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Wednesday 29 June 2022

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Scottish Parliament

Wednesday 29 June 2022

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

Point of Order

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business will be portfolio questions and the first portfolio is Covid-19 recovery and parliamentary business.

Donald Cameron (Highlands and Islands) (Con): On a point of order, Presiding Officer. I make this point of order further to the one that Stephen Kerr made last night and in the light of the response from the Minister for Parliamentary Business in relation to the potential appearance by the Lord Advocate to answer questions on the referral of an independence referendum bill to the Supreme Court, which was announced yesterday by the First Minister.

As you will recall, the First Minister stated that she believes that the Lord Advocate would be willing to answer questions from MSPs. In response to Stephen Kerr's point of order, the Minister for Parliamentary Business stated:

"Members know that the sub judge ... rule is recognised by rule 7.5 of standing orders by reference to the Contempt of Court Act 1981. That rule properly prohibits parliamentary debate of matters that are currently before the courts. Its purpose is to help to maintain the boundaries of the relationship between the legislature and the judiciary, and it should be respected on that basis.

The 1981 act is concerned with hearings and does not spell out when proceedings are active specifically for references like the one made today."—[*Official Report*, 28 June 2022; c 213.]

With the greatest of respect to the minister, whom I see on the front bench, I would take issue with that. As he said, correctly, rule 7.5 of our standing orders contains the rule on sub judge. That states:

"A member may not in the proceedings of the Parliament refer to any matter in relation to which legal proceedings are active"—

that is correct. Secondly, it states:

"legal proceedings are active ... if they are active for the purposes of section 2 of the Contempt of Court Act 1981".

Section 2 of the 1981 act refers to schedule 1 to the act, which refers to a number of different types of proceedings: criminal proceedings to civil proceedings, at both first instance and appeal.

Although there is no reference to a referral of a devolution issue, that is caught by paragraph 12 of

schedule 1, which is a catch-all provision that catches the referral by the Lord Advocate. It says:

"Proceedings other than criminal proceedings and appellate proceedings are active from the time when arrangements for the hearing are made or, if no such arrangements are previously made, from the time the hearing begins, until the proceedings are disposed of or discontinued or withdrawn".

In relation to the referral by the Lord Advocate that was announced yesterday, no such arrangements for a hearing have so far been made, thus the Lord Advocate's referral cannot be said to be active proceedings either in law or for the purposes of our standing orders. Therefore, there is nothing to prevent the Lord Advocate from coming to this chamber to take questions from MSPs. That is in accordance with the wider position in Scots law.

For those reasons, I reiterate the calls for the Lord Advocate to appear tomorrow in the chamber, before the recess. This is urgent. Of course, if we wait until after the recess, the hearing might well have been arranged and the sub judge rule might well apply. This is the Parliament's one and only opportunity. In the interests of transparency and openness, and given the proper role of this Parliament in scrutinising this Government, and given the very significant national issues that have been raised, I ask you to reconsider, on behalf of the Presiding Officer and the Parliamentary Bureau, especially in the light of what the First Minister said, which was that she thought that the Lord Advocate would be amenable.

I apologise for going on at some length, Presiding Officer, but, as a lawyer, you will know how important it is to outline the provisions.

The Deputy Presiding Officer: I thank the member for his point of order. Standing orders provide that matters in relation to active legal proceedings can be referred to only to the extent that is permitted by the Presiding Officer.

In relation to the reference to the Supreme Court, my understanding is that the case is not currently active and that, therefore, the sub judge rule is not currently engaged. Once a date for a hearing is set, the expectation is that the rule will be engaged. At present, there is no indication of when a hearing will be set. At that time, it will, of course, be a matter for the Presiding Officer to apply the rule in the normal way.

Any statement by the Lord Advocate would, of course, be a matter for the Parliamentary Bureau in the first instance.

Portfolio Question Time

Covid-19 Recovery and Parliamentary Business

The Deputy Presiding Officer (Annabelle Ewing): We now come to portfolio questions. If a member wishes to ask a supplementary question, they should press their request-to-speak button during the relevant question or enter the letter R in the chat function. As ever, to get in as many members as possible, I would appreciate succinct questions and answers.

Covid-19 Recovery (Staff Shortages)

1. Jackie Dunbar (Aberdeen Donside) (SNP): To ask the Scottish Government how its Covid-19 recovery policies across Government are helping to address any Covid-19-related staff shortages across Scottish public sector bodies, including in Aberdeen Donside. (S6O-01284)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): As part of the Government's measures to assist public bodies in addressing the issue of Covid-19-related staff shortages in Aberdeen Donside, in 2022-23 Aberdeen City Council will receive £409.8 million to fund vital day-to-day local services, which equates to an extra £35.2 million—an additional 9.4 per cent—compared with 2021-22.

Councils and other public sector bodies have flexibility to manage their resources and budgets as long as they fulfil their statutory obligations and address jointly agreed national and local priorities. The Scottish Government and the Convention of Scottish Local Authorities have agreed shared priorities for recovery, which involve targeting support to those people who have been most affected during the pandemic.

Jackie Dunbar: I welcome the fact that NHS Grampian has changed its approach to recruitment to strengthen participation in international recruitment initiatives and to promote links with further education and apprenticeship programmes. I also welcome the fact that it is undertaking a review of all agency staff, as well as providing mentoring roles to older staff.

Will the Deputy First Minister join me in welcoming NHS Grampian's outward-looking approach? How is the Government further enhancing efforts across the public sector?

John Swinney: I welcome the steps that NHS Grampian is taking, which are part of the work that is being undertaken in the national health service to expand the recruitment of staff and to exhaust all options to address the shortages issue.

Obviously, there are challenges with international recruitment, which have been exacerbated by the issues around Brexit and immigration, but the Scottish Government will work with health boards to encourage them to take the steps that NHS Grampian has taken.

Jackie Baillie (Dumbarton) (Lab): The cabinet secretary will be aware that, this week, a circular was issued by the Scottish Government that removed the temporary Covid protections from NHS employees. I have been contacted by NHS employees with long Covid who are worried about what that means for their jobs. They do not have access to proper diagnostics and treatment although long Covid is incredibly debilitating, and they are concerned that they will lose pay and lose their jobs. Will the cabinet secretary review the policy urgently and reassure staff with long Covid that they will still have jobs to return to?

John Swinney: The Government is absolutely committed to the fair work agenda, and the issues that Jackie Baillie raises are ones that would be addressed by that agenda. Individuals who face challenges with their health are entitled to support from their employers as part of that activity. I reassure members of staff that that is the case.

If Jackie Baillie is concerned about particular instances that have been drawn to her attention, I would be grateful if she would share those with ministers. We will certainly explore any anxiety that is in the minds of staff as a consequence of the guidance to which she referred.

Willie Rennie (North East Fife) (LD): Following on from Jackie Dunbar's question about the NHS, I am very concerned about the current state of primary care. Poor workforce planning means that Scotland is about 225 whole-time equivalent general practitioners short. According to Audit Scotland, little progress had been made on recruiting more GPs even before the pandemic hit, with only 39 having been recruited in three years. Can the cabinet secretary tell us what is being done about the recruitment of GPs to ensure that we can deal with the current crisis?

John Swinney: I acknowledge that, in some parts of the country, there are particular challenges around the recruitment of general practitioners. Without generalising too much, I would say that the issue looks to be more acute in rural areas than it is in urban areas, although urban areas are not without their challenges.

The Government has invested heavily in the recruitment of general practitioners and has worked to make general practice attractive through a number of different interventions, such as reducing the financial burdens that some general practitioners have, in the past, been expected to carry and enabling them to be better supported by

NHS infrastructure. Scotland has more GPs per head of population than there are in other parts of the United Kingdom, but we must continue to work to recruit general practitioners, which is a priority of the health secretary as we speak.

Covid-19 Recovery Planning (Access to Interpreters and Translators)

2. Monica Lennon (Central Scotland) (Lab): To ask the Scottish Government whether its Covid-19 recovery planning will include measures to improve access to interpreters and translators for people using public services. (S6O-01285)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): The Covid recovery strategy is focused on bringing about a fairer future, particularly for those who are most affected by the pandemic. We will do that by transforming public services to ensure that they are person centred in design and delivery and that they support communities and the most vulnerable to thrive.

As part of that transformation, the Scottish Government is committed to improving and embedding inclusive communication within Government and across public bodies, and it is currently reviewing the effectiveness of the public sector equality duty in Scotland. Analysis of consultation responses on proposals that are designed to support public bodies to better meet PSED and the Scottish specific duties requirements is expected to be completed by August 2022.

Monica Lennon: I welcome that response. Sessional interpreters were rightly considered to be key workers during the pandemic, and they continue to play a vital role in Covid recovery and in assisting the national health service and justice services.

However, trade unions have raised some concerns about fair work and seek assurance that the Government will do everything that it can to ensure that sessional interpreters who are employed in the public sector are covered by the terms of fair work. A meeting between the Scottish Trades Union Congress and the Minister for Just Transition, Employment and Fair Work, Richard Lochhead, was requested on 29 March, but, unfortunately, that meeting has not happened yet. Will the cabinet secretary take that meeting forward or ensure that a relevant minister meets with the STUC at the earliest opportunity?

John Swinney: I welcome the work that is undertaken by sessional interpreters at all times, but particularly the work they have done during Covid. That work would have been particularly significant for individuals during Covid—and, in the

context of welcoming our guests from Ukraine, it is ever more important in our communities.

Monica Lennon properly reflects the Government's support for the fair work agenda. Last week, I had a discussion with the STUC on relevant issues, and I would be happy to explore a meeting with ministers to address any of those concerns. I will make sure that that is taken forward as a consequence of this exchange.

Covid-19 Ventilation Short-Life Working Group

3. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government how its cross-Government Covid recovery policies will take account of the recommendations of its Covid-19 ventilation short-life working group. (S6O-01286)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Our ventilation short-life working group made 10 recommendations aimed at improving the following: awareness of the contribution that ventilation has in reducing the risk of transmission; regulations; guidance; technical skills; and air quality in buildings. Work is in hand to take forward the recommendations.

We are prioritising actions that can be taken quickly to improve ventilation, ahead of this winter, to improve our resilience against Covid-19 and other infections. I will write to all MSPs this afternoon to provide more detail than I can put on the record now on the Scottish Government's progress on the recommendations.

Sarah Boyack: I welcome the Deputy First Minister's answer. I have had constituents and organisations getting in touch with me because the working group was due to publish its recommendations by March, but they are not on the Scottish Government website.

As the Deputy First Minister said, with Covid still being with us and one in 20 people in Scotland having Covid, it is more important than ever to improve indoor ventilation. Given that the recent report by the Royal Academy of Engineering showed that improved ventilation would add billions to the economy, could the Deputy First Minister say what higher standards or investment in ventilation he will deliver to keep people safe?

John Swinney: I acknowledge the importance of the point that Sarah Boyack has raised. The working group gave us very clear recommendations, and I will set out in a letter to members this afternoon the steps that we are taking.

Fundamentally and in principle, we accept the group's recommendations about the importance of taking forward the ventilation strategy, improving ventilation in our buildings and recognising the

benefit that improved ventilation has for the wellbeing of individuals—and for the wellbeing of the economy, into the bargain.

Murdo Fraser (Mid Scotland and Fife) (Con): Many businesses, particularly in the hospitality sector, needed financial support to improve their ventilation. The Scottish Government set up a £25 million Covid business ventilation fund, but the fund paid out less than £1 million before closing. The Federation of Small Businesses Scotland said that the scheme was guilty of

“clunky admin systems and serious delays getting cash support to firms.”

Why was the fund such a failure?

John Swinney: We have to be careful about distribution of public money. On any other day, Mr Fraser would be citing to me the Audit Scotland report that demanded more information about distribution of public funding. On this occasion, he is asking me, in essence, to gather less information. On another day, he would demand that I collect more information.

