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SPICe Bill Summaries - Session 6 - July 2023 to June 2024

SPICe Research

This briefing provides summaries of all bills considered by the Scottish Parliament in Session 6 between July 2023 and June 2024. Republished 23 June 2026.



4 November 2025
SB 25-56

Contents

Introduction	3
Abortion Services (Safe Access Zones) (Scotland) Bill	4
Agriculture and Rural Communities (Scotland) Bill	6
Bankruptcy and Diligence (Scotland) Bill	9
Budget (Scotland) (No. 3) Bill	11
Children (Care and Justice) (Scotland) Bill	12
Circular Economy (Scotland) Bill	15
Gender Representation on Public Boards (Amendment) (Scotland) Bill	17
Housing (Cladding Remediation) (Scotland) Bill	19
Patient Safety Commissioner for Scotland Bill	22
Post Office (Horizon System) Offences (Scotland) Bill	24
Scottish Employment Injuries Advisory Council Bill	26
Trusts and Succession (Scotland) Bill	28
United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill: Reconsideration Stage	32
Visitor Levy (Scotland) Bill	35
Wildlife Management and Muirburn (Scotland) Bill	37

Introduction

This briefing provides summaries of all bills considered by the Scottish Parliament during the 6th Session of Parliament, between July 2023 and June 2024. These summaries are intended to be complementary to the information on [the bills and laws section of the Parliament's website](#) and have been prepared by SPICe subject specialists. SPICe will publish further bill summary briefings during Session 6.

Abortion Services (Safe Access Zones) (Scotland) Bill

Bill Number: SP Bill 34

Introduced on: 5 October 2023

Introduced by: Gillian Mackay MSP (Member's Bill)

Passed: 12 June 2024

Royal Assent: 22 July 2024

Purpose of the Bill

The [Abortion Services \(Safe Access Zones\) \(Scotland\) Bill](#) creates the status of “protected premises” for places where abortion services are provided, and establishes safe access zones around these premises. A safe access zone will usually consist of the protected premises, its public grounds, and any other public land within 200 metres of the protected premises. However, the Bill includes provisions to extend or reduce the 200-metre radius of a safe access zone if necessary.

The Bill creates two new criminal offences related to behaviour conducted within, or audible or visible from, a safe access zone. Behaviour is prohibited where a person engages in it with the intention to, or is reckless as to whether the effect is to:

- influence the decision of another person to access, provide, or facilitate the provision of abortion services,
- prevent or impede another person from accessing, providing, or facilitating the provision of abortion services,
- cause harassment, alarm, or distress to another person in relation to that person's decision to access, provide or facilitate the provision of abortion.

A person convicted of an offence in relation to this Bill would be subject to a fine.

Neither the Bill nor its accompanying documents detail specific behaviours that would be prohibited within a safe access zone. As the [Policy Memorandum](#) explains:

“Such flexibility reflects the reality that it is not practicable to define all potential kinds of anti-abortion activity that could be carried out within a zone, and also allows enforcement agencies to account for the nuances of particular situations.”

Further information can be found in a SPICe [briefing on the Bill as introduced](#) (published 31 January 2024).

Parliamentary consideration

The Bill was [debated at Stage 1](#) on 30 April 2024, and the Parliament agreed the general

principles by 123 votes to 1. [Stage 2 consideration](#) took place on 28 May 2024. Some of the key issues explored during the Stage 1 debate and Stage 2 consideration included:

- Changes to the definition of “protected premises”,
- Silent prayer, and the potential impact of the Bill upon freedom of religion,
- Amendments to the provisions for extending and reducing safe access zones,
- Introducing reporting and review requirements into the Bill.

The Bill was [amended at Stage 2](#) to reflect a number of clarifying amendments made by the Member and Minister responsible for the Bill. Additionally, an amendment was made to create provision for Ministers to extend the provision of “protected premises” to include individual premises within a class of place approved under the [Abortion Act 1967](#). This “future-proofing” amendment is intended to ensure that if GP surgeries, pharmacies, or other healthcare providers became authorised to offer abortion services, but not all premises chose to do so, a safe access zone could be introduced around individual service providers as needed. The Bill was also amended to introduce requirements for reporting and review.

Further details of the amendments lodged at Stage 2 can be found in a SPICe blog summarising [scrutiny of the Bill prior to Stage 3](#) (published 6 June 2024).

The [Stage 3 debate](#) was held on 12 June 2024. Amendments passed at Stage 3 largely focused on strengthening the reporting and review requirements introduced at Stage 2. The [Bill was passed](#) by 118 votes to 1, with no abstentions.

The Bill received Royal Assent on 22 July 2024.

Agriculture and Rural Communities (Scotland) Bill

Bill Number: SP Bill 33

Introduced on: 28 September 2023

Introduced by: Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands (Government Bill)

Passed: 18 June 2024

Royal Assent: 30 July 2024

Passage of the Bill

The [Agriculture and Rural Communities \(Scotland\) Bill](#) was introduced on 28 September 2023. The [Rural Affairs and Islands Committee](#) ('the RAI Committee') was designated as the lead committee.

The Bill completed [Stage 1](#) on 27 March 2024, [Stage 2](#) on 15 May 2024, and was passed by the Parliament at [Stage 3](#) on 18 June 2024.

Purpose and objectives of the Bill

The bill was introduced as a 'framework bill'. It confers powers, places some duties on Scottish Ministers, and enables changes to be made, but does not include the detail of a future agriculture policy for Scotland.

The bill was therefore part of an ongoing process of agriculture policy reform.

Provisions of the Bill

The bill was split into five parts:

- Part 1: Objectives and planning. This part sets four key objectives of agriculture policy and requires the Scottish Ministers to produce a 'rural support plan' on the Scottish Government's priorities for providing agricultural support in a five-year period.
- Part 2: Support for agriculture, rural development and related matters. This part confers powers for Scottish Ministers to provide support for a number of purposes set out in Schedule 1. Scottish Ministers may also make regulations about support, regarding e.g. eligibility criteria, amounts of support (including caps on the amount of support), conditions for support (including the power to refuse or recover support under certain circumstances), and enforcement and monitoring. Powers are also conferred relating to providing support under exceptional market conditions.
- Part 3: Powers to modify existing legislation relating to support. This part amends existing powers in the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 to amend retained (after EU exit) Common Agricultural Policy (CAP) legislation, and

removes the time limit for using these powers.

- Part 4: Miscellaneous. This section requires Scottish Ministers to produce a Code of Sustainable and Regenerative Agriculture and confers a power to make regulations in relation to the Code or in relation to other guidance about support. This section also confers a power on Scottish Minister to make regulations regarding continuing professional development of farmers, crofters, land managers, advisors or other relevant people, and amends the Scottish Government's powers in relation to identifying animals.
- Part 5 sets out the final provisions, including an index of definitions.

Further information on the bill as introduced and on the background to the bill is provided in [a SPICe briefing on the Bill](#).

Parliamentary consideration

The Rural Affairs and Islands Committee held [a call for views in October and November 2023](#), and Stage 1 evidence over a number of sessions in autumn and winter 2023/24. The Committee also hosted [a participation workshop with land managers and community representatives from across Scotland](#) on 19 February 2024.

The Committee published its [Stage 1 report](#) on 18 March 2024. It agreed with the general principles, but made specific recommendations for the Bill regarding, among other things,

- inclusion of additional objectives for agriculture policy,
- specifying the nature of the content which is to be included in a rural support plan,
- the provisions for consultation and scrutiny of the rural support plan,
- the items listed in Schedule 1, encouraging the Scottish Government to review stakeholders' suggestions for including additional items.

