent view that you will look only at CPI and CPIH and average them out, or do you ever look at RPI? I just want to get an understanding of the processes involved.

12:15

Danielle McLaughlin: I hope that the letter was helpful, and if you have any queries about it, I am happy to expand on and clarify things, as far as I can.

As for your query, convener, the council has been regulating fees since 2015—for just shy of 11 years—and in that period it has taken a reasonable-test view of inflation, looking primarily at CPI and CPIH as tools for measuring potential inflationary increases. It has always sought not necessarily to average the two indices but to take a commensurate approach. With the 2024 fee uplift, for example, it did not take the average; it took a different approach and sought to baseline things. The average was not the 11.9 per cent that the fees were increased by.

I want to reassure the committee that this is just one of the means and ways by which the council looks at the issue. It takes the indices, because that approach is generally the market-leading standard and because it has done so historically, but it has also sought to review the matter and apply different thoughts and processes.

The committee membership is made up of a number of stakeholders, including consumers and accountants, and their experience helps in exploring the position. As I hope that I have highlighted in my letter, if this instrument is agreed to—which is obviously the intention of the court and the council—that will not be the end of the matter. The council has committed to introducing a three-year review process so that we can look at whether the percentages and approaches in relation to inflation, and whether our methodology and the unit processes, are correct. I am working on the basis that the committee will be very interested in that, so as a member of the secretariat, I am happy to keep you informed of the process. That review is still in its early stages, but our discussions today will help the secretariat with it.

The Convener: Thank you. I call Amanda Lindsay.

Amanda Lindsay: Thank you for coming along today, and for your letter. I want to ask you about the rural fees. I understand that, under the proposed arrangements, officers of the court are entitled to charge 33 per cent more for personal service of documents in remote and rural areas. Why the significant hike? Moreover, how do you define "remote and rural areas"?

Danielle McLaughlin: Since 2012, there has been an automatic surcharge of 30 per cent on the service of documents in rural areas. That has ordinarily been seen as acceptable to address the additional challenges of serving documents in our remote communities. It has been 30 per cent since 2015, with no uplift in the intervening period. However, in acknowledgement of the council's concerns about the decreasing population of sheriff officers and messengers-at-arms—which, in some areas of our country, has diminished to

single figures—it was deemed appropriate to increase it by 3 per cent.

In answer to your second question, the term “remote rural area” is defined in the instrument, with reference to the underlying legislative definition in that regard.

In short, a surcharge has applied since 2015, and the council sought to look at the figure, having not uplifted it in the intervening period, to reflect the additional costs that have been incurred since then.

Meghan Gallacher: Thank you both for coming along this morning. I appreciate that this issue has been arriving at the equalities committee over a number of years—2024 was the last time that it was discussed—but I think that now, more than ever, we are conscious of the differences between our rural and urban areas and there is more of a conscious acknowledgement from politicians right across the political divide that we need to make sure that rural communities are not disadvantaged by the decisions that we take.

I understand that you are arguing that the additional 3 per cent is proportionate, but I am concerned that it is not proportionate if the costs are passed down, because it comes down to geography—there is no other reason apart from geography. Is there any further reassurance that you can give on that particular issue for rural communities?

Danielle McLaughlin: As I alluded to earlier, one of the key commitments with this instrument is a three-year review process. It would be within the council’s gift to review, and, indeed, this committee or others could put in requests. The council receives requests to look at or review rules, and, if this instrument is passed, the review process that is envisaged would allow a discussion to be had on the application of the regulation.

I apologise—I said earlier that the regulation has been in place since 2015, but it has actually been in place since 2012. It could be reviewed through the review process or by others approaching the council.

Carol Mochan: It is really important to try to understand this SSI. I was not involved in the committee in previous years, so it has been really helpful to have you here and to hear that there would be a review process over three years.

If we did not pass the SSI at this point, could the review continue? Would that happen? Do we need to pass the SSI to allow the review to happen, or is it more that you feel that we will not have enough people undertaking the role if we do not get this uplift?