We have committed to evaluating the 2021 business ventilation fund and we will consider the recommendations of the ventilation sub-group in light of that evaluation, while acknowledging that the Government has every interest in making sure that funding schemes that we make available are impactful in the business community, as was the case with Covid recovery funding. If there are lessons to learn about the administration of individual funds, we will learn them in order to make sure that the processes of the Government are efficient and smooth in all circumstances.

The Deputy Presiding Officer: Ruth Maguire joins us remotely for question 4.

Scottish Elections (Secret Ballot)

4. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what progress has been made on ensuring that all voters in Scotland can exercise their right to a secret vote in Scottish elections. (S6O-01287)

The Deputy Presiding Officer: Mr Adam, I hope that you caught enough of the question; it is in the *Business Bulletin*, anyway.

The Minister for Parliamentary Business (George Adam): The secrecy of the ballot is, of course, fundamental to our democracy. That is why we continue to work with partners to explore a number of practical solutions for voters who face barriers. The upcoming consultation on electoral reform is a further opportunity for people who have an interest to contribute ideas to that important agenda.

Ruth Maguire: As the minister said, voting independently and confidentially is one of the basic rights of our democracy. It is unacceptable that many blind and partially sighted people still experience problems doing so. Will the minister commit to act as promptly as possible to ensure that that right is realised for all voters in Scotland at the next vote?

George Adam: Blind and partially sighted people are one of the key groups that we have been working with to ensure that we get solutions to some of the problems.

Our programme for government contains an explicit commitment to improving accessibility of elections. It is understandable that progress over the past few years has not been as quick as we would have liked it to be, but as I have made clear on a number of occasions, I am committed to the agenda and want improvements to be made as soon as is practicable, as a result of the work that I mentioned.

Covid-19 Recovery Strategy (Community Resilience and Mental Health)

5. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government whether its Covid recovery strategy includes the provision of funding for charities working to strengthen community resilience and support mental health. (S6O-01288)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): The Covid recovery strategy highlights the importance of charities to community resilience. Our social enterprise and volunteering action plans will strengthen that role.

We have committed £120 million of recurring funding to support mental health and wellbeing, including £36 million over two years through the communities mental health and wellbeing fund for adults. The fund recognises the role of community groups and supports nearly 1,800 projects.

We are providing local authorities with £15 million per annum to fund more than 230 community mental health supports for children and young people, where the third sector is a delivery partner.

Bill Kidd: During the pandemic, Yoker, in my Glasgow Anniesland constituency, was surveyed for community resilience as part of efforts by the Scottish Association for Mental Health, Inspire, Mind and the Co-operative Group to understand what makes communities resilient and how that strengthens individuals' mental health.

The Covid recovery strategy highlights how important communities are when it comes to tackling poor mental health and delivering support to the most marginalised people in society, who

were often the most badly affected by the pandemic. Will the Scottish Government consider giving funding to charities that work on children and young people's mental health and crisis prevention in marginalised communities, through the introduction of the whole family wellbeing fund?

John Swinney: I would be keen for the type of projects that Mr Kidd mentioned to be reflected in the whole family wellbeing fund. It provides us with an opportunity to recognise that some of the mental health challenges that individuals face are a consequence of a multiplicity of factors. It is by taking a holistic and, in some circumstances, a whole family approach, that we will address the issues.

During the pandemic, I had the pleasure of visiting an excellent project in Drumchapel in Mr Kidd's constituency. That art-based project has been immensely successful in stimulating community engagement and helping to address the wellbeing of individuals. There is some very good learning from Mr Kidd's constituency, which we can build upon.

Sue Webber (Lothian) (Con): Time and again at the Health, Social Care and Sport Committee, we have heard about the essential role that third-party organisations have played in supporting people—young and old—with mental health issues and people with mental illness, while statutory services were letting them down.

The Covid-19 pandemic has had a negative impact on the mental health of people across Scotland. For that reason, funding for charities and community initiatives will be more important than ever in the coming years. Access to services is crucial to supporting mental health.

Can the Deputy First Minister outline why more than 10,000 of our children and young people were refused access to mental health treatment during 2021? What assurances can he give me that urgent work is being undertaken to make services much more accessible, this year and beyond?

John Swinney: The issue that Sue Webber has raised is obviously very important, but the judgments that have been arrived at are clinical judgments that have been made by the services involved. I would consider some of the issues that Sue Webber has fairly raised with me within the context of the whole family wellbeing analysis that we are undertaking. If we provide more effective support to individuals—through community organisations, in some circumstances—we can avoid the crystallisation of mental health and wellbeing challenges, because people will be better supported, more included and more

assisted in their endeavour. That thinking has been brought to bear.

I am delighted that our local authority partners are working closely with us on the Covid recovery strategy in trying to make it a practical reality, but we need the engagement of the third sector—which I warmly welcome, because the third sector has a track record of being able to reach individuals who might be more challenging for statutory services to reach.

Proposed Brexit Freedoms Bill (Impact on Legislative Programme)

6. Natalie Don (Renfrewshire North and West) (SNP): To ask the Scottish Government what assessment it has made of the possible impact on its legislative programme of the United Kingdom Government's proposed Brexit freedoms bill. (S6O-01289)

The Minister for Parliamentary Business (George Adam): Natalie Don raises an important point. It is simply impossible at this stage to assess the full impact of the Brexit freedoms bill on the legislative programme, given how little information has been shared with us by the UK Government. We saw the full list of laws that the UK Government plans to change only when it was published last week. Mr Rees-Mogg has asked the public to identify which retained European Union laws they want to do away with, but he has not asked anyone, including the Scottish Government, which laws should be kept.

Natalie Don: The lack of respect shown towards the devolved nations through the proposed bill is staggering, and the uncertainty that it is causing for the work of this Parliament is deeply concerning. Can the Scottish Government offer an assurance that it will provide what certainty it can by staying committed to the plans laid out in the programme for government and to the principles of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021?

George Adam: As Ms Don says, the Scottish people did not vote for Brexit. We have been clear that the Scottish Government believes that a future independent Scotland should seek to rejoin the EU as soon as possible and that maintaining alignment with current EU laws will help us to achieve that aim. It is impossible to know what the full consequences of the Brexit freedoms bill will be, given how little information there is. However, the main purpose of the bill appears to be to give the UK Government the freedom to abandon legislation that has protected Scottish interests for almost 50 years.

Maggie Chapman (North East Scotland) (Green): Farmers and fishers in the north-east already know that they were sold a bad deal by

the Tories through Brexit, and they know that the Brexit freedoms bill will not provide them with what they need in order to continue in their chosen profession.

Can the minister indicate what plans and mitigations he thinks the Scottish Parliament should be considering to ensure that the proposed bill does not unduly affect people, particularly those in more marginal communities?

George Adam: As I said, for 50 years, EU law has helped to set and maintain high standards, created clarity for Scottish business and provided confidence for consumers.

The stark choice facing the Scottish Government is that either we do away with those things, which would be complete and utter folly, or we spend parliamentary and Government time, which could otherwise be spent on addressing the cost of living crisis, on keeping them.

To support economically marginalised communities, the Scottish Government is tackling child poverty, reducing inequalities and supporting financial wellbeing, alongside providing social security payments that are not available anywhere else in the UK.

Covid-19 Recovery Strategy (NHS Recovery)

7. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government what recent cross-Government discussions regarding the national health service's recovery from the pandemic have taken place as part of its Covid recovery strategy. (S6O-01290)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): In 2021, we published the NHS recovery plan, which set out commitments that will support recovery over the five years to 2026, supported by the implementation of improvements and new models of care. We have on-going discussions with key stakeholders, including the NHS, across Government and with other United Kingdom Governments around the recovery of the NHS. A full update on progress in the first year since publication will be published in September, after the parliamentary recess.

Alexander Stewart: The recent statistics highlight the huge backlogs that have built up in our NHS. This year, the Scottish Government has been provided with the largest-ever core block grant, which should be used to its fullest to ensure that the NHS and public services are provided for.

Can the cabinet secretary indicate what lessons have been learned from discussions with other Governments across the UK to ensure that resources are targeted on the recovery of our public services?

John Swinney: That type of activity is right at the heart of the decisions that the Government takes on our priorities. In relation to the NHS, which is the subject of Mr Stewart's question, we are looking at increasing NHS capacity to meet healthcare needs in the enhancing of primary care services and cancer services and in the transformation of mental health services.

All those points are right at the heart of the Government's agenda to improve public services, to tackle the very clear impact of the pandemic on the waiting times of individuals for services and, as a consequence, we will endeavour to make as much progress as possible, as swiftly as possible, on improving public services.

Covid-19 Booster Vaccination Programme

8. Liz Smith: To ask the Scottish Government whether it will provide an update on the role that the Covid-19 booster vaccination programme will play in its Covid recovery strategy. (S6O-01291)

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Since its inception, the Scottish Government's Covid-19 vaccination programme has been guided by expert advice provided by the joint committee on vaccination and immunisation. The JCVI is reviewing the emerging clinical evidence, including about vaccine waning, infection rates and hospitalisation.

In the interim advice in May, the JCVI recommended an autumn/winter 2022 booster programme for those at higher risk of severe Covid-19. Once the JCVI has reached a final position, we will confirm booster arrangements as quickly as possible to make sure that those who are most vulnerable have the protection that they need by this winter. We will continue to be guided by the JCVI advice and by that evidence, as we have been throughout this pandemic.

Liz Smith: Given the recent increase in cases, I am sure that I will not be the only member of the Scottish Parliament receiving inquiries from constituents asking for information about when the fourth Covid vaccine booster will be available to those not in the three categories that are currently able to get it. I raise this matter following information provided to me that at St John's centre in Perth, with which the Deputy First Minister will be very familiar, staff were very free to offer vaccinations because of the low number of patients who were attending.

Can the cabinet secretary tell me when the information about further groups will be available?

John Swinney: We are in the hands of the JCVI on this question. Liz Smith will understand that we rely on the JCVI for its advice. All Governments have followed its advice and that

has served us well. We expect the advice to be with us so that we are in a position to roll out the programme, probably around the end of September or early October. However, I stress that that is conditional on us receiving the advice from the joint committee, which we do not yet have.

We have strong facilities in place around the country to enable us to deliver the vaccination programme. It has been an extraordinary success and we are keen to make sure that the population's protection is boosted as a consequence of the decisions that we take in consequence of the JCVI advice.

Net Zero, Energy and Transport

The Deputy Presiding Officer (Liam McArthur): The next portfolio is net zero, energy and transport. If a member wishes to ask a supplementary question, they should press their request-to-speak button or place an R in the chat function during the relevant question.

Gas Boiler Replacement

1. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what range of heating systems it anticipates will replace gas boilers in the near future. (S6O-01292)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): "Heat in Buildings Strategy—Achieving Net Zero Emissions in Scotland's Buildings" identifies priority technologies that are available for deployment in the near term. Those that are relevant to homes that currently use gas boilers are—first of all, of course—energy efficiency improvements; individual heat pumps in certain buildings that currently use mains gas, namely those where assessment indicates short-term cost effectiveness and those in areas that are least likely to convert to hydrogen in the future; and heat networks in areas that are deemed to be suitable for them. Those are regarded as no-regrets and low-regrets options as, across all plausible pathways to net zero, they are likely to be the most cost effective zero-emissions options in the buildings that are identified.

Pauline McNeill: Some already available low-carbon systems, including electric boilers and heat pumps, have limitations. Heat pumps are disruptive to install and are simply not practical or even possible for many households. Where they are viable, they are often prohibitively expensive. Electric boilers are costly to run.