The Committee also drew conclusions around the framework nature of the bill and set out some expectations around the use of some of the powers conferred by the bill.

The [Delegated Powers and Law Reform Committee](#) also reported on the bill on 26 January 2024. It also noted difficulties for scrutiny that come with framework bills and recommended that some regulations under powers conferred by the bill should be subject to the affirmative, rather than the negative, procedure. The [Scottish Government responded to the Committee on 12 February 2024](#).

The Finance and Public Administration Committee also scrutinised the financial memorandum of the bill. [That Committee wrote to the RAI committee on 19 February 2024](#), drawing its attention to points raised by stakeholders who wrote to the Committee regarding the financial memorandum. Points included the challenges of adequately scrutinising the financial memorandum of a framework bill; the lack of certainty of UK Government funding; and questions around the assumed administrative costs and costs to bodies, individuals and businesses. In addition, the Committee highlighted that the Scottish Government had made suggestions around its substantive funding decisions within the financial memorandum, and raised some points made by stakeholders in relation to those suggestions.

The Scottish Government [responded to the RAI Committee report on 26 March 2024](#).

Members of the Scottish Parliament [debated the general principles of the Bill on 27 March 2024 and voted to agree to the general principles of the Bill](#).

[Stage 2 consideration](#) took place on 8 and 15 May 2024. The minutes of the meetings (see [8 May minute](#) ; [15 May minute](#)) detail the amendments that were agreed to. Among other things, the Bill was amended to add further objectives in Section 1, to add further items in Schedule 1, and to make certain powers subject to the affirmative procedure.

[More detail on additional amendments and issues that were discussed at Stage 2 can be found in a SPICe blog](#) on the Bill prior to Stage 3. Annotations of all amendments can be found in the [Bill as amended at Stage 2](#).

Stage 3 proceedings [took place on 18 June 2024](#). [Several more significant amendments were agreed to](#), some of which had also been discussed at Stage 2. These included, among other things:

- Adding further information on the detail that must or may be included in a rural support plan, and a power to amend the detail that may be included (Section 2(2), 2(3), 2(11) and 2(12)),
- Amending consultation requirements for the rural support plan, and in particular, specifying that Scottish Ministers must consult persons who represent the interests of farmers, tenant farmers, crofters, land managers and people who live and work in rural communities, as well as a list of public bodies (Section 4).
- Adding a requirement to publish reports at the end of each rural support plan period, including e.g. amounts of support provided, the distribution of support, and the effectiveness of support (Section 5).
- Adding a requirement for monitoring and evaluation of support schemes (Section 21).
- Adding a requirement to consult before making regulations about continuing professional development, and a requirement to monitor and evaluate CPD schemes (Section 30 and 31).
- Adding a requirement to prepare a statement on food security in Scotland once every three years (Section 33).
- Further amendments to the matters in Schedule 1.

Annotations of all amendments can be found in [the Bill as passed at stage 3](#).

After [the Stage 3 debate](#), [the Bill was passed](#) (For 115, including 2 proxy votes, Against 0, Abstentions 0).

The Bill received Royal Assent on 30 July 2024.

Bankruptcy and Diligence (Scotland) Bill

Bill Number: SP Bill 27

Introduced on: 27 April 2023

Introduced by: Shona Robison MSP (Government Bill)

Passed: 6 June 2024

Royal Assent: 15 July 2024

Purpose of the Bill

The [Bankruptcy and Diligence \(Scotland\) Bill](#) (as introduced) did three things:

- **Mental health moratorium** – the Bill introduced an enabling power for Scottish Ministers to create a mental health moratorium. This is a legally enforceable freeze on enforcement action by creditors where someone is experiencing serious mental health problems.
- **Reforms to bankruptcy legislation** – the Bill made a number of technical adjustments to bankruptcy legislation. These are designed to clarify the operation of the law and were not considered to be controversial.
- **Reforms to the law on diligence** – these are formal options for recovering money, with the authority of the courts, from debtors.

It implemented all recommendations which require primary legislation from two Scottish Government reviews involving stakeholders from the sector. These were the [Diligence Working Group](#) and the second stage of the [Review of Statutory Debt Solutions](#).

The [SPICe briefing on the Bill](#) (29 August 2023) contains more information about its provisions and policy context.

Parliamentary consideration

The Economy and Fair Work Committee undertook Stage 1 and Stage 2 scrutiny of the Bill.

Stage 1

At Stage 1, the Committee heard from those with an interest in the Bill over five evidence sessions. The Committee published its [Stage 1 report](#) on 23 January 2024. The [Scottish Government responded to the recommendations](#) on 1 February 2023.

The Stage 1 debate took place on [6 February 2024](#) and the general principles of the Bill were agreed to. The key theme in the Stage 1 debate was the lack of detail in the Bill about how a Mental Health Moratorium would work in practice. The Minister for Community Wealth and Public Finance, Tom Arthur MSP, repeated his commitment to provide draft regulations to the Economy and Fair Work Committee in advance of Stage 3.

Stage 2

The Economy and Fair Work Committee considered Stage 2 amendments at its meeting on 20 March 2024. There were 30 proposed amendments covering, broadly, the following themes:

- how to ensure the Scottish Parliament had an opportunity to scrutinise the regulations containing detailed proposals for a Mental Health Moratorium
- issues about the operation of the Mental Health Moratorium which should appear in regulations
- amendments to the diligence proposals in the Bill
- greater protections from enforcement action for debtors.

Most amendments were withdrawn or not moved follow further commitments from the Scottish Government. The [SPICe briefing in advance of Stage 3 consideration of the Bill](#) (3 June 2024) discusses amendments in more detail.

Stage 3

The new Minister for Public Finance, Ivan McKee MSP, [wrote to the Economy and Fair Work Committee with draft Mental Health Moratorium regulations](#) on 17 May 2024. The Committee [wrote back outlining its initial views](#) on 31 May 2024. The Scottish Government has stated that the regulations will be subject to full public consultation before a final version is laid before the Scottish Parliament.

Stage 3 scrutiny of the Bill took place on [6 June 20 24](#). It was unanimously agreed to (109 votes for, 0 votes against or abstentions). Key changes included:

- a super-affirmative procedure for parliamentary consideration of regulations establishing a Mental Health Moratorium (Scottish Government amendment)
- a requirement for the Scottish Government to consult on protecting certain assets from arrestment, designed to increase protection for social security benefit payments when a bank account is arrested by creditors (Colin Smyth MSP).

The Scottish Government also made a number of commitments to further consultation, for example, on uprating protected sums of money in bank arrestments and reforming earnings arrestments. The SPICe Spotlight blog [Better protection for people in debt? Stage 3 of the Bankruptcy and Diligence \(Scotland\) Bill](#) (18 June 2024) looks at these and other commitments in more detail.

The Bill received Royal Assent on 15 July 2024.

Budget (Scotland) (No. 3) Bill

Bill Number: SP Bill 41

Introduced on: 21 December 2023

Introduced by: Shona Robison, Deputy First Minister and Cabinet Secretary for Finance (Government Bill)

Passed: 27 February 2024

Royal Assent: 28 March 2024

Passage of the Bill

The Budget (Scotland) Bill was introduced on 21 December 2023. The Stage 1 debate took place on 6 February 2024, the Finance and Public Administration Committee considered the Bill at Stage 2 on 20 February 2024, and the Bill was passed by Parliament on 27 February 2024.

Purpose and objectives of the Bill

The Budget Bill is the final stage in the annual budget process and gives parliamentary authority for spending in Scotland for financial year 2024-25.