Danielle McLaughlin: There are probably two aspects to that. The review is to align with the fact that this instrument would change the whole framework in which we regulate officers of the court. We are introducing something new, so we want to ensure that we can sense-check it with users, consumers and officers-at-arms. The review is aligned with that transformational change.

The creation of a unit-based charging system is seen as a strategic, important objective to support all users of officers-at-arms. The strategic position of the council is that the review will be aligned with the changing of the structure; it is not about having a review in and of itself. Crucially, when the council consulted on the proposals, it invited comments on the means and ways by which we could improve the system. Unfortunately, there was maybe not as much engagement on that question as there could have been in the light of the discussions that have occurred here.

The review is aligned with the passing of the current instrument. There are no commitments currently within the council’s strategic programme to commence a review independently of the passing of the instrument, because, as with all public bodies, we have a stringent programme of work. However, the key point is that the review is seen as an essential part of the introduction of a new system that we hope will be transparent and will allow greater discussion and review.

Carol Mochan: I have one more question. Again, it is to help me to understand this. The papers say that the threshold for lower-value court work is set at £1,500, but that has not been reviewed since 2008. Is there a reason for that, given that we are talking about uplifts for other things?

I also have a further concern. My reading of our papers is that, when the costs are passed on in the case of people with lower debt that is likely to be linked to poverty, or in the case of public debt, the individuals concerned could have proportionally more debt passed on to them than would be the case with some of the higher-value debt. Is that the correct reading of the information?

Danielle McLaughlin: The focus on change will result in additional costs being incurred by certain parties. The council sees the application of reductions or the charging of surcharges as a balancing or tipping point. The instrument’s proposal to apply a 20 per cent reduction for claims under £1,500 is a mechanism to ensure that people can start to enforce their rights. Unfortunately, the balance is that those who are found responsible for not paying or responding to actions have to bear the cost. Crucially, the instrument does not purport to provide a reduction

when bulk summary warrant payments are paid. The reductions are there to support those who are seeking enforcement through the provisions of initiating actions in particular.

The Convener: I would like to get a bit of clarity here. That was quite a direct question from Carol Mochan. I appreciate that it is a matter of balancing or tipping points, but that was a direct question about whether the measures will disproportionately affect those who are experiencing poverty, in relation to smaller amounts. Was that a yes or a no, or are you not able to answer that question?

Danielle McLaughlin: I am not able to answer that question today with direct reference to the data in front of me. It is acknowledged that there might not be as much data available across Scotland about the impacts of debt recovery and those facing actions as a consequence of the circumstances that we are living in as a society.

The mechanisms that the council has introduced are intended to reach a balance, so that those who are responsible take on a burden as a consequence of someone else enforcing their rights.

The Convener: Holly Bruce is looking to come back in, but I have another question. If the instruments were to be annulled, what would that mean to the service? What implications would that have for you? If new instruments were to be developed, how long would that take? This is the “So what?” question about the outcomes of any decision that is taken in Parliament.

Danielle McLaughlin: Speaking on behalf of the Scottish Civil Justice Council, and in relation to its work, if the instruments were not passed, the current system, as it is set out in a volume of documentation, would continue to apply and the ongoing charge rates set in 2024—which are actually dated as at 2022—would apply in relation to our sheriff officers.

In the course of the consultation, the council acknowledged that a diminishing volume of people are willing to uphold the post of an officer of court. That was a consideration as to why the changes were made. If the committee and the Parliament were to seek to annul the instruments, of the Parliament’s own will, the existing regimes would continue, which would not provide the mechanisms for review, the transparency or the benefits that were perceived and that were evidenced in a previous change to unit-based instruments for judicial expenses in 2019.

I would defer to Andrew Campbell regarding the mechanics of any changes. We would effectively need to start again from scratch. When I say “defer to Andrew” I mean in relation to the rhythm of

matters. The council would have to go back and start from scratch, having worked for 15 months on consulting, in order to develop a revised response.