Lord Willie Haughey, who is the biggest provider of heat pumps in the country, does not believe that they are a suitable replacement for domestic boilers. Will the minister tell me which low-carbon

heat source, that would be comparable to the cost of a gas boiler, the Government currently recommends for houses and flats where people cannot afford, or are unable to install, heat pumps?

Patrick Harvie: I have had the opportunity to meet Lord Haughey and discuss the issues with him. I know that he has strong views on the matter. However, the experience that we have and the comparable data that we have from countries that already have a long history of using heat pumps and heat networks show that they will be effective in Scotland.

As Pauline McNeill has pointed out, there are additional challenges in relation to flats and tenements, which make up about 40 per cent of Scotland's homes, so it is clearly important that we make progress in that part of the domestic sector to meet our statutory climate change targets. It is a complex area, which is why we have established a tenements short-life working group to provide recommendations to the Scottish Government on regulating those homes. That group will provide its recommendations by the end of the year and we will respond by setting out our proposed approach as part of the forthcoming consultations.

It might well be that heat networks play a significant role in tenements and flats, compared with heat pumps at an individual level.

Paul McLennan (East Lothian) (SNP): As is set out in "Heat in Buildings Strategy", when a heat pump replaces a modern efficient gas boiler, the greater efficiency of the heat pump might be insufficient to offset the higher price of electricity, which could increase the cost for the household. Therefore, will the Scottish Government urge the United Kingdom Government to rebalance energy prices to reduce the difference in unit costs between gas and electricity?

Patrick Harvie: Yes, indeed.

Of course, there are many areas where heat pumps are already being deployed and where, combined with good levels of energy efficiency, the overall cost is coming down and will continue to come down. However, we have consistently called on the UK Government to take urgent action, using its reserved powers, to rebalance energy prices, so that the running costs of zero emission heating systems are comparable to, or more favourable than, fossil fuel incumbents.

We are again calling on the UK Government to take full account of the needs of Scottish consumers, particularly those who are suffering most from the impact of soaring energy bills when they proceed with rebalancing the costs of energy bills.

Brian Whittle (South Scotland) (Con): The number of boilers that need to be replaced in the coming years to meet the Scottish Government's target is significant, to say the least. What measures is the Scottish Government taking to ensure that there is a sufficient number of professionals qualified to install and maintain heat pumps and other renewable heat technologies, in order to deliver the transition on schedule, and to prevent a lack of available contractors pushing up installation and servicing costs?

Patrick Harvie: Mr Whittle is quite right to point out that not only the scale of installations that we need to see in the coming years but the acceleration toward much more rapid installation will be significant challenges. The work that we are doing on supply chains is critical, both in terms of the supply of the kit to be installed and in terms of the skills that are required to do that.

However, we see the situation very much as an opportunity, and not just as a challenge. We estimate that an additional 16,400 jobs can be supported across the economy by the end of this decade as a result of the investment in the deployment of zero emissions heat, and it is by giving that strong signal of our intention to regulate that we will give confidence to those who are investing in the manufacturing, skills and capacity to do the installation work.

The Deputy Presiding Officer: I am conscious that there is a lot of interest in this portfolio, so I ask for briefer questions and answers.

Publicly-owned Bus Services

2. Gillian Mackay (Central Scotland) (Green): To ask the Scottish Government what actions it is taking to support the establishment of more publicly-owned bus services. (S6O-01293)

The Minister for Transport (Jenny Gilruth): Section 34 of the Transport (Scotland) Act 2019, entitled, "Provision of bus services etc by local transport authorities" came into force on 24 June, which was last Friday. It provides local transport authorities with the power to run their own services in any way that they see fit within the wider context of their obligations.

We have allocated £1 million in the Scottish budget for development of the community bus fund in 2022-23 to support local transport authorities to improve local bus services and explore the full range of options that are set out in the 2019 act, including local-authority-run bus services.

The fund complements our broader package of long-term investment in bus travel, including through support for bus services, concessionary schemes for bus users and more than £500 million

that is being made available through the bus partnership fund.

Gillian Mackay: There has been a raft of service cuts across central Scotland, with driver shortages and efficiency cuts being blamed. When we should be increasing service provision, services are being cut. Stagecoach reported a profit of more than £32 million for the first half of the most recent financial year, yet the X28 service, which serves Cumbernauld in my region, is up for cancellation. Does the minister agree that more needs to be done to hold the private sector to account, and that more support for publicly owned bus services could ensure that the transport needs of our communities are truly supported?

Jenny Gilruth: I absolutely agree with the sentiment of the member's question. It is worth pointing out that a considerable amount of public subsidy flowed to operators throughout the pandemic. I think that, from June 2020, they received more than £210 million. Ms Mackay will be aware of the additional funding that I announced to the sector only last week. That supports the sector with its continuing recovery from the pandemic and allows operators to respond to changed travel patterns that are arising from people working from home.

However, I am clear that subsidy from Government to private operators is not sustainable, and nor is it desirable in terms of the longer-term ambitions. Ms Mackay made an important point in relation to the profit margins of some operators; the point is particularly pertinent because bus travel is one of the most affordable forms of public transport.

I will write to Stagecoach about its proposed cancellations. Ms Mackay has highlighted one today, and a number of members have written to me about cancellations in their constituencies in other parts of the country.

As I said, last week I announced additional funding. Bus operators that are in receipt of the network support grant plus are required to accept the conditions that set controls on fare rises and profits, and to have regard to, for example, fair work principles. I expect operators who benefit from that public funding not to reduce services but instead to look after the communities that they serve.

The Deputy Presiding Officer: We have a number of supplementaries; they will have to be brief.

Graham Simpson (Central Scotland) (Con): There are too many bus deserts in this country, so the new powers are an opportunity to do things better. I like to be positive and to help the minister, so I have an idea for her. Will she convene a

summit of councils and operators to consider the way forward?

Jenny Gilruth: I know that Mr Simpson likes to be helpful to me in my ministerial role, but I am ahead of him—I have already convened working groups with operators on the back of a call that I had with First Bus and Lothian Buses last week.

There are a number of challenges in that space at the moment. The first is in relation to service provision and long-term funding, and the second is driver shortages. That is a real challenge, so I want to work with operators to see what more the Government can do to support them, although we recognise the split in relation to devolved and reserved competences.

Neil Bibby (West Scotland) (Lab): The powers are enabling powers for councils to establish publicly owned bus services. For clarity, does the minister actually want councils to use the powers? Does she agree that the bus market is broken beyond repair and that councils must take back control of bus services? If they do that, does the minister believe that the community bus fund is sufficient?

Jenny Gilruth: Yes—I want local councils to run their own services. Why else would I stand here talking about the powers in an act that gives local authorities the power to do so?

With regard to whether the community bus fund is enough, we are working on the design and scope of the fund, which involves discussions with the Convention of Scottish Local Authorities and the Association of Transport Co-ordinating Officers. I recognise that £1 million is perhaps not as much as members might think there should be, but it gives us a good impetus to trial what the approach might look like in different parts of the country. That has to be done in partnership with local authorities.

I also reflect on the resource spending review, which allocated £46 million to the community bus fund for the remainder of this parliamentary session. Therefore, although that initial £1 million might seem small to Neil Bibby, the further funding that will flow—£30 million that has been allocated in the capital spending review—will also contribute. However, we have to allow local authorities to get the funding right for their local area. That is what the powers in the act allow them to do. I am keen to work with our local authority partners to deliver that.

The Deputy Presiding Officer: Collette Stevenson, who joins us online, has a brief question.

Collette Stevenson (East Kilbride) (SNP): The Scottish Government has already responded to requests by local authorities to be empowered to

run their own bus services. The Government has committed to investing more than £0.5 billion in long-term funding for bus-priority infrastructure and has expanded free bus travel to under-22s. Does the minister, therefore, look forward, as I do, to seeing how local authorities capitalise on the new powers and take advantage of the Scottish Government's having placed buses at the forefront of our just transition to net zero?

The Deputy Presiding Officer: Please answer as briefly as possible, minister.

Jenny Gilruth: Yes. I agree with the sentiment of the question. As I outlined to Mr Bibby, I am really pleased that the Government is empowering our local authorities with flexible options to revitalise their local bus networks—including, of course, by running their own bus services. I look forward to working with them on delivery of their models.

Heat in Buildings Strategy

3. **Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government whether the £33 billion estimate in its “Heat in Buildings Strategy” to decarbonise Scotland’s buildings remains an accurate forecast amount. (S6O-01294)

The Minister for Zero Carbon Buildings, Active Travel and Tenants’ Rights (Patrick Harvie): As we set out in the “Heat in Buildings Strategy”, £33 billion is the estimated total gross capital cost of converting our building stock to zero emissions heat. That estimate is purely indicative and is based on a single technology pathway, with cost assumptions derived from the best available evidence, including research published by the United Kingdom Climate Change Committee. The Scottish Government continues to keep cost estimates under review, incorporating new evidence as it becomes available.

Liam Kerr: In relation to decarbonising the 600,000 homes for social rent in Scotland, the ZEST—zero emissions task force—report says:

“The fund will make £200 million available over the course of this parliament”.

That equates to £333 per property. What percentage of those properties already have energy performance certificate ratings of C or above? Do the minister’s projections show that £333 per property will be sufficient?

Patrick Harvie: I do not have that particular statistic in front of me, but I am happy to have colleagues write to the member to set that out.

I am aware that social housing tends to have a higher energy efficiency performance than the private rented sector, so we should congratulate the social housing sector on that. I also thank the social housing sector for the contribution that it

has made to the Government's work on the ZEST report, the response to which was published recently and seems to have been very warmly received by the sector.

Bill Kidd (Glasgow Anniesland) (SNP): Can the minister outline how the actions that were set out in the "Heat in Buildings Strategy" will help to deliver the ambitious climate change goals?

The Deputy Presiding Officer: As briefly as possible, minister.

Patrick Harvie: The strategy is a very broad, co-ordinated package of policies and support programmes, including £1.8 billion of investment, widening the scope of our capital and advice programmes and collaborating with a wide range of partners through the green heat finance task force. I am aware of the pressure of time—there is a great more detail in the strategy, and I encourage Bill Kidd, and all members, to work closely with us in the implementation of that strategy.

Paul Sweeney (Glasgow) (Lab): I was alarmed to hear that a new social housing development in Dalmarnock in the east end of Glasgow is not being connected to the adjacent athletes' village district heat network. Does the minister not share my concern and agree that there are huge opportunities for municipal development of those district heat networks that could refinance local government? Will he commit to developing a municipal strategy for ownership and development of district heat across Scotland?

Patrick Harvie: The member is quite right to point out the huge potential not only for connecting social housing developments to existing heat networks, but for investing further, including in publicly owned heat networks. When I launched the strategy, I visited one in West Dunbartonshire, where the local authority has taken the lead in developing that capacity. One of the roles of the new national energy agency will be to work with local government to build capacity, for which there is huge potential in the years ahead.

Energy Performance Certificate Rating (Grant for Home Owners)

4. Edward Mountain (Highlands and Islands) (Con): I remind members of my entry in the register of members' interests.

To ask the Scottish Government what level of grant per property will be made available to assist home owners to achieve an energy performance certificate rating of band C or better by 2025. (S6O-01295)

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): To clarify, our heat in buildings strategy

proposes that homes that are purchased from 2025 will need to reach a minimum energy efficiency standard that is equivalent to EPC band C, with all homes to achieve that standard by the backstop date of 2033.

A cashback grant of up to £13,500 is available to households for energy efficiency measures and zero emissions heating systems through our Home Energy Scotland loan and cashback scheme. We have committed to replacing the cashback element with a standalone grant during 2022-23, and we have doubled the budget to £42 million.

Edward Mountain: In the case of old stone properties, getting to EPC band C will not be easy. For example, it has been suggested that getting Bute House to EPC band C will cost in excess of half a million pounds. The level of the grants that are being mentioned will not be sufficient for most houses to reach the required standard. What does the minister consider to be a reasonable investment in a property to reach EPC band C, and will he cap expenditure at that level?