Provisions of the Bill

The Bill authorises approximately £55 billion of cash expenditure by the Scottish Government and its associated bodies, other organisations whose core funding is centrally provided (e.g. local authorities and health boards), the Forestry Commissioners, the Food Standards Agency, the Scottish Parliamentary Corporate Body and Audit Scotland.

The Budget is underpinned by forecast tax revenues from the devolved taxes (Land and Buildings Transaction Tax and Scottish Landfill taxes) and non-savings non-dividend Income Tax, which is a shared tax with the UK. It also builds in forecast expenditure on social security. Tax and social security forecasts are produced by the Scottish Fiscal Commission.

Parliamentary consideration

The Bill was passed without any amendments made to the Bill, although the Deputy First Minister and Cabinet Secretary for Finance signalled increases of £62.7 million for local government at Stage 3 of parliamentary proceedings. She stated that this increase would be formally “put through the books” via the in-year Budget Revision process.

Stage 3 of the Budget (Scotland) Bill passed with 68 in favour, 55 against and 1 abstention.

Children (Care and Justice) (Scotland) Bill

Bill Number: SP Bill 22

Introduced on: 13 December 2022

Introduced by: Shirley-Anne Somerville MSP (Government Bill)

Passed: 25 April 2024

Royal Assent: 4 June 2024

Passage of the Bill

The [Children \(Care and Justice\) Scotland Bill](#) (the Bill) was introduced to Parliament on 13 December 2022 by then-Cabinet Secretary for Education and Skills, Shirley-Anne Somerville MSP.

The [Policy Memorandum](#), [Explanatory Notes](#) and [Financial Memorandum](#) were published alongside the Bill.

The Education, Children and Young People (ECYP) Committee was designated as the lead committee for scrutiny of the Bill.

The Bill completed [Stage 1](#) on 22 June 2023; [Stage 2](#) was completed on 7 February 2024; and the [Bill was passed in Parliament](#) on 25 April 2024. Following Royal Assent, it [became an Act](#) on 4 June 2024.

Purpose and objectives of the Bill

The overall aim of the legislation was to introduce trauma-informed, age-appropriate support for children involved with care and justice services.

The Bill formed part of the Scottish Government's work toward implementing the recommendations of the 2020 Independent Care Review, known as 'the promise'.

The Bill included proposals to: end the placement of under 18s in Young Offenders' Institutions (YOIs) and prisons; raise the age of referral to the children's hearing system from 16 to 18; and make changes to the definition and services provided by secure accommodation services.

It also provided regulation-making powers for Scottish Ministers on cross-border placements, secure transportation, and the framework for approval of secure accommodation.

The Lord Advocate and Procurators Fiscal will continue to have the discretion to prosecute children in court in relation to offending behaviour.

Provisions of the Bill

[Provisions contained in the Bill](#) included:

- increasing the age of referral to a children's hearing from 16 to 18 years old
- changes to the protective and preventative measures available through the children's hearings system
- changes to the statutory definition of secure accommodation, clarifying its purpose as depriving children of their liberty and ensuring children can only be deprived of their liberty in secure accommodation approved by Scottish Ministers and regulated by the Care Inspectorate
- legislation setting out the support, care and education that must be provided to children in secure accommodation
- ending the placement of under 18s in Young Offenders' Institutions (YOIs) or prisons
- regulation-making powers on secure transport, the approval framework of secure accommodation by Scottish Ministers, cross-border care placements, extending secure accommodation placements until the age of 19 in certain circumstances, and the provision of information and support to victims with the establishment of a single point of contact.

The Bill also repealed Part 4 (provision of named persons) and Part 5 (Child's Plan) of the Children and Young People (Scotland) Act 2014, which were never enacted.

Parliamentary consideration

The Education, Children and Young People (ECYP) Committee led [scrutiny of the Bill at Stage 1](#). [Stage 1 reports](#) were produced by the Criminal Justice Committee and ECYP Committee. The Finance and Public Administration (FPA) Committee scrutinised the Bill's accompanying Financial Memorandum.

The ECYP Committee [published its Stage 1 report on the Bill](#) on 13 June 2023. The report agreed to the general principles of the Bill at Stage 1, noting strong support amongst stakeholders for raising the age of referral to the children's hearings system to 18 and ending the placement of under 18s in YOIs and prisons. The report agreed with the FPA Committee's conclusion that more detailed and transparent financial information must accompany the Bill. The Scottish Government later provided a [Supplementary Financial Memorandum](#), along with [revised Explanatory Notes](#).

The [Stage 1 debate](#) was held on 22 June 2023 and the general principles of the Bill were agreed to.

[Additional evidence sessions at Stage 2](#) were held by the ECYP Committee in October and November 2023. These sessions focused on the financing and resourcing of the Bill and on provisions in the Bill relating to victims/persons harmed by a child's behaviour.

At [Stage 2, amendments](#) agreed to by the Committee included: regulation-making powers on secure transport; and the establishment of a single point of contact for victims/those harmed by a child's behaviour.

[Stage 2](#) was completed on 7 February 2024. Following this, an [amended version of the Bill](#) was published.

[Stage 3](#) proceedings were held on Wednesday 24 and Thursday 25 April 2024 in the

Chamber. During Stage 3, Scottish Government amendments removing Bill provisions that would have introduced changes to reporting restrictions in cases relating to children were agreed to.

Following the Stage 3 debate, the Bill was passed and received Royal Assent on 4 June 2024.

Circular Economy (Scotland) Bill

Bill Number: SP Bill 31

Introduced on: 13 June 2023

Introduced by: Minister for Green Skills, Circular Economy and Biodiversity Lorna Slater MSP (Government Bill)

Passed: 26 June 2024

Royal Assent: 8 August 2024

Passage of the Bill

The [Circular Economy \(Scotland\) Bill was introduced on 13 June 2023](#).

The Net Zero, Energy and Transport (NZET) Committee was designated as lead committee.

The Bill completed Stage 1 on 20 March 2024, Stage 2 on 28 May 2024, and was passed by the Parliament at Stage 3 on 24 June 2024.

Purpose and objectives of the Bill

The [Scottish Government stated](#) in the Policy Memorandum to the Bill that the Bill “introduces measures that require primary legislation to transition to a circular economy and modernise Scotland’s waste and recycling services”, emphasising that the Bill is complemented by other legislative and non-legislative activities in this area. More information on the wider context can be found in [the draft circular economy and waste routemap](#) to 2030.

Provisions of the Bill

A [SPICe briefing on the Bill as introduced is available](#). The Bill included:

- A requirement for a circular economy strategy with associated consultation, review and reporting requirements.
- Powers to introduce circular economy targets with associated monitoring and reporting.
- Powers to introduce restrictions on the disposal of unsold consumer goods for the purpose of reducing waste.
- Powers to introduce charges for single-use items (expected to be initially used to introduce a charge for disposal beverage cups).
- A new criminal offence for a householder to breach their duty of care in relation to household waste, and new fixed penalty regime for that offence.
- Introduction of new enforcement measures around household waste disposal and

recycling (fixed penalty and civil penalty charges).

- A new statutory code of practice on household waste recycling.
- Powers to set targets for local authorities relating to household waste recycling.
- Introduction of a new civil penalty charge for littering from a vehicle.
- Powers to introduce mandatory public reporting requirements for businesses in respect of waste and surpluses.
- Powers to enable enforcement authorities to seize and search vehicles to tackle waste crime.

Parliamentary consideration

The NZET Committee [ran a call for views between 30 June and 1 September 2023](#), and subsequently took evidence from a range of stakeholders and the Scottish Government.