The Convener: Thank you. I am trying to find out about potential unintended consequences should these instruments be annulled.

12:30

Andrew Campbell: On the practicalities, both instruments are due to come into force at midnight tonight. If they are annulled, the current law will continue to apply. As Danielle McLaughlin said, that would mean that the fee rates would stay at 2024 levels. It would mean that there would be no benefits from the consolidation exercise, which has been considerable in terms of separating previously quite opaque figures. The current law just provides a monetary figure for the fees; the consolidation exercise carried out by the Council has tried to separate the constituent parts of those sums into the inflationary aspect—the unit value—versus the value of the cost for the task. The benefit of that exercise would be lost and a bit of transparency would be lost.

The council has a strategic work programme, and council members would have to consider the point at which they could revisit the whole exercise. As officials, we are not currently in a position to give the committee any assurance on how long that would take. The council has settled on its strategic objectives for the next two years, and revisiting this matter is not one of those. If the committee and the Parliament voted to annul the instruments, the council would, no doubt, reconsider whether it wished to adjust its work programme.

Fundamentally, that would be the impact of annulment, although I also record the fact that it would be unprecedented for an act of sederunt to be struck down by Parliament, particularly in the context of Parliament having conferred the function of undertaking the technical, detailed expert work of assessing what the fee levels for sheriff officers and messengers-at-arms should be and the committee’s deciding to annul both instruments on the basis of 30 or so minutes of evidence this morning. However, that is a matter for members and it is members’ prerogative, obviously. That would be the practical outcome.

The Convener: Thank you very much.

Holly Bruce: Thank you for your responses. First, I refer to the fact that, as I said at the beginning of my remarks, I have no issue with the simplification in the unit measure as the way of assessing the costs, and that is probably the meat of the review. What I have an issue with is the unit price, as I mentioned at the start of my remarks. That was consulted on at £5.40 per unit and has

now increased to £6.10 per unit, regardless of the consultation outcomes, and advice services say that they have issues with that. That is the crux of the issue.

Carol Mochan helpfully identified the rise in fees for court work relating to debts of £1,500 or less and the fact that that might affect a key group of people. From my knowledge and on the basis of Scottish Parliament information centre research, that tends to relate to council tax arrears. Those fees will increase by 42 per cent to 50 per cent, because those cases now get less of a discount, so that would be a real-terms increase. Is my reading of that correct?

Danielle McLaughlin: It is correct in the sense that the unit price has risen from £5.40, but, when the council consulted, it consulted on whether £5.40 was the starting point, and, separately, on whether there should be an inflationary increase on an annual basis. The two consultation responses, combined with the council applying its knowledge and experience in the really difficult task of balancing matters, brought us to the figure of £6.10.

Holly Bruce: What about the fees on debts of £1,500 or less?

Danielle McLaughlin: Could you repeat the question?

Holly Bruce: The document that was provided to the committee last night said that the reduction that people with those debts get is not as much as it used to be, so how much is that? Can you refer to that?

Danielle McLaughlin: After much consideration and as part of its consultation, the council looked at the current reduction. There are 18 items within the £1,500 window for such actions. The council looked at each of the 18 items and identified that there is a tipping point in relation to those items. Eight items relate to the commencement of proceedings, and, without any reduction, they might act as a barrier to commencing proceedings. The council looked at those eight items and at the average price for all 18 items and took the view that the average price was 33 per cent and that that should be the applicable reduction for those eight items. However, the council took cognisance of the balancing point in that we need sufficient numbers of the community to act as office-holders and office-bearers to enforce this, which reduced the percentage from the proposed 33 per cent, as illustrated in the consultation document, to 20 per cent. That was seen as an appropriate balance to support the continued effective service of documents and to support access to justice.

Holly Bruce: To confirm, for claims of £1,500 or less, postal diligence fees would rise from £29.27

to £43.92, which is a 50 per cent increase, and that would affect people in council tax arrears.