Patrick Harvie: I am pleased to hear that there is ambition for the level of support that needs to be available. I am sure that that is intended as an endorsement of the fact that the Scottish Government is providing more support on this agenda than the United Kingdom Government is on its equivalent.

We have a huge challenge, particularly in remote and rural areas, in tenement stock—as I mentioned to Pauline McNeill—and in older and historic buildings. All that will be considered in detail as we consult on the detail of the regulations, which will include measures relating to how we define the cost effectiveness of the measures that will be required.

Renewable Energy (Community Involvement)

5. Ariane Burgess (Highlands and Islands) (Green): To ask the Scottish Government how it will ensure that the future development of renewable energy involves communities meaningfully. (S6O-01296)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): Community and locally owned energy has an important role to play in a just transition to net zero, and it will form a key part of the forthcoming energy strategy just transition plan.

The Scottish Government is committed to supporting the growth of community and local energy in Scotland through mechanisms such as our flagship community and renewable energy scheme—CARES.

We have long-standing good practice principles for community benefits from, and shared ownership of, onshore renewable energy developments. They set the national standards that we encourage renewables developers and communities to utilise.

Ariane Burgess: Communities in Caithness and Sutherland live in an area that is rich in natural resources and renewable energy potential; however, many there feel that their communities are being left behind, with little to no consideration of their views or benefit. How will the cabinet secretary ensure that at least 20 per cent of new onshore wind is community and publicly owned?

Michael Matheson: As I mentioned, we have a range of measures through the CARE scheme, which helps to support community and locally owned energy projects. To date, we have almost 900MW of capacity through community and locally owned renewable energy projects, and we want to get that up to 2GW by 2030.

We encourage the developers to ensure that they are engaging in a meaningful way with local communities and are looking at community shared ownership models. However, we cannot compel developers to do that, because legislating in that area is reserved to the United Kingdom Government.

I would like us to go further. Despite the fact that we have limited powers in those areas, we provide good practice guidance, which we encourage developers to utilise when they are taking forward local projects.

The Deputy Presiding Officer: My apologies, but I am not able to take supplementaries on that question.

Railway Station for Newburgh (STAG Appraisal)

6. Willie Rennie (North East Fife) (LD): To ask the Scottish Government when it expects a decision to be reached on a railway station for Newburgh in Fife following the publication of the Newburgh and area Scottish transport appraisal guidance appraisal. (S6O-01297)

The Minister for Transport (Jenny Gilruth): The Scottish Government has provided the South East of Scotland Transport Partnership—SEStran—with funding from the local rail development fund for the Newburgh transport appraisal.

SEStran has advised that it intends to send Transport Scotland the detailed options appraisal report for the Newburgh transport appraisal in the next few weeks. That is the third and final stage of a transport appraisal in line with the Scottish transport appraisal guidance, which is known as

STAG. A completed, clear and robust strategic business case is required in line with STAG before any further consideration can be made for any new proposals.

Willie Rennie: The community is very hopeful that the railway option will be highly thought of in the appraisal, because they feel cut off, even though the railway runs through the middle of Newburgh. The community, which is united, has been waiting for years for something to happen, so I want to press the minister on the issue. I know that the report will be handed over to Transport Scotland soon, but how long will it take for it to consider the report? When does she expect a decision to be reached?

Jenny Gilruth: I very much recognise the feeling of hope in the local community that Mr Rennie has described. He will know of the situation in my constituency and of the long-running campaign to re-establish the railway network in the Levenmouth area. I also understand the community's feelings of disconnection from the wider rail infrastructure, recognising the geography of where Newburgh sits in the kingdom of Fife.

As I outlined in my initial answer, there is a process to be adhered to. That was the case with the reopening of the Levenmouth line and it has been the case with other rail lines in the past. As Willie Rennie will know, the strategic transport projects review 2 does not make any distinct recommendations in that regard.

Mr Rennie has asked a specific question about timescales. At this time, Transport Scotland has yet to receive the detailed options appraisal. I will ask my officials to provide my office with the timescale once the report has been received for review. I will be happy to share the details of that with the member once we have received the report.

The Deputy Presiding Officer: Mark Ruskell has a supplementary question. I ask that he be brief.

Mark Ruskell (Mid Scotland and Fife) (Green): The Newburgh study was funded by the local rail development fund, alongside a range of other community projects across Scotland. Will the minister give an assurance that, now that those projects are coming to the end of the STAG process, all of them will be considered when it comes to allocating funds for rail infrastructure investment under control period 7?

The Deputy Presiding Officer: Be very brief, minister.

Jenny Gilruth: I join the member in paying tribute to the hard-working community groups across the country, such as the one that we heard

Mr Rennie speak of. Last Friday, I was in the north-east, where I heard from a campaign group about the re-establishment of rail in that part of the country. Of course, it is for that reason that the Government created the local rail development fund. The projects that Mr Ruskell mentioned are under way and are being considered under STAG. Projects that present a strong business case will be considered on a case-by-case basis. However, there must be local input into the process, which is one of the LRDF's strengths.

Water Quality (Rivers)

7. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the Scottish Government what action it is taking to improve water quality in Scotland's rivers. (S6O-01298)

The Minister for Environment and Land Reform (Màiri McAllan): As I announced in my ministerial statement to Parliament last December, the publication of Scotland's third river basin management plans sets out our objective to continue to improve water quality across Scotland from 87 per cent currently at good or better condition to 92 per cent by 2027.

The plans are complemented by Scottish Water's "Improving Urban Waters—Route Map", which sets out a programme of continued action to reduce waste water pollution and sewage litter over the coming decade, with investment of £500 million.

Rachael Hamilton: Ecologists, conservationists and anglers have all expressed concern about the recent decline in wild salmon and sea trout stocks in Scotland's waterways, with stocks reaching record lows this year. Declining fish populations are also being affected, and the wider ecosystem is being damaged. The issue requires urgent action from the Scottish Government. What immediate steps is the minister taking to deliver on the Government's commitment to improve water quality?

Màiri McAllan: The Scottish Government takes our declining salmon stocks very seriously, and we are working with stakeholders to safeguard that iconic species. The Scottish wild salmon strategy, which was published in January 2022, sets out the vision, objectives and priority themes that will drive our efforts to protect and recover the species. A priority theme of the strategy is improving the conditions of rivers and giving salmon free access to cold, clean waters. Work is now under way, with our stakeholders, to prepare a detailed implementation plan to accompany the strategy.

The Deputy Presiding Officer: Jenni Minto has a very brief supplementary question.

Jenni Minto (Argyll and Bute) (SNP): The campaign group River Action UK has stated that

the UK Government's draft targets for water quality to replace the European Union's water framework directive show a general lack of ambition to improve the natural environment. We know that the Tory Brexit project was facilitated—

The Deputy Presiding Officer: This supplementary question is not brief.

Jenni Minto: Please will the minister give the chamber reassurance that, in Scotland, we continue to value the natural environment and that the Scottish Government will continue to work to further protect the ecological condition of Scotland's water environment?

Màiri McAllan: I am happy to do so. The big picture is that, after a decade of investment by Scotland's public water company, supported by independent regulation by the Scottish Environment Protection Agency—SEPA—and backed by nearly £700 million, 66 per cent of water in Scotland is of good quality. That is above the European average of 45 per cent, and it is far above that of our neighbours in England and Wales, where the figure for good water quality is 16 per cent.

National Generation Target for Solar Energy

8. Annabelle Ewing (Cowdenbeath) (SNP): To ask the Scottish Government when it plans to set a national generation target for solar energy as it has for wind and hydrogen. (S6O-01299)

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): The Scottish Government recognises the importance of energy that is generated from solar photovoltaic cells in contributing to the decarbonisation of Scotland's energy supply and in helping us to meet our target of having a net-zero-emissions society by 2045. In support of that, the Scottish Government will, in consultation with the solar sector, establish a vision for the future of solar energy in the forthcoming energy strategy and just transition plan, which will be published later this year.

Annabelle Ewing: I am very pleased to hear that the cabinet secretary is engaging with the solar industry and that he will establish a vision in the forthcoming revised energy strategy, but I ask him to consider seriously the inclusion of specific targets in the vision that is to be established. For example, it has been suggested that the minimum target should be in the region of 4GW by 2030 and that the level of our ambition should be set at 6GW.

Michael Matheson: I am grateful for the member's question, and I am conscious that a number of members in the chamber have an interest in the issue. I assure the member that, as part of the work that we will do in developing our

energy strategy, we will consider the overall vision for solar PV and solar energy in Scotland.

The member will recognise that we also have to adopt an approach that recognises the whole energy system and capacity in the network, which is one factor that we will take into account. I have no doubt that those who are involved in Scotland's solar energy sector will have an opportunity to feed into the energy strategy as we take forward our public and sectoral engagement plan during the coming months.

The Deputy Presiding Officer: Thank you very much, cabinet secretary. That concludes portfolio questions on net zero, energy and transport. There will be a brief pause while those on the front benches change.

Rural Affairs and Islands

The Deputy Presiding Officer (Annabelle Ewing): Today's final portfolio is rural affairs and islands. If a member wishes to ask a supplementary question, they should press their request-to-speak button or enter the letter R in the chat function during the relevant question. Succinct questions and answers will allow as many members as possible to have their voice heard.

Rural Communities (Storms)

1. **Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what preparations have been made to protect the economy of rural communities in areas like South Scotland from a repeat of the storms experienced last year. (S6O-01300)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Scottish Government is working with resilience partnerships to ensure that the recommendations of the storm Arwen review are implemented.

We are also investing in a broad range of activities that will make the south of Scotland economy more competitive and resilient to such threats in the future. Thirty-seven million pounds was allocated to South of Scotland Enterprise in 2022-23, which will enable it to work with businesses and communities to create jobs and attract investment; and £3.6 million across 2021-22 and 2022-23 through our place-based investment programme will support town centre and community-led regeneration in the south of Scotland. Through the Borderlands growth deal, we are investing £85 million in strategic projects that are designed to boost innovation in key industry sectors, enhance regional connectivity and deliver critical business infrastructure to support economic growth.

Carol Mochan: The response from local communities to storms last year and earlier this year was admirable, and it is vital that communities be included in the development of all future local resilience plans. Will the Scottish Government work with local people, local businesses, many of which are very small in the south of Scotland, and councils to ensure that local small business economies do not face long-term adverse impacts of storms in the future, thus protecting local businesses and rural economy jobs?

Mairi Gougeon: The member raises important points. Engagement and partnership working are critical if we are going to address such challenges in the future.

I know that an update report on the back of the storm Arwen review was published last week, which set out some of the actions that we have already taken based on the recommendations. There will be a further update in the coming months, because within that time we have had the report from the Office of Gas and Electricity Markets, too.

I reiterate that partnership and working in collaboration with our communities and local businesses is crucial and will be part of that work.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I welcome the reports of the Scottish Government and the United Kingdom Government on the handling of storm Arwen. Resilience planning is predicated on the good work and good will of voluntary community groups. Is the cabinet secretary confident that the Scottish Government will support succession planning for volunteer response groups financially through the winter preparedness plans, particularly as we now see a growing elderly population in rural areas?

Mairi Gougeon: The member raises a serious and important issue, which I am sure will be given due consideration. As I have set out in my previous response to Carol Mochan about acting on the recommendations, we want to learn as many lessons as possible from storm Arwen and ensure that we implement those changes ahead of the coming winter. I am sure that decisions such as the one that the member raises will factor into that consideration too.

Paul McLennan (East Lothian) (SNP): Last year's storms represented a pattern of adverse weather that is largely unprecedented. There can be little doubt that climate change has a role to play in new extremes, such as those that we saw in 2021. How will initiatives such as the winter preparedness programme help ensure that we can cope with new patterns of weather as they emerge?