In its [Stage 1 Report, published 28 February 2024](#), the Committee supported the general principles of the Bill, but also highlighted the challenging nature of scrutinising parts of the Bill that were ‘framework’ in nature – providing powers to subsequently introduce key targets, regulatory changes and strategies. It recommended enhanced scrutiny of some of the regulation-making powers in the Bill and called on the Scottish Government to provide robust costings for regulations made using the powers in the Bill.

The Scottish Government [responded to the Stage 1 report on 14 March 2024](#). The Stage 1 debate was held on 20 March 2024 where [the Parliament agreed the general principles of the Bill](#).

The Bill as amended at Stage 2 [was posted on the Scottish Parliament website on 28 May 2024](#). Stage 2 proceedings were held in the NZET Committee over four meetings in May 2024 and resulted in a number of amendments. These included the inclusion of a duty on Scottish Ministers to introduce statutory circular economy targets (rather than just a power to introduce targets), and a ‘super-affirmative’ procedure for initial regulations setting such targets. The maximum fine via Fixed Penalty Notice for flytipping was increased. Powers for Scottish Ministers to fine local authorities for failing to meet recycling targets were removed. Amendments were also made related to the reclassification of [Zero Waste Scotland as a public body](#).

Multiple [further amendments were agreed at Stage 3](#). These included an amendment requiring Scottish Ministers prepare and publish a “waste reprocessing infrastructure report”, mapping out current, planned and proposed waste infrastructure. An amendment was also agreed which relates to flytipping law, limiting where ‘removal of waste notices’ can be issued by enforcement authorities to an occupier of land (under section 59 of the Environmental Protection Act 1990) to circumstances where the authority is satisfied that the occupier either deposited, or knowingly caused or permitted the deposit of that waste.

The Bill was passed on 26 June 2024. In the vote on the motion to pass the Bill, 116 Members voted for, 0 against, 0 abstained, and 13 did not vote.

Gender Representation on Public Boards (Amendment) (Scotland) Bill

Bill Number: SP Bill 37

Introduced on: 7 November 2023

Introduced by: Shirley-Anne Somerville MSP (Government Bill)

Passed: 20 June 2024

Royal Assent: 1 August 2024

Passage of the Bill

The [Gender Representation on Public Boards \(Amendment\) \(Scotland\) Bill](#) (SP Bill 37) was introduced on 7 November 2023.

The Equalities, Human Rights and Civil Justice Committee was designated as lead committee. The Bill completed Stage 1 on 26 March 2024, Stage 2 on 30 April 2024, and was passed by the Parliament at Stage 3 on 20 June 2024.

Purpose and objectives of the Bill

The aim of the Bill is to amend the Gender Representation on Public Boards (Scotland) Act 2018, by removing the definition of 'woman' set out in section 2.

The definition of 'woman' in section 2 of the 2018 Act was inclusive of trans women who were living as women, whether or not they had a gender recognition certificate. The definition was challenged in a judicial review brought by For Women Scotland.

The court decision, that the definition of 'woman' in section 2 of the 2018 Act was outside the legislative competence of the Scottish Parliament and was not law, has had effect from 19 April 2022.

Provisions of the Bill

This is perhaps the shortest Bill to have been introduced in the Scottish Parliament.

It contains one substantive section, section 1, which is to repeal the definition of 'woman' in the 2018 Act.

Parliamentary consideration

The Equalities, Human Rights and Civil Justice Committee ran a call for views between 8 and 29 January 2024. There were 56 responses. Of these:

- twenty-five submissions supported the Bill
- three submissions offered statements on i) women's sex-based rights or ii) biology

- three submissions wanted a definition based on biological sex
- four submissions wanted a definition to be trans inclusive
- twenty-one submissions misunderstood the Bill.

Many of those who supported the Bill referred to the Court ruling and the need to align with it. Some of those who supported the Bill expressed disappointment at the Court ruling.

Some questioned the need for a Bill to amend text in the 2018 Act. However, as set out in the Policy Memorandum to the Bill, there was “no suitable alternative” approach to removing the definition following the Court’s decision.

The Committee heard evidence from the Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP, and officials on [20 February 2024](#).

In its [Stage 1 Report](#), the Committee supported the general principles of the Bill.

The Stage 1 debate was held on [26 March 2024](#).

No amendments were made to the Bill at Stage 2 or Stage 3.

During the [Stage 3 debate](#), the Scottish Government and others referred to the Bill as a providing a “small technical fix” to meet the Court ruling. However, some members said the Bill was more than a technical fix. They viewed it as a successful challenge to the Scottish Government’s position that women can be defined based on self-identification and praised For Women Scotland for bringing the judicial review.

The Bill [was passed on 20 June 2024](#): 108 for, 0 against, 0 abstained, 21 did not vote.

Housing (Cladding Remediation) (Scotland) Bill

Bill Number: SP Bill 36

Introduced on: 1 November 2023

Introduced by: Paul McLennan MSP (Government Bill)

Passed: 14 May 2024

Royal Assent: 21 June 2024

Passage of the Bill

The [Housing \(Cladding Remediation\) \(Scotland\) Bill](#) (the Bill) was introduced to Parliament on 1 November 2023 by Minister for Housing, Paul McLennan MSP.

The [Policy Memorandum](#), [Explanatory Notes](#) and [Financial Memorandum](#) were published alongside the Bill.

The Local Government, Housing and Planning Committee was designated as the lead committee for scrutiny of the Bill.

The Bill completed [Stage 1](#) on 12 March 2024; [Stage 2](#) was completed on 23 April 2024; and the Bill [was passed in Parliament on 14 May 2024](#). Following Royal Assent, it [became an Act](#) on 21 June 2024.

Purpose and objectives of the Bill

The bill as introduced would give Scottish Ministers the additional statutory powers they considered necessary to progress their Cladding Remediation Programme. This programme involves the assessment of buildings with potentially flammable external wall cladding systems and, where such cladding is found, their removal and replacement with a safe alternative (a process referred to as 'remediation').

The scope of the Cladding Remediation Programme is limited to multi-residential domestic buildings, which may include commercial premises, constructed or refurbished between 1 June 1992 and 1 June 2022, that are 11 metres and over in height and incorporate a form of external wall cladding system.

Provisions of the Bill

[The Bill](#) as introduced would:

- Require Scottish Ministers to establish a Cladding Assurance Register. Every building subject to a Single Building Assessment would have an entry in the Register, which will set out the results of that assessment and any remedial work carried out.
- Allow Ministers to arrange Single Building Assessments to be undertaken to assess

fire safety risks in buildings within the scope of the Cladding Remediation Programme.

- Allow Ministers to arrange for remediation work, identified through a Single Building Assessment, to be undertaken. This will include, in urgent cases where the risk is immediate, a power to require occupants to evacuate buildings.
- Grant Ministers powers to require people or companies to provide information to them for the purposes of conducting a Single Building Assessment or maintaining the Cladding Assurance Register.
- Establish one, or more, Responsible Developers Schemes, to ensure that house builders address, or contribute towards the costs of addressing, risks to human life created or exacerbated by the external wall cladding systems of buildings within the scope of the Programme. Eligible developers who choose not to join such a scheme could be subject to sanctions, including prohibitions on undertaking development or receiving building standards approval.

Parliamentary consideration

The Local Government, Housing and Planning Committee led [scrutiny of the Bill at Stage 1](#). A [Stage 1 report](#) was produced by the Delegated Powers and Law Reform Committee. The Finance and Public Administration (FPA) Committee scrutinised [the Bill's accompanying Financial Memorandum](#).