Danielle McLaughlin: I believe that that is the correct figure. I cannot necessarily comment on whom it would affect—it would affect everyone who had that form of diligence served upon them.

Carol Mochan: Holly is addressing really important points. I recognise that you cannot answer some of them, but I want to ask you—because I have been asked this question—why the lower-value court work fee still relates to the 2008 figure of £1,500. Is there a reason why that figure is the same?

Danielle McLaughlin: Yes. At the time, it was not within the council's gift to change that. That would have to be considered alongside the Government and other stakeholders. Unfortunately, that was not within our gift, as I understand it.

Carol Mochan: That is really helpful to know.

The Convener: Thank you. It is a complex area, and we appreciate your coming to the committee to answer members' questions. As I said, the letter that we received was very helpful and included a number of links that allowed members to dive a bit deeper into the matter. Having looked at the consultation, it is clear that there was welcome feedback from Citizens Advice Scotland and Consumer Scotland—and that it was a technical consultation, which is maybe what has given rise to some of our questions. We really appreciate the additional information. Thank you for taking the time to give evidence.

I will suspend the meeting briefly.

12:37

Meeting suspended.

12:49

On resuming—

The Convener: Item 4 is consideration of motions recommending annulment of the instruments on which we have just taken evidence. The motions have been lodged by Holly Bruce MSP. Given that the two instruments are closely related, I propose that we consider both motions at the same time. Unless any member objects, I will put a single question on both motions at the end of the debate. Are members content with that?

Members indicated agreement.

The Convener: I will hand over to Holly Bruce to speak to and move the motions. As this is a formal debate, only MSPs are able to participate, which means that no further questions can be

directed to any of the witnesses whom we heard from under the previous item.

Holly Bruce: Before I start, I refer to my entry in the register of interests, which shows that I am a sitting councillor in Glasgow City Council. I appreciate the committee's time in debating the instruments, after I raised a number of concerns at last week's meeting. I hope to address those in my comments.

We heard earlier from the Minister for Equalities and International Development that tackling child poverty and violence against women and girls are key commitments of the Scottish Government. I believe that they are also key commitments of the committee, having sat in various evidence sessions with members during the weeks that we have been together. We are focused on improving people's lives and on outcomes.

In plain terms, the outcome of SSI 2026/208 is to increase fees by between 12 and 15 per cent across the board for households that are incurring debt. Fees on debts of less than £1,500 can increase by 42 to 50 per cent, as we heard earlier, in the questioning. There is also an increase in the surcharge on rural fees, from 30 to 33 per cent. That is all on top of the fact that the fees were already raised by just under 12 per cent in 2024.

People and households in debt pay these fees. People with council tax arrears and those who are facing evictions—the most vulnerable people in our society—pay these fees. We know from Citizens Advice Scotland that the most common debt-related queries that it receives are about council tax arrears. Public debt intensifies and sustains child poverty, as many members have highlighted, and Aberlour has been pushing for fees to be humane and to be considered in the context of the cost of living crisis. We have discussed the inflation increase but, as I said, in 2024, there was an increase of more than 11 per cent, and a 2 per cent increase was built in.

As I mentioned earlier, for certain sheriff officer companies, such as Scott and Co, which administers a lot of the system in Glasgow, their margin before acquisition write-offs is 20 per cent. That is a highly healthy and efficient profit margin.

Earlier, I asked a number of questions about the consultation. In the consultation, the proposed unit price was £5.40 but, in the instrument that is in front of us, it is £6.10. Further, the rise in the surcharge on rural fees from 30 to 33 per cent was not considered in the consultation. Discounts have been removed from precisely the people who are least able to pay—people in poverty and women fleeing domestic abuse.

In relation to consumer advocacy, the consultation heard only from Money Advice

Scotland. There is not sufficient evidence to suggest that any consultation was had with other debt advisory groups or debtors groups, so I feel that the consultation is weighted unfairly in that regard. Money Advice Scotland said in its consultation response that the SCJC must

“consult directly with consumer advocacy groups during the drafting process to ensure the instrument reflects the real-world challenges faced by consumers.”