Mairi Gougeon: In Scotland, well-established and adaptable resilience arrangements have been developed and tested over a number of years. That continuous improvement is at the heart of our approach to emergency planning. The winter preparedness programme, which the Scottish resilience partnership will lead in the coming months, will seek to ensure that we learn the key lessons from the Scottish Government's storm Arwen review and that those lessons are embedded ahead of the coming winter.

It is important to note that the programme will review in particular the plans and arrangements for the activation of our resilience structures across the country, mutual aid between areas and organisations, public communications, how we support vulnerable people and further engagement of the voluntary and community sector in our emergency response processes.

Crown Estate Scotland (Meetings)

2. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government when the rural affairs secretary last met with Crown Estate Scotland. (S6O-01301)

The Minister for Environment and Land Reform (Màiri McAllan): The Cabinet Secretary for Rural Affairs and Islands met Crown Estate Scotland on Monday 27 June 2022 as part of a wider group at the Scottish agriculture council, and I attended that meeting, too. However, as minister with portfolio responsibility for Crown Estate Scotland, I formally meet it three times a year, and the most recent meeting in that regard was on 23 April.

Alex Cole-Hamilton: In 2018, the Scottish Government established a due diligence test to establish the human rights and corruption records of the companies with which it does business. That was after it dealt with Chinese companies that were connected to the abuse of human rights.

Liberal Democrat research, reported in *The Scotsman* today, shows that Crown Estate Scotland did not seem to know that that diligence test existed when it was awarding ScotWind sea bed leases. It invented its own test; in effect, it asked companies involved whether they had done anything wrong recently. That meant that Japanese company Marubeni, which paid corruption fines as recently as 2014, did not need to declare those fines.

The Scottish Government promised to change its ways but, in the biggest sale for years, it seems that Government bodies are still not performing stringent checks on who they partner with. Given that the Government insisted that ScotWind leases were sold on the basis of quality, not price—

The Deputy Presiding Officer: Can we have a question, please, Mr Cole-Hamilton?

Alex Cole-Hamilton: —should we take it that evidence of corruption is not a bar in the Government's assessment of what quality looks like?

Màiri McAllan: The ScotWind programme is administered by Crown Estate Scotland, independently of ministers. As part of Crown Estate Scotland's due diligence, it required all bidders to submit a formal written legal declaration that they had not been convicted of unlawful activity, including fraud, bribery and corruption. Only companies that provided that legal declaration were able to proceed. That process was not invented, as it has been characterised; it was consistent with the Public Contracts (Scotland) Regulations 2015.

However, ScotWind terms and conditions make it clear that Crown Estate Scotland reserves the right to void any application if false information is found to have been provided. Crown Estate Scotland will not hesitate to take action, if need be, and the Scottish Government supports it in that regard.

Seed Potato Industry (Impact of Brexit)

3. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what its latest assessment is of the impact of Brexit on the Scottish seed potato industry. (S6O-01302)

The Minister for Environment and Land Reform (Màiri McAllan): The loss of the European Union seed potato export market as a result of Brexit and the United Kingdom Government's failure to secure an equivalence agreement on seed potatoes with the EU continues to have a very negative impact on Scottish exporters. We previously exported about 20,000 tonnes of seed potatoes to the EU and 2,000 tonnes to Northern Ireland. The removal of those markets overnight has cost an estimated £11 million. That is a significant financial sum for the country, but it also affects the livelihoods of people and families across Scotland. Therefore, it is vital that all options continue to be explored in order to find a resolution. I can assure John Mason that the Scottish Government continues to press the UK Government at every opportunity.

John Mason: Recently, the NFU Scotland president, Martin Kennedy, said that he is concerned that the UK and EU "remain at loggerheads" and that Scottish seed potato growers are the ones who are "paying the price". It seems clear that that is a failure of Brexit. What engagement has the minister or others in the Scottish Government had with the UK Government about that harm to our agricultural sector?

Màiri McAllan: I welcome the efforts of the NFUS and other seed potato representatives on the issue, and I share their concerns. We continually raise the impact on the sector of the loss of the EU and NI markets. We do that through a multitude of platforms—most notably, in our interministerial Government meetings, but we have also sent repeated letters.

I stress that the problem is a direct result of the UK Government's refusal to commit to dynamic alignment. I am very disappointed by the UK Government's lack of progress, and I am equally disappointed by its decision to allow ware growers in England and Wales to purchase EU seed while Scottish growers are blocked from selling their seed to the EU. That is further undermining the industry, and we will continue to press the UK Government to make progress.

The Deputy Presiding Officer: Question 4 has been withdrawn.

Salmon Scotland (Brexit)

5. **Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what its response is to reports from Salmon Scotland that bureaucracy as a result of Brexit is costing the industry £3 million per annum to export to the European Union and is threatening Scotland's competitiveness. (S6O-01304)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The figure that has been quoted by one of Scotland's key industry bodies for the increased costs that exporters face as a result of European Union exit comes as no surprise. The Scottish Government repeatedly warned the United Kingdom Government that our forced exit from the EU would be damaging to Scottish export businesses. It is hugely disappointing that increased costs are threatening the competitiveness of Scotland's most valuable food exports.

Stephanie Callaghan: Scottish salmon is highly prized globally, and the cabinet secretary will be aware that Salmon Scotland is calling for the full roll-out of digital export health certificates by the UK Government in order to reduce Brexit red tape. Does she share my view that the hard work of our salmon producers is currently being undermined and that the best possible future for our salmon industry would be an independent Scottish Government with the powers to make decisions that protect and support Scotland's exports and interests?

Mairi Gougeon: I have to say that I entirely agree. We know that, in 2021, £788 million of Scottish seafood was exported to the European Union, but £372 million of that was Scottish salmon and Salmon Scotland reported losses of at

least £11 million in January 2021 alone as a direct result of the changes that have been brought about by Brexit.

We have to remember that a lot of those costs are on-going. Salmon Scotland also estimates that businesses are continuing to spend approximately £200,000 a month on extra paperwork, and that cost continues to mount as inexcusable delays to the roll-out of the digitisation project continues. Just last month, the Food and Drink Federation Scotland published a report that set out that, among other food and drink export sectors, the strong growth in seafood products has driven Scotland's recent economic recovery. We therefore cannot allow the Tories to further impact on the sector, which has been so resilient during these recent extraordinary times.

Willie Rennie (North East Fife) (LD): I share the views that people have about the damage that has been caused by Brexit, particularly to the seafood sector, including salmon. I have Pittenweem harbour in my constituency, and it is suffering because of it. A trade war would be damaging, which is why I do not understand why the Scottish Government is pursuing the route of putting up more borders, particularly a border with England, which would be equally damaging, if not more so. With hindsight, has the minister not reflected on her position on independence and more borders?

Mairi Gougeon: I can confirm that I have not reflected on my position on independence. The fact that we are in this position, that I have the dealings with the UK Government that I do and that I see the damage that is continuously being inflicted on businesses in Scotland has, if anything, strengthened my resolve to pursue independence.

Scottish Animal Welfare Commission (Greyhound Racing)

6. **Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government what its response is to the Scottish Animal Welfare Commission's call for the closure of unlicensed greyhound racing tracks in Scotland. (S6O-01305)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The Scottish Government will carefully consider any recommendations from the Rural Affairs, Islands and Natural Environment Committee and the Scottish Animal Welfare Commission for possible licensing or other regulation of greyhound racing in Scotland in due course.

I corresponded with the committee on 16 May 2022, to inform it that greyhound racing is in the work plan of the Scottish Animal Welfare Commission as an issue to be considered in the

medium term and that any recommendations that are made on the possible licensing or other regulation of greyhound racing will be carefully considered in due course.

Mark Ruskell: I thank the cabinet secretary for her response, and for her response to the Rural Affairs, Islands and Natural Environment Committee. It is clear that sending dogs around a track at 40mph, with a high risk of collision, is unacceptably cruel, with injuries at the Shawfield track almost doubling between 2018 and 2020. That is why the Scottish Animal Welfare Commission is backing an end to unregulated tracks, with the Scottish Society for Prevention of Cruelty to Animals, OneKind and others calling for an end to greyhound racing altogether. Is the cabinet secretary prepared to consider a ban?

Mairi Gougeon: The member has raised some really important points, and I reassure him and other members across the chamber about just how seriously the Scottish Government takes animal welfare and ensuring that Scotland has the highest possible welfare standards.

It is important to remember that people who mistreat animals can now face up to five years in prison and unlimited fines under the Animal Health and Welfare (Scotland) Act 2006 and the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020. We know that the Scottish Animal Welfare Commission will be considering the issue and the Rural Affairs, Islands and Natural Environment Committee has also been taking evidence on the issue through consideration of a petition. We will consider seriously any recommendations that come out of those considerations.

Colin Smyth (South Scotland) (Lab): It is not just on unlicensed tracks such as Thornton that injuries and deaths of greyhounds take place. Over a three-year period, 15 dogs were killed at the licensed track at Shawfield and nearly 200 were injured, while numerous dogs were found with drugs in their systems. Surely the evidence is already clear that it is time for the Government to end this animal abuse once and for all and ban greyhound racing.

Mairi Gougeon: I agree with some of what the member has said about some of the truly horrendous figures and cases that we hear about. Again, we are committed to ensuring that Scotland has the highest possible animal welfare standards, which is why we introduced the increased penalties that we did in the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020.

I look forward to the Rural Affairs, Islands and Natural Environment Committee's recommendations because it is only right that I

give them and the work of the Scottish Animal Welfare Commission due consideration.

Food Production

7. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government what action it is taking to safeguard food production. (S6O-01306)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): High quality, nutritious food that is locally and sustainably produced is key to our wellbeing, in economic, environmental, social and health terms. Our vision for Scottish agriculture, which was published in March, outlines our aims to support and work with farmers and crofters to meet more of our food needs sustainably and to manage our land sustainably with nature.

We are working with the agriculture reform implementation oversight board to develop new proposals for sustainable farming support, and we will be launching a consultation to inform a new Scottish agriculture bill later this year.

Rhoda Grant: The principles outlined in the Scottish land rights and responsibilities statement are not enforceable, and because of that we see farms being turned into forests to offset landowners' environmentally damaging activities elsewhere. Meanwhile, we face a global food shortage. When will the Scottish Government put in place enforceable responsibilities and principles to ensure that landowners manage their land in the public interest or forfeit that land?

Mairi Gougeon: The member raises a vitally important issue, and it is because of that issue that the interim principles were established. The Minister for Environment and Land Reform will undertake a programme of engagement to ensure that the principles are being adhered to, and, of course, a land reform bill will be introduced in due course. I would be happy to follow that up with the member and provide further information.

Finlay Carson (Galloway and West Dumfries) (Con): Yesterday, the Westminster Genetic Technology (Precision Breeding) Bill Committee took evidence on gene editing. There is a widespread view in agriculture in Scotland that gene editing is a good move and would improve crop yields and resilience, which are part of our food security.

The committee heard that the European Union is definitely moving down the same route, so the issue is now not about divergence, but about whether Scotland will get left behind. It is only the dogma of the Scottish National Party Government that prevents Scotland from joining the rest of the United Kingdom and adopting this important technology.

The door is open for the minister to put aside blind adherence to EU laws and join the UK in developing this important technology. I ask once again: when will the Scottish Government set out how it will address the GE question that everyone is waiting for clarity on?

Mairi Gougeon: We have said that we will continue to monitor the EU's position on the issue and the work that is happening there, and that is exactly what we will continue to do.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): The report of the short-life food security and supply task force sets out a number of areas relating to food security that are reserved to the UK Government. The Scottish Government's commitment to food production is clearly demonstrated through its commitment to active farming. Given that some of the levers on food security are reserved, what response, if any, has the Scottish Government had from the UK Government regarding the report's findings?