The Local Government, Housing and Planning Committee published its [Stage 1 report on the Bill](#) on 29 February 2024. The report agreed to the general principles of the Bill at Stage 1. While the Committee welcomed the Scottish Government's ambition to progress cladding remediation, the Report highlighted that it was now seven years since the Grenfell Tower fire, that people continued to live in homes clad in potentially flammable material, and that urgent action was required to speedily remedy this situation. The Report also stressed the need for the Scottish Government to improve communication with residents, develop robust financial and workforce plans for remediation work, and to work with housebuilders on developer led remediation.

The Committee also expressed concerns that the scope of the Bill was potentially ambiguous, with several expert witnesses unclear whether it dealt solely with potentially flammable cladding or extended to cover wider fire safety issues. The Report also outlined worries that the Bill's focus on process and creating new administrative systems may add to delays rather than speed remediation work.

The [Stage 1 debate](#) was held on 12 March 2024 and the general principles of the Bill were unanimously agreed to.

The Local Government, Housing and Planning Committee considered proposed amendments to the Bill at Stage 2 during [its meeting of 23 April 2024](#). A [total of 86 amendments](#) were considered. While many of these were minor or technical in nature, opposition members proposed several more significant changes. These included the creation of a register of owners of properties in buildings with external wall cladding systems, the creation of a committee to provide advice to Ministers on the Single Building Assessment system, the creation of an 'independent reviewer' for Single Building Assessments, and placing a duty on Scottish Ministers to conduct risk assessments for occupiers with a disability where a Single Building Assessment has identified a risk to life.

Other proposals included the establishment of a Scottish Government backed re-insurance

scheme for buildings with external wall cladding systems, a one-year review of the operation of the Single Building Assessment system, and duties on Scottish Ministers to undertake an annual review of the Act and publish an annual report on the operation of the system.

None of these opposition amendments were agreed to. However, a series of Scottish Government amendments introducing “additional works assessments” were agreed to. These allow additional assessments to be carried out after a Single Building Assessment has been completed, where information comes to light about further risk to life created or exacerbated by the building’s external wall cladding system.

Stage 2 was completed on 23 April 2024. Following this, an [amended version of the Bill](#) was published.

[Stage 3 proceedings](#) were held on 14 May 2024 in the Chamber. Several amendments were agreed to at this meeting, including an option for Scottish Ministers to make regulations relating to personal emergency evacuation plans for disabled people in buildings subject to a Single Building Assessment, a duty on Scottish Ministers to engage with owners and occupiers before conducting a Single Building Assessment, and a requirement on Ministers to inform owners and occupiers of Assessment results and any remediation required. Scottish Ministers would also be required to publish regular progress reports on Cladding Remediation Programme.

Following the Stage 3 debate, the Bill was passed and received Royal Assent on 21 June 2024.

Patient Safety Commissioner for Scotland Bill

Bill Number: SP Bill 19

Introduced on: 6 October 2022

Introduced by: Humza Yousaf MSP (Government Bill)

Passed: 27 September 2023

Royal Assent: 7 November 2023

Purpose of the Bill

The [Patient Safety Commissioner for Scotland Bill \(as introduced\)](#) aimed to create a Patient Safety Commissioner who would:

- improve patient safety by promoting the views of patients in relation to health care safety
- develop a system-wide view of health care in Scotland and use it to identify wider safety issues
- promote better coordination of responses to patient safety concerns across Scotland.

The Bill was introduced in response to a recommendation of the UK Government commissioned [Cumberlege review](#) into patient safety issues associated with the hormonal pregnancy test Primodos, Sodium Valproate in pregnancy and transvaginal surgical mesh.

Each of these products was associated with significant patient harms and one of the main findings of the review was that patients were not listened to. The review therefore recommended the creation of a Patient Safety Commissioner (PSC) to listen to, and provide a voice for, patients with a view to driving systemic improvements in care. This was to be focused on medicines and medical devices.

However, the Scottish Bill gave the PSC a wider remit to look at all patient safety issues in Scotland.

Further information can be found in a [SPICe briefing on the Bill as introduced](#) (published 26 January 2023).

Parliamentary consideration

The Bill was [debated at Stage 1](#) on 10 May 2023 and the Parliament unanimously agreed the general principles.

[Stage 2 consideration](#) took place on 13 June 2023. Some of the key issues explored during the Stage 1 debate and Stage 2 consideration included:

- discussion of the Commissioner's role and how it would interact with other public

bodies

- how independent the Commissioner would be from the Scottish Government and healthcare bodies
- the length of term that a Commissioner should serve
- performance monitoring of the Commissioner's work
- the role of the Commissioner in relation to dealing with and investigating major incidents
- requirements for the Commissioner to involve various groups in their work, such as marginalised groups and NHS staff.

The Bill was [amended at Stage 2](#) to clarify the role of the PSC and to enhance the independence of the office. The requirements around reporting were also amended so that the PSC must regularly report to Parliament on patient safety issues.

The Bill was also amended at stage 2 so that the PSC must collaborate with existing oversight and regulatory bodies to avoid overlap and ensure patient safety efforts are aligned.

The [Stage 3 debate](#) was held on 27 September 2023.

Amendments passed at Stage 3 included a duty to produce a charter that will set out what the PSC considers to be best practice and appropriate standards expected of all healthcare providers. The PSC will be required to take into account the expectations that are set out in the charter when considering a healthcare provider's handling of an incident.

Other significant amendments not agreed to included amendments in the name of Jackie Baillie MSP which aimed to implement aspects of 'Milly's Law' and strengthen the rights of bereaved families. Milly's law was named after 10-year-old Milly Main, who died after contracting an infection at the Queen Elizabeth University Hospital in Glasgow. The proposed amendments included the creation of a duty for the PSC to advocate for those affected by a major incident, to consider initiating an investigation into the incident and to give the PSC powers of redress.

The [Bill was passed](#) by 118 votes to 0, with no abstentions.

The Bill received Royal Assent on 7 November 2023.

Post Office (Horizon System) Offences (Scotland) Bill

Bill Number: SP Bill 47

Introduced on: 14 May 2024

Introduced by: Angela Constance MSP (Government Bill)

Passed: 30 May 2024

Royal Assent: 13 June 2024

Purpose of the Bill

The [Post Office \(Horizon System\) Offences \(Scotland\) Bill](#) was introduced in response to miscarriages of justice resulting from the use of false information obtained from the Post Office's Horizon IT system. The Bill's [Policy Memorandum](#) noted that:

“The use of tainted evidence provided by the Post Office in criminal cases across the United Kingdom is one of the largest miscarriages of justice that has occurred in recent history. All of the nations of the UK experienced cases where evidence using information obtained from the Horizon IT system infected the process of justice, with a horrendous effect on the lives of those who were incorrectly convicted of offences.”

In relation to Scotland, the Bill provided for the quashing of convictions for relevant offences, with criminal records being changed to reflect this. It also provided for the correction of records where a person was dealt with by an alternative to prosecution.

Similar legislation relating to miscarriages of justice in England, Wales and Northern Ireland was taken forward in the UK Parliament.

Further information is provided in a [SPICe briefing on the Bill as introduced](#) (17 May 2024).

Parliamentary consideration

The Scottish Parliament agreed to deal with the Bill under emergency bill procedure – allowing for an accelerated scrutiny process by the whole Parliament.

[Stage 1](#) took place on 21 May 2024, with the general principles being agreed, and [Stage 2](#) on 23 May.

The debate at Stage 1 reflected broad support for the approach being taken in the Bill. Issues covered in the debate included:

- the justification for using legislation to overturn convictions imposed by the courts, rather than relying on the courts themselves to reconsider those convictions during appeals
- whether the Crown Office and Procurator Fiscal Service (COPFS), which was

responsible for prosecuting cases in Scotland based on Horizon IT evidence, could have acted earlier to review prosecutions based on such evidence

- the role of specialist reporting agencies – organisations which can investigate and report cases directly to the COPFS for potential prosecution, without involving the police
- whether the UK Bill should have applied to Scotland.