Money Advice Scotland also said that it agreed with the simplification—as do I—but disagreed with the unit price of £5.40, which it was worried would be unaffordable. We have before us a £6.10 unit price, not £5.40. Money Advice Scotland was worried about it at £5.40.

My main issue is that there is no transparency on whether the increase in expenses is genuinely needed, rather than just being about profit. I do not believe that the measure is proportionate, and what we have heard today has not satisfied me on that.

Although I welcome the three-year review, it will not stop people being in debt right now, as we heard from the Scottish Civil Justice Council earlier, and it will not stop the impact on our rural areas. Therefore, I hope that others will support my motions to annul.

I move,

That the Equalities, Human Rights and Civil Justice Committee recommends that the Act of Sederunt (Fees of Messengers at-Arms and Sheriff Officers) 2026 (SSI 2026/208) be annulled.

That the Equalities, Human Rights and Civil Justice Committee recommends that the Act of Sederunt (Fees of Messengers at-Arms and Sheriff Officers) (Amendment) 2026 (SSI 2026/252) be annulled.

Carol Mochan: I thank Holly Bruce for bringing these Scottish statutory instruments and their complex nature to our attention. Given how things sometimes go through the Parliament, we do not always get the chance to debate them properly. It is great that we heard the evidence today, and I thank the two witnesses for coming here.

The evidence that we heard indicated that the situation can continue; we do not need to vote for the SSIs before us in order for that to happen or for sheriff officers to be able to do their job. We know that fee increases have taken place in the past few years.

I understand the desire to simplify the process and make it more transparent, but I did not pick that point up in the evidence today, so I cannot see a justification for the additional increase in the fees; the issue was more about making the arrangements simpler.

I have real concerns that, when the Scottish Civil Justice Council consulted on the proposals, it did

not take enough evidence on what they would mean for people involved in lower-value court work. The council clarified today that it will take a greater proportion of the burden of reorganisation.

Our work on eradicating child poverty does not seem to have been taken into account. We have a responsibility to raise that issue and to ensure that any work that public organisations pursue takes it into account.

The Convener: I wish to participate in the debate. I ask other members to indicate if they also wish to speak.

The consultation paper is very technical. Indeed, it describes itself as a technical consultation. I am acutely aware that, although the committee has discussed the matter and has not come to a firm agreement, we have collectively agreed that we will be evidence led in our committee work.

The letter that the Scottish Civil Justice Council provided, which came to all committee members last night, contained a huge amount of detail. There was technical detail about where the 13 per cent fee increase came from, with evidence on the CPI index versus the CPIH index and taking the average.

We have received evidence that has been really helpful. The technical consultation elicited a number of anonymous responses, so it is not fair, in this context, to say who has and has not responded to it. We do not know who the anonymous consultees are or what their background is. We can make assumptions, but we need to be really clear regarding the evidence.

My understanding is that the commencement date is written into the instruments, which will come into force, but there are technicalities in the processes in the Parliament, and we should ensure that we follow those completely.

I appreciate that the point here is a hugely technical one. There are political intentions, and the comments that Holly Bruce made on what we as a Parliament are committed to doing are on the record. However, we still have to consider the evidence that has been provided to us at the committee today.

I am content that there is enough evidence, and I believe that we probably should go ahead with the instruments, although I appreciate that other members may want to comment.

I will bring in Meghan Gallacher to speak first. There will be a chance for you to respond to all the comments at the end, Ms Bruce.

13:00

Meghan Gallacher: The paper that we received last night is quite a lengthy document, but the pieces that I pulled out from it gave a justification as to why the Government is following this particular process.

The review is important in this debate. As members have said, the issue is complex, but I hope that the review will lead to better outcomes, including through the work that the committee undertakes on civil justice and how particular decisions impact the people we represent. Fundamentally, that is what we are here to do.