Mairi Gougeon: In March, together with industry, I established the short-life food security and supply task force to, in essence, monitor the disruption to the food and drink supply chain resulting from the impact of the war in Ukraine. The task force reported last Thursday, when I wrote to the UK Government to highlight the findings that we provided in the report.

The task force recognised that, inevitably, there are limits on what we can influence because of the global factors at play. The reality is that the UK Government holds many of the levers that could help to address many of the issues that we need to tackle.

I have not yet received a response, but we will of course continue to urge the UK Government to take action. The rapid response by the Scottish Government in establishing the task force has been really important. I sincerely hope that we see that same focus emerge at the UK level.

Islands Bond Scheme

8. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government whether it will provide an update on the proposed islands bond scheme, including when it expects to publish the outcome of its consultation. (S6O-01307)

The Cabinet Secretary for Rural Affairs and Islands (Mairi Gougeon): The delivery of the islands bond scheme is still being carefully considered in the light of the strong feedback that we received from island residents, and in the context of the current energy crisis and rising living costs that are being experienced by many islanders.

Further details will be announced later this summer as part of the response to the 12-week consultation in an analysis report. We expect to publish the analysis of that consultation in the coming weeks.

Liam McArthur: The cabinet secretary will be aware of the concerns that I have about the original concept behind islands bonds, but she will also be aware that I believe that the funding can help us to achieve the objective of attracting and retaining population by making our island communities more resilient. To that end, will she agree to look at the idea of perhaps using islands bonds in conjunction with community funding to allow a third aircraft to operate across the north isles in Orkney, which would provide improved transport links, connectivity and job opportunities for those who choose to live in the islands?

Mairi Gougeon: I know that the member has previously raised questions and concerns on the issue. In addition to the online consultation that we undertook, officials have undertaken a series of visits to our islands and taken part in further engagement with our communities to find out what is important to them, so that we can listen to that feedback and act on it. That is exactly what we intend to do.

As I said, a lot of work has been done since the consultation. We are analysing all the feedback to that at the moment, and we will make announcements in due course.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): The Scottish Government has made clear its commitment to retaining people in our island communities and attracting people to live in those communities. Does the cabinet secretary agree that many young people face particular challenges in staying in island communities, and that support needs to be provided to enable them to maintain their vital role in those communities?

Mairi Gougeon: I absolutely do. Our young people have a vitally important role to play, whether by contributing socially, culturally or economically to our islands. That is why, as part of the national islands plan, we created a young islanders network, which is made up of young people from all Scottish islands. It will have a consultative role in the implementation of the national islands plan, to ensure that the interests and the priorities of our young people are fully considered in the delivery of the plan.

Child Poverty

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Shona Robison on the “Tackling Child Poverty Delivery Plan: Fourth year progress report 2021-22”. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:22

The Cabinet Secretary for Social Justice, Housing and Local Government (Shona Robison): Today, I have published the fourth annual progress report that is due under the Child Poverty (Scotland) Act 2017. It is the final report on the progress that has been delivered against our first tackling child poverty delivery plan, “Every Child, Every Chance: The Tackling Child Poverty Delivery Plan 2018-22”, and it summarises the progress that has been delivered across 2021-22 and the key milestones that we have achieved since the plan was published in 2018.

In the past year, we have continued to address the impacts of Covid and to support recovery from it. We have also helped families who have faced increased household costs through our winter support fund.

The report showcases the breadth of activity that is under way, which is supported by partnerships across Scotland. It highlights that we have delivered on all 68 of the actions that we committed to, including the additional actions that have been committed to since the plan was first published.

The report sets out the latest estimates of spend on targeted support for low-income households. Almost £2.6 billion of spend was targeted in that way in 2021-22, of which more than £1.1 billion benefited children. Across the four years of “Every Child, Every Chance”, we are estimated to have targeted almost £8.5 billion at low-income households, of which nearly £3.3 billion benefited children.

The report also presents the latest available data on persistent poverty for children, which shows a marked drop compared with previous estimates, from 15 to 10 per cent. Although that is welcome, further data will be required to determine how much of that observed fall is due to real change and will be sustained in coming years. We anticipate that we will be able to publish updated statistics against all measures in March 2023.

Over the past year, we have continued to deliver for children and families across Scotland. We have continued to increase incomes through social security. Following the launch of the Scottish child

payment in February 2021, we went on to award £55.1 million to low-income families in 2021-22; it is estimated that, as of the end of March 2022, we had provided support to 103,000 children.

Through bridging payments, we put almost £80 million into the pockets of low-income families with school-age children, providing up to £520 for each eligible child, with 148,500 children benefiting as of spring 2022.

We expanded eligibility for child winter heating assistance to a further 4,500 young people who are in receipt of the personal independence payment and launched the child disability payment and the pilot of the adult disability payment.

Supported by our investment, 139 general practice surgeries in the most deprived areas now have welfare advisers in place; we are providing access to advice in the places that people go. In addition, to support financial wellbeing and recovery from the Covid pandemic, we put more than £68.9 million into the pockets of Scottish households through low-income pandemic payments.

We have delivered actions to address the impact of the cost of living and reduce household costs, including delivering 1,140 hours of funded early learning and childcare hours across Scotland as of August 2021. The latest data from January 2022 shows that 88 per cent of children are accessing the full 1,140 hours, which is estimated to save families up to £4,900 per child in 2021.

We expanded the universal provision of free school meals to all children in primaries 4 and 5, provided alternate free school meal provision in school holidays to around 144,000 children from low-income families and further increased the value of the school clothing grant to £120 for eligible children in primary school and £150 for those in secondary. In addition, from 31 January this year, we extended concessionary travel to under-22s who live in Scotland. Approximately 930,000 young people are eligible for support, which is estimated to save families up to £3,000 by the time their child turns 18.

We have also supported more parents to increase their earnings from employment by continuing to deliver support through devolved employability services and through our focus on fair work. That includes strengthening our fair work first criteria to include offering flexible and family-friendly working to all workers from day 1 of employment, increasing the take-home pay of more than 7,600 workers through living wage accreditation and launching the real living hours accreditation campaign. Beyond those steps, we invested £41 million in our winter support fund to help low-income households that have been impacted by rising living and fuel costs.

“Every child, every chance: tackling child poverty delivery plan 2018-2022” was published shortly after the ambitious child poverty targets were set in statute in the Parliament, marking a change in focus and approach to tackling child poverty in Scotland. The plan set out the three key drivers of child poverty reduction: work and earnings, social security and household costs. It also set out the need to focus efforts on the six priority family types that are at greatest risk of poverty. Although the world was very different when “Every child, every chance” was published, those drivers have remained constant and remain vital to our approach.

Over that time, we have built our collective understanding and awareness of poverty and strengthened the foundations of support that already existed in Scotland, and we have used the powers that are devolved to this Parliament to go further than we ever have before. That includes establishing our devolved social security system and delivering 12 benefits, of which seven are entirely new and not available anywhere else in the United Kingdom, including our Scottish child payment.

With those powers we are providing unparalleled financial support across the early years that, by the end of this year, will be worth a maximum of more than £10,000 for a family’s first child by the time that they turn six. That is over £8,200 more than is available elsewhere in the UK.

We have delivered devolved employability services that are based on dignity and respect, and have continued to do everything that we can to promote fair work, despite key powers over employment being reserved to the UK Government.

We have almost doubled funded childcare hours, significantly increased school clothing grants and delivered more than 9,757 affordable homes, of which 7,306 were for social rent. In addition, we have taken key steps to strengthen our overall approach to tackling child poverty, including establishing our statutory Poverty and Inequality Commission.

We also reached a groundbreaking agreement with the Scottish Green Party that sets out our shared focus on tackling child poverty and influencing key measures, including free bus travel for under-22s and our commitment to mitigate the benefit cap.

The progress that we have made was made despite significant challenges. Covid has changed all our lives immeasurably and has disproportionately impacted the most disadvantaged people in our society. We have also seen the continued impact of United Kingdom

Government welfare cuts and austerity, in particular over the past year. Recent analysis highlighted that reversing the UK Government welfare cuts that have been imposed since 2015 would put an additional £780 million into the pockets of Scottish households in 2023-24, helping to lift 70,000 people, including 30,000 children, out of poverty.

In 2021-22, not only did we continue to deliver progress against our first tackling child poverty delivery plan, but we worked with partners to develop our second such plan for the period to 2026. “Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026” builds on the strong foundations laid by “Every Child, Every Chance” and sets out ambitious action to drive progress towards the targets and lift thousands of children out of poverty, which is backed by up to £113 million of additional investment this year. The plan outlines how we will work in partnership across Scotland with the public, private and third sectors and communities to take forward our national mission.

Covid has impacted on the delivery of key commitments, including our affordable housing supply programme and parental employability support fund. In “Best Start, Bright Futures”, we set out how we will regain lost ground and go on to scale up the impact of key programmes, including through our new employability offer to parents.

In April, we doubled the Scottish child payment to £20 per child per week, and it will rise to £25 by the end of the year. We have also increased the value of a further eight Scottish social security benefits by 6 per cent, providing much-needed support to families.

Our commitment to tackling child poverty is underpinned by the recently published resource spending review, which sets out high-level plans for how funding will be invested in the coming years to meet our priorities.

The progress report that was published today sets out the considerable action that has been delivered since 2018, resulting in strengthened support for children and families across Scotland. This Government is absolutely committed to tackling child poverty and is now focusing on the implementation and delivery of the best start, bright futures plan, building on the foundations of the past four years and the significant learning over that time.

I look forward to taking questions from members about progress over this reporting period.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues that were raised in her statement. I intend to allow about 20 minutes for questions, after which we will move on to the next item of business.

Miles Briggs (Lothian) (Con): I thank the cabinet secretary for advance sight of her statement.

One group of children and young people did not merit comment by the cabinet secretary today: children who live in temporary accommodation. I have raised the issue consistently with the cabinet secretary and make no apology for doing so again.

Today in Scotland, 7,500 children are living in temporary accommodation. Many of those children have been housed in temporary accommodation for months or years. The typical stay for a family has doubled to more than 58 weeks, which has rightly been described as a “national disgrace”. Does the cabinet secretary think that that is acceptable? Will ministers consider proposals to ban placement of children in temporary accommodation?

Shona Robison: I agree with Miles Briggs that the number of households who are in temporary accommodation is too high: we are firmly committed to reducing it. Alongside our ambitious programme of affordable housing building, we are providing £52.5 million for local authorities to implement their rapid rehousing transition plans and housing first approaches.

Miles Briggs will be aware that a working group that includes a lot of expertise is looking at what more can be done to tackle what is a difficult issue in some parts of Scotland—the situation is not uniform everywhere. I met key people from the group just a couple of weeks ago to hear about the progress of their work.

Housing is a key part of our mission to tackle child poverty. That is reflected in the resource spending review, which includes increased resources to prevent homelessness and to provide more warm and affordable homes. We will continue to do that.

My final observation is that there has to be consistency in the policy programme. I gently suggest to Miles Briggs that a commitment to allow the sale of housing association properties would not be a good route to go down. *[Interruption.]* I am glad that Miles Briggs is saying that that is not a way that would be followed in Scotland. As the Prime Minister has set out, that is the way things will be going in England, so it would be heartening to hear more from Miles Briggs on that, as I do not think that we have heard much from him on it. We cannot allow homes that are built under the affordable housing programme to be lost in the same way as—if I recall correctly—up to about 500,000 council houses were lost.

I will continue to focus on tackling temporary accommodation and on ensuring that the working group gets our full support in coming up with the solutions that will be required.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the cabinet secretary for advance sight of her statement.