The Bill was amended at Stage 2 to remove a provision, relating to cases where an appeal has already been considered by the High Court, which could have excluded some convictions from being quashed by the Bill.

More information on parliamentary consideration up to the end of Stage 2 is provided in a [SPICe briefing on the Bill prior to Stage 3](#) (29 May 2024).

[Stage 3](#) proceedings (final consideration) took place on 30 May 2024. Amendments agreed at the stage included one requiring the Scottish Government to produce a report on the operation of the legislation. After debate, the [Bill was passed](#) (for 116, against 0, abstentions 0).

The Bill received Royal Assent on 13 June 2024.

Scottish Employment Injuries Advisory Council Bill

Bill number: SP Bill 30

Introduced on: 8 June 2023

Introduced by: Mark Griffin, MSP (Member's Bill)

Fell: 18 April 2024 at Stage 1

Passage of the Bill

The [Bill was introduced on 8 June 2023](#). Stage 1 consideration started on [9 November 2023](#). At the [Stage 1 debate on 18 April](#), the general principles were not agreed so the Bill fell.

Purpose and objectives of the Bill

[Industrial Injuries Disablement Benefit](#) (IIDB), administered by the Department for Work and Pensions, is due to be replaced in Scotland by [Employment Injuries Assistance](#) (EIA), administered by Social Security Scotland. The [Industrial Injuries Advisory Council](#) (IIAC) advises UK Ministers on IIDB. Under the [Scotland Act 2016, section 33](#), the IIAC cannot advise Scottish Ministers.

The Member in Charge therefore argued that a new statutory body was required to develop and advise on Employment Injuries Assistance. He also argued that EIA should be a modernised version of IIDB which is largely based on diseases of heavy industry and does not reflect the modern workplace.

Provisions of the Bill

The Bill would have created an independent statutory body – the Scottish Employment Injuries Advisory Council, with functions to:

- scrutinise regulations on Employment Injuries Assistance
- report on any matter relevant to Employment Injuries Assistance
- carry out, commission or support research into any matter relevant to Employment Injuries Assistance.

Parliamentary consideration

The Social Justice and Social Security Committee held a [call for views from July to September 2023](#). This [found strong support](#) for the Bill, particularly for the opportunity to create a more modern benefit. The Committee took oral evidence over five weeks in November and December 2023. While the Committee “acknowledges the good and genuine intentions of the Member in Charge”, the [Stage 1 report](#), published on 11 January 2024, recommended that the general principles not be agreed to by the Parliament. The

report stated:

“Major reform of industrial injury benefits is needed but we are not convinced that this Bill would secure this, particularly as the scope to deliver the scale of change required is years away. In coming to our decision, the Committee did fully consider the benefits of having a statutory and independent advisory council, but unfortunately the timing is wrong, and the Committee cannot in good conscience support a Bill where there is doubt it will achieve its aims, particularly in times of fiscal constraint” ([Stage 1 report para 165](#)).

The [Scottish Government opposed the Bill](#), primarily on the grounds that it was in the process of developing policy for Employment Injuries Assistance, pointing to their forthcoming consultation.

At the Stage 1 debate, the general principles of the Bill were not agreed with [95 votes against, 20 for and no abstentions](#).

The [consultation was published in April 2024](#) and resulted in a [steering group](#) being established in June 2025 to develop EIA policy. That group is due to publish its report by mid-2026.

Trusts and Succession (Scotland) Bill

Bill Number: SP Bill 21

Introduced on: 22 November 2022

Introduced by: Keith Brown, Cabinet Secretary for Justice and Veterans (Government Bill)

Passed: 20 December 2023

Royal Assent: 30 January 2024

Passage of the Bill

As the lead policy committee, the Delegated Powers and Law Reform Committee ('DPLR Committee') scrutinised the Bill at Stage 1. It published its main [Stage 1 report](#) on 15 September 2023.

Separately, as part of [its role relating to scrutiny of the delegated powers in primary legislation](#), the DPLR Committee [reported that it was content with the delegated powers provisions](#) in the Bill on 19 January 2023.

The Stage 1 debate on the Bill took place on [28 September 2023](#).

The Committee considered the Bill at Stage 2 on [14 November 2023](#).

Following the Stage 3 debate on [20 December 2023](#), the Bill was passed and received [Royal Assent](#) on 30 January 2024.

Purpose and objectives of the Bill

This technical Bill was developed from recommendations of the [Scottish Law Commission](#). The Commission is the independent public body which makes recommendations for law reform to Scottish Ministers. The Bill was considered under [the Scottish Parliament's special procedure for dealing with certain Scottish Law Commission bills which have been classified as non-controversial](#).

Part 1 of the Bill, making up most of the Bill, aimed to substantially reform the law relating to trusts. A trust is a legal device for managing assets, enabling assets to be owned by 'trustees', while others ('beneficiaries') gain advantage from those assets in practice.

The [policy underpinning the Bill](#) gives the trustees "extremely wide powers", subject to some important duties on trustees, both in the Bill and in other parts of the law.

Part 2 of the Bill made some limited changes to succession law, also known as inheritance law. This is the law which says who inherits when someone dies and in what order.

Part 3 of the Bill contained various miscellaneous provisions, including provisions defining key legal terms used elsewhere in the Bill.

Provisions of the Bill

Part 1 of the Bill was divided into eight chapters relating to trusts.

Chapter 1 set out the processes by which trustees can take on their official role in the trust and the ways in which they can leave that role.

Chapter 2 said how trustees can make decisions about the trust. Majority rule remained a key principle for decision-making.

Chapter 3 set out the powers and duties that trustees have to enable them to run a trust. It also clarified what happens when there is a breach of trust, in other words a breach of the terms of the trust or the duties of a trustee.

Chapter 4 covered some of the legal relationships of trustees with organisations and individuals outside the trust, for example, when contracts are entered into with third parties.

Chapter 5 said how long a trust can last (indefinitely, being the answer for some trusts).

Chapter 6 said that a 'private purpose trust' is allowed in Scots law, unlike in the rest of the UK. It also said how such trusts should be run.

Chapter 7 related to the use of a 'protector' for Scottish trusts. They can oversee trusts in certain circumstances and make some important decisions.

Chapter 8 gave the court an extensive set of powers to address situations which might arise with a trust. Chapter 8 also covered the process of altering or ending some trusts outside the court process.

Part 2 of the Bill as introduced contained two provisions. Section 71 of the Bill was a technical provision that aimed to improve the drafting of the Succession (Scotland) Act 2016. It sought to remove some unintended consequences of a specific provision in that legislation.

Section 72 of the Bill, the main provision, related to the law which applies when someone dies without leaving a will. In terms of who inherits in those circumstances, section 72 strengthened the position of the deceased person's spouse or civil partner compared to other relatives.

Further information is provided in [a SPICe Briefing on the Bill as introduced](#) (8 March 2023).