I am still a little concerned about the rurality issue. I understand the responses that were given and the justification for what we are being asked to vote on, but my outstanding concerns regarding rurality will be reflected in my vote.

Amanda Lindsay: I am mindful of the number of fee increases, but I acknowledge the evidence that was given on the need to balance that with the reduction in the number of court officials carrying out the work. On Carol Mochan's point, we must be mindful of the ability of the courts to operate.

I am concerned about two aspects. First, we have heard that the poorest will pay disproportionately more rather than less. Secondly, on Meghan Gallacher's point about rurality, I understand that the 30 per cent charge dates back to 2012.

I am still reticent about the instruments, because the absence of consultation complaints is not the same as there having been an impact assessment, so that needs to be looked at.

The Convener: No other member has indicated that they want to speak in the debate. I thank the members who have contributed. I invite Holly Bruce to respond to the comments and to indicate whether she wishes to press or withdraw the two motions.

Holly Bruce: I will press the motions. I have heard what members have said, and I appreciate their time in scrutinising the instruments.

I understand that the justification for the fee increase is that it is based on inflation, but an instrument in 2024 already introduced an inflationary increase, with a 2 per cent increase built in, and I do not believe that we need to increase the fees again by 13 per cent in 2026.

We are in a cost of living crisis. As we have heard, the poorest will pay disproportionately more and people living in rural communities will pay more, but that does not mean that sheriff court officers will get a pay bump, because that is not detailed in the consultation.

I stand by the comments that I made earlier. I have no qualms about simplification of the process—that is welcome—but the unit price, which was stated in the consultation as £5.40, has been increased, following the consultation, to £6.10. We heard from Money Advice Scotland that the original price is unaffordable, so the increased price will not be affordable for those living in poverty. I encourage the Scottish Civil Justice Council to revise the unit amount and continue with its three-year review.

That is why I will press my motions to annul the instruments.

The Convener: The question is, that motions S7M-01282 and S7M-01284, in the name of Holly Bruce, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division. Members should cast their votes now.

For

Bruce, Holly (Glasgow Southside) (Green)
Lindsay, Amanda (Central Scot and Lothians West) (Reform)
Mochan, Carol (South Scotland) (Lab)

Against

Hagmann, Katie (Carrick, Cumnock and Doon Valley) (SNP)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Macpherson, Ben (Edinburgh North Eastern and Leith) (SNP)

Abstentions

Gallacher, Meghan (Central Scot and Lothians West) (Con)

The Convener: The result of the division is: For 3, Against 3, Abstentions 1.

That means that it is for me, as chair, to use the casting vote. I have already voted against the motions and will stick to that.

Motions disagreed to.

The Convener: That concludes the agenda item, and I thank everyone for debating the matter.

Act of Sederunt (Taxation of Judicial Expenses Rules) (Amendment) 2026 (SSI 2026/238)

The Convener: The next agenda item is consideration of an instrument subject to annulment: the Act of Sederunt (Taxation of Judicial Expenses Rules) (Amendment) 2026.

I refer members to paper 3. Do members wish to comment on the instrument?

Ben Macpherson: I appreciated Holly Bruce bringing her motions to annul and the discussion that we had earlier. I listened carefully to the debate. I am a substitute member of the committee but suggest that the committee might wish to consider continued scrutiny of the issues raised, which were important.

The fact that they were negative instruments made the proposed annulment futile, because the instruments will come into effect by the end of the day, but the issues raised will remain pertinent and the committee may want to continue scrutiny of those points.

The Convener: That is a helpful comment about the previous agenda item. You are absolutely correct that we have a scrutiny role and must ensure that we carry it out.

Do any other members wish to comment on the instrument before us now? Are there any comments or questions?

Ben Macpherson: They are interrelated.

The Convener: Yes. There are various technical points. No member has indicated a wish to make any further comments. Are members content not to make any recommendations to Parliament on the instrument?

Members indicated agreement.

The Convener: That concludes our public business. We will now move into private session to consider the remaining item on our agenda.

13:08

Meeting continued in private until 13:11.

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