The tone of the statement that we just heard was celebratory, but this is no time to pat ourselves on the back. Some 260,000 children are still in poverty in Scotland. A report that was published last week by the Joseph Rowntree Foundation and Save the Children said that we are “unlikely” to meet our targets, and described the Scottish Government’s approach to tackling poverty as being good on diagnosis but short on prescription. Scottish National Party ministers have chosen to close their eyes and just to hope for the best. We are in a cost of living crisis—there is no fair wind and this is not a good day. The Government must do more; it cannot rely on hope and optimism alone.

Now, more than ever, we need real concrete action on all the drivers of poverty. But where is it? We cannot wait until the next delivery plan to identify what more is needed. By then, it will be too late. It is not just me saying that—the Government’s own Poverty and Inequality Commission is saying it, too. People across Scotland need to know what the Government is going to do to lift them out of poverty.

When will the Government acknowledge the gravity, scale and pace that are required in this situation? When will it start using all the powers of this Parliament to address the situation? What will it do about that, right now?

Shona Robison: First, I do not accept that my statement was “celebratory”. It set out the measures that we have taken in relation to the first child poverty delivery plan, then it set out how we segment it into “Best Start, Bright Futures: Tackling Child Poverty Delivery Plan 2022-2026”, the second child poverty delivery plan, and it ended by saying that we now have to implement that in order to continue to tackle child poverty. I do not think that that is “celebratory”: the statement set out the facts of what we have done.

I do not think that it is a fair representation to say that we are not doing everything that we can. Through the budget for 2022-23, the Scottish Government has allocated almost £3 billion to a range of supports that will help to mitigate the impact on households of the increased cost of living. That includes work to tackle child poverty, to reduce inequalities and to support financial wellbeing, alongside provision of social security payments that are not available anywhere else in the UK. We can see from the resource spending review that social security is where the main bulk of the spend from the Scottish Parliament is. That is the direction of travel of funding.

There is always more to do—I will never disagree with Pam Duncan-Glancy on that—but it would be good, just occasionally, to hear some acknowledgement of the action that has been taken here that has not been taken anywhere else in these islands.

Ruth Maguire (Cunninghame South) (SNP): The cabinet secretary has outlined the amount of support that the Scottish Government is providing to mitigate the impact of the cost of living crisis. She also mentioned social security. Too many people are missing out on UK Government benefits. How can we encourage benefit take-up at Scotland and UK levels?

Shona Robison: Ruth Maguire has made an important point. We need to encourage and promote take-up of benefits. Ms Maguire will be aware that we have had a benefit take-up campaign and that we have funded a number of advice workers—as I mentioned in my statement—in order that we can, for example, get to people who are visiting their general practice and make them aware of their entitlements. We are considering what more we can do to ensure that there is easily accessible information and advice about the myriad supports that exist. Information and advice should be available not just about Scottish Government supports but about UK welfare supports and those that are routed through local government. Work is on-going to promote that so that everybody who is entitled to support gets it. I am happy to keep Ruth Maguire apprised of that work.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): Amendments to extend free school meals provision were voted down by the SNP and Greens in the Good Food Nation (Scotland) Bill. When will the Scottish Government commit to extending free school meals provision beyond P4 and P5 so that we can help to alleviate poverty and make sure that young people do not go hungry?

Shona Robison: This Government has a proud record of expanding free school meals provision as part of the wider action to tackle food insecurity, to cut the cost of the school day and to help to reduce the poverty-related attainment gap.

Scotland's offer of universal free school meals in P1 to P5 and to children in special schools is the most generous universal offer in the UK. It is far beyond what is offered in England, where the member's party is in power. We are committed to expanding free school meals provision further. There is money in the budget for capital to expand capacity in school kitchens ahead of roll-out of that expansion. That is in addition to the more than £169 million that has been provided to support provision of free school meals during term time, and nearly £22 million of funding to provide free

school meals alternatives to eligible families in the school holidays, regardless of the age of their children.

There is always more to be done, but it would be extremely unfair not to recognise the work that this Government has done on provision of free school meals.

Fulton MacGregor (Coatbridge and Chryston) (SNP): The cost to families of uniforms is specifically cited in the tackling child poverty delivery plan. How does the Scottish Government intend to raise awareness about the school uniform guidance consultation, which opened recently, and how it fits in and interacts with other investment that the Scottish Government is making to help to deliver the main aims of the plan?

Shona Robison: As our progress report sets out, we have invested almost £8.5 billion in support that is targeted at low-income households from 2018 to 2022, of which £3.3 billion has benefited children. We are determined to put money into the pockets of families, as well as to reduce household costs. Of course, that includes the important element of reducing the cost of the school day. That is why we have increased the value of the school clothing grants over the past four years, with a minimum award of £100 per eligible child in 2018, which we have increased to £120 for primary school children and £150 for secondary school children.

We have set out our intention to introduce new guidance on school uniforms, with the aim of reducing costs and ensuring that the money that families have goes further. We are engaging with a wide range of stakeholders and will continue to promote the consultation.

Carol Mochan (South Scotland) (Lab): Child poverty figures and indeed some of the estimated figures in Scotland highlight the true scale of the problem facing thousands of families across the country. I want to back up my colleague Pam Duncan-Glancy and say that I find those on the Government front bench quite self-congratulatory on this. We need to be much stricter with ourselves in this Parliament in relation to how serious the issue is and we should be talking about the things that need to happen.

The minister has not mentioned the priority groups affected by child poverty. There are far too many children living in poverty in Scotland today, but inequalities mean that disabled children and those from ethnic minority backgrounds or lone-parent families, for example, need extra support, and that has not been addressed. Can the minister set out a clear strategy to support those children and families?

Shona Robison: Again, I do not think that that is a fair representation of what I was setting out. The statement is an account of what has been done in the delivery of the first child poverty delivery plan.

All I can do is to set out and report on what we have done, as I am required to do under the 2017 act. Surely, Carol Mochan would be complaining if I was not doing that, as per the requirements under the act. I have tried to set out what we have done. Is there more to do?

Of course, there is more to do. That is why we have committed £3 billion to supporting low-income households. That is an extraordinary investment from a fixed budget with all the inflationary and other pressures on all budgets. In essence, it puts our money where our mouths are.

As I did in my statement, I could list all the things that we are doing that form part of that £3 billion, but we have to strike a balance between members rightly holding us to account—that is what we are here for as ministers in the Government—and, just occasionally, recognising where we are putting the money. On the resource spending review, members have complained about money going to other parts of Government because it is going into supporting social security and tackling child poverty.

On the point about the intersectionality of people with disabilities, disabled children and children from a black or ethnic minority background, they are in the six priority families to which I referred in my statement. Both of the tackling child poverty delivery plans absolutely focus on those six priority families because we know that those families, including lone parents, are more likely to suffer poverty. That is why we have particularly targeted those children through the plan. I hope that Carol Mochan is able to acknowledge that.

Siobhian Brown (Ayr) (SNP): New detailed analysis shows that independent European countries comparable to Scotland are wealthier and fairer than the UK. Poverty rates are lower in those comparator countries and there are fewer children living in poverty. What would be the opportunities if we had those additional powers at our disposal?

Shona Robison: We would have the full levers of a normal Government that other Governments throughout the world have to tackle child poverty. We would have powers over all elements of social security, employment, tax and, importantly, borrowing powers. At the moment, as we can see through the fiscal framework—this is relevant to our projected social security spend—we do not have the borrowing powers to allow us to smooth out the peaks and troughs of income tax take or social security expenditure that every other

Government has. In fact, local government has more powers in that respect than we have.

That is important not as some kind of theoretical discussion but because we would be able to do far more beyond what we can do. I have set out the extensive measures that we are already taking, but we could do far more if we were to move away from a fixed block grant based on what another Government spends and were able to use our resources to better support Scotland's priorities.

Willie Rennie (North East Fife) (LD): The cabinet secretary contradicts herself: she said that the statement was not self-congratulatory and celebratory before asking Pam Duncan-Glancy for appreciation for the work that she has done. She needs to make up her mind.

I say to the cabinet secretary that 7,500 two-year-olds from disadvantaged backgrounds are not accessing their free 1,140 nursery hours. The take-up rate is terrible. What is she doing about that and when will we see progress?

Shona Robison: To correct Willie Rennie, I did not ask Pam Duncan-Glancy to congratulate the Scottish Government. I asked for a bit of balance between, on the one hand, us saying that there is more to do, that we do not always get everything right and that we want ideas from others and, on the other, getting occasional acknowledgement of some of the things that we are doing that are delivering for children living in poverty in Willie Rennie's constituency as well as elsewhere.

I do not know why Willie Rennie is shaking his head. I have outlined all the measures that we are taking, such as supporting people through the Scottish child payment. I thought that he would welcome the support that is going into the pockets of low-income households in his constituency.

I laid out in my remarks the support that we are giving young people through the roll-out of early learning and childcare. The way that it is being rolled out has supported a number of families.

We have invested roughly £1 billion a year in the delivery of funded ELC, supporting children and their families, and the resource spending review contains assumptions looking at how we build on that. We have also given commitments to build a system of school-age childcare to support families with low incomes and to develop a new offer of learning and childcare for one and two-year-olds. That work is on-going.

I can tell Mr Rennie that the number of eligible two-year-olds accessing funded ELC rose last year to 6,474 children in September 2021—that is an increase of 25 per cent year on year, equating to 1,611 more children accessing their entitlement. There is more to be done, but, again, I hope that that is something that can be welcomed.

The Deputy Presiding Officer: I have five members who want to ask questions, so I need to have short questions and short answers.

Maggie Chapman (North East Scotland) (Green): Under the lifetime of the plan outlined in “Every child, every chance: The Tackling Child Poverty Delivery Plan 2018-22”, the Scottish Government supported many families who were hit by the United Kingdom Government’s cruel benefit cap. Indeed, about 3,100 Scottish households—almost all of them with children—have been negatively impacted by the cap on universal credit alone. Thanks to the Greens working with the Scottish Government, that support will increase over the next four years.

Can the cabinet secretary give us an update on the work that is being done to identify eligible families and get that much-needed support to them and say how we can build on the lessons that have been learned from the welfare advisers’ work to ensure that everyone gets the benefits to which they are entitled?

The Deputy Presiding Officer: I called for brief questions and answers. I want to get all members in and, if I do not get brief questions and answers, I will not get everyone in—that is just the way it is.

Shona Robison: I will try to be brief, and I will write to Maggie Chapman with more detail.

We are looking at the lessons learned from the advisers and there will be an evaluation of that work, which I can keep Maggie Chapman apprised of.

On the benefit cap, we are consulting local authority partners on the best methodology for delivering that important policy, which will support around 4,000 families once it is rolled out.

Paul McLennan (East Lothian) (SNP): Can the cabinet secretary outline what measures the Scottish Government is taking to support parental employment as part of its support for priority families?

Shona Robison: Could the member repeat the question? I think that it was on family benefits, but I could not quite hear it.

Paul McLennan: I am sorry. My question was, what measures is the Scottish Government taking to support parental employment as part of its support for priority families?

Shona Robison: Clearly, that is a key plank of the tackling child poverty plan, building on the work that has already been done around employability programmes but making it far more bespoke for families, because we recognise that some families have not found their way to the employability programmes, because of all the barriers in their way. We need to understand what

those barriers are. They might be to do with childcare issues or other costs that are prohibitive, and we want to work with families by ensuring that they have a key support worker to work with them to overcome any barriers that are particular to that family, in order to help them get into employment.

Oliver Mundell (Dumfriesshire) (Con): Pupil equity funding is allocated based on free school meals data. Given the known challenges with that measure, particularly in rural communities, will the Scottish Government look again at alternatives?

Shona Robison: Oliver Mundell is aware of part of the problem with the data. We rely on free school meal data because that is available through local authorities. He will be aware of the discussions—very productive discussions, I have to say—that are going on with the Department for Work and Pensions in order to ensure that we have the data that we require, not least for the roll-out of the Scottish child payment at the end of the year, so that all children under 16 will be entitled to that payment.