Parliamentary consideration

The DPLR Committee published [its main Stage 1 report](#) on 15 September 2023. This recommended that the general principles of the Bill be agreed to. However, the Committee also made recommendations in the report on a range of policy areas. For Part 1 of the Bill, these recommendations included asking the Scottish Government:

- to consider the need for additional safeguards against the possible abuse of power in circumstances where the trustees might use their new legislative power to act together to remove an incapable trustee
- to investigate methods by which the definition of "incapacity" in the Bill might be updated in future to reflect possible wider changes to capacity law

- to amend the Bill to explicitly allow trustees (subject to the terms of the legal document creating the trust) to choose to invest in environmental, social and governance investments
- to reflect on the scope of trustees' new duties to provide information to beneficiaries relating to the trust
- to consider whether, in exceptional circumstances, it should be possible to use the proposed statutory power to alter the aims and objectives of a family trust before twenty-five years have elapsed since that trust was created
- to reflect on what the Bill says in relation to the expenses of litigation associated with a trust where the trust assets are insufficient to pay
- to consider whether a power should be added to the Bill to enable the court to give "directions" to trustees.

On Part 2 of the Bill, the Committee recommended:

- clarifying that the law does not permit an unlawful killer to be the executor of their victim's estate (that is, the person responsible for winding up the estate and distributing assets to beneficiaries)
- amending the current strict six-month time limit which applies in the context of a cohabitant's power (where there is no will left by the deceased) to apply to the court for a share of the deceased person's estate.

[The Scottish Government responded to the Stage 1 report on 26 September](#), accepting some of the Committee's key recommendations, which later formed the basis for key Stage 2 amendments.

Stage 2 consideration took place [on 14 November](#). There were a range of government amendments lodged and agreed to. Non-government amendments were also lodged on a variety of topics (by Jeremy Balfour MSP) and some of these were agreed to.

Government amendments included an amendment relating to [the situation which arose when the law firm, McClures, went out of business](#). Solicitors of the firm had acted as "professional trustees" for their clients' trusts, that is, they provided these services as part of their business. After the firm folded, [the Scottish Government said that](#) the trustees were only willing to resign from the trusts in exchange for payment.

The Bill was amended at Stage 2 to enable trustees to remove a trustee without a court process where the trustee in question is no longer or entitled to practice as a member of a "regulated profession" (that is a solicitor, an accountant, a financial adviser, or a teacher).

More information on the parliamentary consideration up to the end of Stage 2 is provided in [the SPICe Spotlight blog post on the Bill prior to Stage 3](#) (12 December 2023).

At [the Stage 3 debate on 20 December 2023](#) additional amendments, including non-government amendments, were agreed to. This included amendment 2A, in the name of Stuart McMillan MSP. Through drafting changes, it sought to strengthen the new sub-section introduced at Stage 2 on the removal of professional trustees.

The Bill was passed following the Stage 3 debate and received [Royal Assent](#) on 30

January 2024.

United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill: Reconsideration Stage

Bill Number: SP Bill 80

Introduced on: 1 September 2020

Introduced by: John Swinney MSP (Government Bill)

Passed: 16 March 2021

Royal Assent: 16 January 2024

Passage of the Bill

The [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Bill](#) (SP Bill 80) was introduced on 1 September 2020 (Session 5) (UNCRC Bill). The former Equalities and Human Rights Committee ('the Committee') was designated as lead committee.

The Bill completed Stage 1 on 19 January 2021, Stage 2 on 11 February 2021, and was passed by the Parliament at Stage 3 on 16 March 2021.

After the Bill was passed, UK Law Officers referred it to the Supreme Court on the grounds that some of its provisions were outside the legislative competence of the Scottish Parliament.

The [Supreme Court judgment](#) was issued on 6 October 2021.

There was no dispute about the Scottish Parliament's decision to incorporate the UNCRC into Scots law.

However, the Supreme Court unanimously ruled that four provisions were outside legislative competence. This meant the UNCRC Bill could not become law as passed.

To view the original passage of the Bill, see [SPICe Bill Summaries – Session 5](#).

Reconsideration Stage

Following the Supreme Court ruling, the Scottish Government [confirmed](#) its commitment to UNCRC incorporation.

The then Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney MSP, made a [statement to the Parliament](#) on 24 May 2022 indicating his preference to return the UNCRC Bill to Parliament via the Reconsideration Stage.

On [27 June 2023](#), the Cabinet Secretary for Social Justice, Shirley-Anne Somerville MSP ('the Cabinet Secretary'), said that changes to the Bill would be brought forward after the

parliamentary recess. The changes would mean public authorities would only be required to comply with the UNCRC requirements when delivering duties under common law or powers in an Act of the Scottish Parliament.

A motion for UNCRC Reconsideration was [debated on 14 September 2023](#). The motion was approved, meaning the Parliament agreed to reconsider the UNCRC Bill.

This was the first time the Parliament has held a Reconsideration Stage for a Bill. For background on the process see [SPICe Briefing on the Reconsideration Stage](#).

The amendments were [lodged on 18 September 2023](#).

The Equalities, Human Rights and Civil Justice Committee heard evidence on [31 October 2023](#) from human rights and children's rights organisations, public authorities and Dr Andrew Tickell (Glasgow Caledonian University), and from the Cabinet Secretary on [7 November 2023](#).

The Committee set out its consideration in a letter to the Cabinet Secretary on [17 November 2023](#). The Cabinet Secretary responded to the Committee on [28 November 2023](#).

The Parliament considered and approved the amendments on [7 December 2023](#).

The Bill received Royal Assent on 16 January 2024.

Purpose and objectives of the Bill – Reconsideration Stage

The aim of the Bill is to incorporate the UNCRC into Scots law. It will mean that public authorities, including Scottish Ministers, will be legally obliged to respect children's rights, by acting in a way that is compatible with UNCRC requirements. Children and their representatives will be able to challenge public authorities in the courts for breaches of their rights.

However, the scope of what may be challenged was reduced following the Supreme Court ruling.

The amendments lodged at Reconsideration Stage sought to address the ruling of the Supreme Court.

Provisions of the Bill – Reconsideration Stage

The Cabinet Secretary [said](#) that, in drafting amendments to the compatibility duty, the Scottish Government tried to balance three considerations:

- minimising the risk of another Supreme Court referral
- making the law as accessible as possible for users
- protecting children's rights to the maximum effective extent possible.

The amendments limit the coverage of the public authority compatibility duty (section 6) and the interpretative duties (sections 19-21) so that they only apply to Acts of the Scottish Parliament.

It means that the compatibility duty on public authorities will apply to legislative functions

that are required by Acts of the Scottish Parliament, but not Acts of the UK Parliament in devolved areas. Key legislation will not be covered, such as the Education (Scotland) Act 1980 and the Children (Scotland) Act 1995.

Parliamentary consideration – Reconsideration Stage

The Equalities, Human Rights and Civil Justice Committee heard evidence on [31 October 2023](#) from human rights and children’s rights organisations, public authorities and Dr Andrew Tickell (Glasgow Caledonian University).

In summary:

- there was continued support for the principle of UNCRC incorporation
- public authorities expressed concern about how they will navigate the new legislative landscape, the gaps created in the enforceability of children’s rights, and practical implementation issues
- children’s rights and human rights organisations said that public authorities should be complying with the UNCRC regardless of the Bill
- there was a shared view that the Scottish Government must provide clear information and guidance on the Bill
- there was a call from public authorities to review what legislation is in and out of scope of the Bill
- there was a call from rights organisations to identify what provisions could be brought within scope over time.

The Committee set out its consideration and support for the amendments in a letter to the Cabinet Secretary on [17 November 2023](#).

The Cabinet Secretary responded to the Committee on [28 November 2023](#) and referred to the following:

- there would be guidance, resources, and training, to support public authorities.
- funding will support both a child-friendly complaints process and free legal advice
- officials will review UK Acts in devolved areas to identify provisions that may benefit from being re-enacted in Acts of the Scottish Parliament; this may take some time and there is currently no timescale for this.

The Parliament considered and approved the amendments on [7 December 2023](#). The vote passed with 117 for, 0 against, 0 abstained, 12 did not vote.

The Bill received Royal Assent on 16 January 2024.

Visitor Levy (Scotland) Bill

Bill Number: SP Bill 28

Introduced on: 24 May 2023

Introduced by: Shona Robison MSP, Deputy First Minister and Cabinet Secretary for Finance (Government Bill)

Passed: 28 May 2024

Royal Assent: 5 July 2024

Passage of the Bill

The Visitor Levy (Scotland) Bill was introduced on 24 May 2023. The Local Government, Housing and Planning Committee was designated as lead committee. The Bill completed Stage 1 on [16 January 2024](#), Stage 2 on [12 March 2024](#), and was passed by Parliament at Stage 3 on [28 May 2024](#).

Purpose and objectives of the Bill

The Bill aims to allow a visitor levy, a type of fee or tax, to be charged on overnight stays in some types of accommodation. This means that a certain amount of money would be paid to the local authority every time someone stayed overnight in accommodation like a hotel, bed and breakfast or holiday cottage (unless it is the place where the person usually lives). Each local authority would be able to decide if it wanted to introduce a charge and what the level of the charge should be. A levy can only be introduced as part of a visitor levy scheme and any money raised can only be used for developing, supporting and sustaining facilities and services used by tourists.

Provisions of the Bill

The Bill made provision for:

- The devolving of power to local authorities to impose visitor levies.
- Setting out the basis and calculation of levies.
- Liability to pay.
- How levies should be introduced and administered.
- How proceeds from levies should be used.
- Collection of the levy and enforcement powers granted to local authorities.

Parliamentary consideration

At Stage 1 consideration, the Bill was agreed to on division (For 86, Against 30, Abstentions 0 and 13 did not vote). All those voting against the Bill were members of the Scottish Conservative and Unionist Party.

One of the main arguments made against the proposals was a concern that the costs of implementing the provisions will fall on small businesses who were still recovering from the disruptions of COVID. There was also a fear that an additional cost for tourists would make Scotland a less attractive prospect and thus damage the tourism industry. There were also concerns expressed about campervans, cruise ships and wild camping being outwith the scope of the Bill.

At Stage 2, an amendment was accepted to remove boat moorings and berthings from the scope of the bill. There was also a commitment to explore how the Scottish Government could give local authorities the power to introduce a cruise ship levy, but not necessarily through this Bill. An amendment allowing Levy funds to be spent on services and infrastructure related to *business* tourism was also agreed.

At Stage 3, a Scottish Greens amendment was agreed which allows local authorities to specify a maximum number of nights for visitors to pay a levy.

On 28 May 2024, the Bill was passed by 83 votes with all SNP Members (except one) voting for the Bill, alongside Labour, Greens and Alba Members. The Conservatives voted against the Bill, as did Fergus Ewing MSP. The Liberal Democrats abstained.

Wildlife Management and Muirburn (Scotland) Bill

Bill Number: SP Bill 24

Introduced on: 21 March 2023

Introduced by: The Cabinet Secretary for Net Zero, Energy and Transport

Passed: 21 March 2024

Royal Assent: 30 April 2024

Passage of the Bill

The Wildlife Management and Muirburn (Scotland) Bill was introduced on 21 March 2023. The Rural Affairs and Islands (RAI) Committee was designated as lead committee. The Bill completed Stage 1 on 30 November 2023, Stage 2 on 21 February 2024, and was passed by the Parliament at Stage 3 on 21 March 2024.

Purpose and objectives of the Bill

The Scottish Government [stated in the Policy Memorandum to the Bill](#) that it was being introduced “to address raptor persecution and ensure that the management of grouse moors and related activities are undertaken in an environmentally sustainable and welfare conscious manner”. It also stated it was doing this “implementing the recommendations of the independent review of grouse moor management”, referring to [the ‘Werritty review’ published in 2019](#).

Provisions of the Bill

[A SPICe briefing on the Bill as introduced is available](#).

The Bill is in two main parts. Part 1 deals with wildlife management and:

- Makes it an offence to supply, use or buy a glue trap that could be used to catch an animal other than an invertebrate (with exceptions for ‘authorised persons’);
- Introduces a licensing scheme for the use of specific traps to catch wild birds and animals, which will require practitioners to complete an approved training course;
- Introduces a licensing scheme for killing red grouse (section 16AA licences), which requires the landowner to have a licence to allow the killing and taking of red grouse on their land, and introduces a code of practice for managing that land;
- Makes it possible to give powers to Scottish SPCA inspectors to investigate and gather evidence around certain wildlife crime offences in limited circumstances.
- Prohibits the use of snares.

Part 2 changes the regulation of muirburn - the burning of heather or other plants to

manage the natural environment. It introduces a licensing scheme for muirburn, so people will need a licence to undertake muirburn at any point in the year. There are different requirements depending on the time of year and whether the muirburn is taking place on peatland or not.

Parliamentary consideration

The RAI Committee ran a call for views between 31 March and 5 May 2023, and subsequently took evidence from a range of stakeholders and the Scottish Government.

In its [Stage 1 Report, published 20 November 2023](#), the Committee made a number of recommendations and did not take a position on the general principles of the Bill.

The [Scottish Government responded to the Stage 1 report on 29 November 2023](#). The Stage 1 debate was held on 30 November where the Parliament agreed the general principles of the Bill (82 for, 32 against, 0 abstained, 15 did not vote).

The Bill as amended at Stage 2 [was posted on the Scottish Parliament website on 21 February 2024](#). Stage 2 proceedings were held in the RAI Committee on 7 February 2024 and 21 February 2024 and resulted in a number of amendments.

These included the inclusion of a prohibition on snaring, which the Scottish Government [had indicated in the Policy Memorandum that it may regulate on at Stage 2](#), following further consideration. The Scottish Government also amended the Bill to enable Scottish SPCA inspectors to be given powers to investigate certain wildlife offences in certain circumstances (the Bill as introduced included a 'placeholder' for this giving Scottish Ministers order-making powers to extend the powers of Scottish SPCA inspectors). Again, [the Policy Memorandum indicated](#) the Bill may be amended in this way at Stage 2.

Other key amendments included: an amendment to extend the maximum period a section 16AA licence can be granted for (from one year to five years), and an amendment to create an offence of tampering with a legally set wildlife trap, in response to concerns raised by land managers at Stage 1. The Bill was also amended to ensure that falconers would not need a section 16AA licence for their birds of prey to take red grouse. The muirburn season was amended to the period between 15 September to 31 March (from 1 October to 15 April in the Bill as introduced), with the aim of providing additional protection to ground-nesting birds. Part 2 was also amended to provide for statutory training courses on muirburn.

Multiple further amendments were agreed at Stage 3. These included changes to the glue trap ban, expanding the ban to include the offence of supplying a glue trap (as well as offences of buying or using a glue trap). The Bill was also amended to give powers to Scottish Ministers to introduce a licensing scheme for glue traps by regulations, responding to concerns from the pest control industry about loss of glue traps as a last resort in high-risk settings. The Scottish Government said the powers would give "Scottish ministers [...], the ability to create a tightly regulated authorisation to allow use, possession and sale of glue traps in exceptionally limited circumstances and with several safeguards to reduce animal suffering".

Another significant amendment at Stage 3 was the inclusion of a review mechanism, requiring Scottish Ministers to prepare a report on the operation and effect of section 16AA licences, which must include an assessment of the conservation status of certain bird of prey species (golden eagle, hen harrier, peregrine falcon and merlin).

The Bill was passed on 21 March 2024. In the vote on the motion to pass the Bill, 85 Members voted for, 30 against, 0 abstained, and 14 did not vote.

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