We continue to consider whether there is other data that we can use, but the free school meals data that is available through local authorities is one that we can rely on at the moment.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Can the cabinet secretary outline how much the Scottish Government is spending to mitigate UK Government policies and say how that impacts on Scotland’s child poverty targets? What assessments has the Scottish Government made of the impact of UK Government welfare reform policies on child poverty in Scotland?

Shona Robison: In my statement, I set out that, if the UK Government reversed the welfare reforms that it has implemented since 2015, that would put an estimated £780 million in the pockets of Scottish households, which would help to lift 30,000 children out of poverty.

To mitigate UK Government policies, we are providing £83 million through discretionary housing payments in 2022-23. Of course, the main policy that we mitigate is the bedroom tax. It takes about £60 million to mitigate it, and that money helps more than 91,000 households sustain their tenancies. That does not help to tackle the issue of temporary accommodation, but we continue to discuss with the DWP how that issue might be resolved at source; in fact, we raised it at our last meeting. I also include £7 million to mitigate the benefit cap, as far as we are able within devolved powers. That will help up to 4,000 families, many of whom are larger or lone parent families.

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

Social Security (Special Rules for End of Life) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-05222, in the name of Ben Macpherson, on the Social Security (Special Rules for End of Life) Bill, which is United Kingdom legislation. I invite members who wish to participate in the debate to press their request-to-speak button. I call on Ben Macpherson to speak to and move the motion.

15:56

The Minister for Social Security and Local Government (Ben Macpherson): This legislative consent motion is in response to the UK Government's Social Security (Special Rules for End of Life) Bill.

I appreciate that the debate was scheduled at short notice. That was due to the UK legislation being progressed rapidly. Given the extent to which the UK bill has been expedited, as well as our Parliament's upcoming recess, a legislative consent motion is needed to ensure that we align with the UK Government's approach. That is expected under the terms of the Scottish Government's agency agreements with the Department for Work and Pensions.

The UK Government's bill was introduced in the House of Lords on 11 May and serves to change the UK Government's current definition of terminal illness for the purposes of disability benefits that are administered by the Department for Work and Pensions.

In the DWP system, currently, those who are estimated to have six months or less to live due to terminal illness can have their disability benefit applications fast-tracked, so that they can start receiving their payments more quickly. The UK Government bill will expand that definition of terminally ill to those who have less than 12 months to live, rather than six months. The UK Government expects that change to result in a widening of fast-tracked access to disability benefits for terminally ill people.

Disability living allowance, personal independence payment and attendance allowance are all affected by the UK Government bill. Provision relating to disability benefits falls within devolved competence by virtue of the Scotland Act 2016 and the amendments that the 2016 act made to the devolution settlement. Therefore, the UK Government bill that is in question today relates to devolved matters, which has triggered the requirement for an LCM.

Until we fully implement our Scottish replacements, disability living allowance, personal independence payment and attendance allowance are being delivered by the DWP—on behalf of the Scottish ministers—under an agency agreement, and there is therefore a requirement for those benefits to be administered consistently across the UK until case transfer completes, and our agency agreements with DWP cease.

Of course, adult disability payment, which replaces disability living allowance and personal independence payment in Scotland, is being rolled out in stages and is currently available in six local authority areas. Another seven areas will be added in July for new applications, ahead of full national introduction at the end of August and the on-going case transfer process. At the point of full roll-out on 29 August, when adult disability payment will be available nationally—this is an important point—anyone in Scotland who becomes terminally ill while in receipt of PIP or DLA will have their entitlement automatically transferred to Social Security Scotland and will benefit from the Scottish definition of terminal illness, which I will come on to shortly.

The UK Government bill will likely have limited impact on those who are currently in receipt of DLA or PIP in Scotland. It will impact people who are in receipt of, or who are applying for, attendance allowance ahead of the introduction of our pension age disability payment, which will replace attendance allowance in due course.

Encouragingly, the UK Government's bill will bring the new definition of terminal illness in the UK closer to the definition that we have introduced for disability benefits in Scotland, but the UK definition will still be based on a fixed time period with regard to life expectancy. That is in contrast to the Scottish Government definition of terminal illness as part of the delivery of Scottish forms of assistance, including child disability payment and adult disability payment, which is based on clinical judgment that does not include a time limit on life expectancy. That means that people who are approaching the end of their life are more easily able to have their applications processed quickly, but with the Scottish definition.

Given what I have said, I consider a legislative consent motion to be the right course of action in order to maintain alignment with the UK Government's legislation, as is expected under the terms of our agency agreements. Therefore, providing legislative consent is the most pragmatic and appropriate course of action.

I move,

That the Parliament agrees that the provisions of the Social Security (Special Rules for End of Life) Bill, introduced in the House of Lords on 11 May 2022, relating to Special Rules for Terminal Illness for accessing disability

benefits, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

16:01

Jeremy Balfour (Lothian) (Con): It feels a bit like déjà vu, as we had a similar debate on a different social security issue last week. Last week, the minister felt that I was slightly partisan in my comments, so I will try to be more constructive this week. However, it is worth pointing out, particularly around clause 1 of the bill that is going through Westminster at the moment, that the reason why we are having to debate the issue in relation to DLA, PIP and attendance allowance is that there has been a delay in implementing ADP and other Scottish benefits here in Scotland.

Ben Macpherson: Does the member accept that the devolution of social security benefits is a joint programme of work between the Scottish Government and the UK Government, and that the delay to the delivery of some of our devolved benefits has been because both Governments had to reprioritise during the pandemic?

Jeremy Balfour: I accept that the pandemic has been an important factor in the delay, but even before the pandemic, there were statements in the chamber that those benefits would be delayed anyway. I simply point it out as a factual comment.

The second interesting point is that the UK Government seems to be able to introduce legislation fairly speedily when it is required, and I wonder why it takes the Scottish Government quite so long. In the debate last week, the minister indicated that there simply was not time for a bill to be introduced in this Parliament, yet that does not seem to be the case in Westminster. Therefore, I think that we have to look at the time that such emergency bills require and consider whether we can do it quicker in this Parliament.

My third gentle point to the minister, with due respect, is that, for the record, the definition of terminal illness here in Scotland is not a Scottish Government definition; the definition was agreed to by this Parliament. If I may claim credit, it was my amendment that introduced it, and it was agreed to unanimously by the whole Parliament. I appreciate that the Scottish Government is now implementing and taking forward that definition, but the definition can be owned by all five parties and by all MSPs who were in the Parliament at the time.

I will perhaps be a wee bit more constructive in my final couple of remarks. It has been really helpful for the minister to define exactly where people apply to if, sadly, they get a terminal illness after August. However, my concern about that

relates to how we get that information out to those who need it, such as to citizens advice bureaux, advice shops and other third sector organisations, and to the Scottish public more generally, so that everyone knows that we have a new definition, that there is a faster way to access the benefit and that people can get higher levels of care and mobility allowance more quickly if they go through that procedure. I ask the minister when closing to address whether any advertisement of the changes will take place over the summer. If so, how will that happen?

Come decision time, the Conservatives will vote for the motion. We think that the UK Government has taken a positive step forward. I hope that the motion gets the support of every member in the chamber.

16:05

Pam Duncan-Glancy (Glasgow) (Lab): Let me start with the substance of the motion and the impact on people. This is about people's lives and terminal illness—it is possibly the time when we need our Governments to be the most sensitive and responsive. For that reason, the Labour Party welcomes the move to extend the period in which a person who is terminally ill can qualify for special rules for terminal illness exceptions.

I agree with the minister that these matters are to do with legislation over which this Parliament has competence. In fact, as has been said, Social Security Scotland has its own special rules for terminal illness under which there is no qualifying period. I commend the Scottish Government for having a policy that is designed to ensure that people are provided with the support that they need when they need it, and for its diversion from UK Government policy in that regard.

However, I am again a little disappointed, because the people of Scotland are not yet feeling the full benefits of devolved social security. That is not because we need more power in that area, but because the Scottish Government is still letting people down by failing to manage the powers that it already has.

The Parliament passed social security legislation in 2018, yet, more than four years later, only a handful of local authorities have opened applications for the benefits; new applications will not be available to everyone in Scotland until at least 29 August; full transfer of those currently on PIP over to ADP is not expected until 2025; and 313,620 people on PIP have been left at the hands of the DWP, facing delay after delay as a result.

Ben Macpherson: We all want to move to the implementation of the benefits as quickly as possible and to full case transfer, but I again pose,

in a constructive spirit, these questions to Pam Duncan-Glancy. What are the Labour Party's suggestions, within the budget constraints of the Parliament and within the technical and human challenges of undertaking these exercises in the execution of Government policy? What would it have done differently to make things happen more quickly? We are going as quickly as we can. I am not hearing any constructive suggestions as to how we could have done things more quickly or how we could do things more quickly in the future.

Pam Duncan-Glancy: That is possibly the first time that I have heard that point about the budget in relation to pace, which is interesting.

We could do a number of things differently in terms of the administration. We also need to work more closely with other Parliaments in the UK. Like my Conservative colleagues, we will support the Scottish Government's motion. However, the fact that we have a UK Government that does not consider that a legislative consent motion is needed and a Scottish Government that does shows that there is significant confusion.

Those 313,620 people, who have been led up a hill and left waiting for years and years, are now being told to wait longer for substantial change. The same is true of child disability payment. Despite the process for new applications being fully operational here, safe and secure transfer will not happen until 2023. In addition, the SNP-Green Government has not set out a timetable for attendance allowance.

In the meantime, it is no wonder that there is disagreement between the Governments on what they need consent for, because they have been incapable of working together at pace. I say to the minister that we need to work at pace and together. Instead, the UK Government has created a confused system in which powers have been devolved to Scotland and the Scottish Government has sent some back, has asked the DWP to take care of others and has chosen a few on which to make some progress. It is clearly a messy arrangement that is not helping anyone. Frankly, it seems to me that nobody has a clue and that the Scottish people are paying the price. How on earth can the Governments expect people in Scotland to navigate this if they cannot?

We will support today's motion, but I stress that I would far prefer to spend parliamentary time on social security legislation that would fundamentally and materially improve the lives of the people of Scotland, instead of spending time debating constitutional intricacies that have been caused by delays and confusion, which have left people without the support that they need. It is not good enough that neither Government can get this right. This is the second time in a week that we have faced the same type of motion and the same

constitutional tug of war because neither Government is able to establish who has responsibility for what.

I recognise the policy and ideological differences between the SNP Government at Holyrood and the Tory Government at Westminster, but, although social security remains a shared responsibility, it is of the utmost importance that Governments talk to and engage with each other and stop wasting time on disagreements. That is the best chance that we have of getting things right—and doing so quickly—for the people of Scotland.

16:10

Ben Macpherson: I am grateful to members across the chamber for their time and their contributions to the debate. Although the Scottish Government has taken a very different approach to the UK Government's in its definition of terminal illness—as decided by the Scottish Parliament—this UK Government bill represents a positive change that will benefit those who are terminally ill and are applying for disability benefits administered by the DWP.

I requested this legislative consent motion because it is required in order for the UK Government to make changes to the definition of terminal illness in Scotland. To be clear to Pam Duncan-Glancy, there is agreement between the Scottish Government and the UK Government on this legislative consent motion. The situation is different from that of the previous legislative consent motion that we considered. In fact, the UK Government formally requested the legislative consent motion that we are considering.

Pam Duncan-Glancy: I thank the minister for that clarity. I appreciate it. The confusion has resulted because we face such a confused situation. It is incumbent on all of us to work together and do the best that we can to roll out social security payments as quickly as possible in Scotland.

Ben Macpherson: I agree with the spirit of that, and that is certainly how I engage with UK DWP ministers and Scotland Office ministers on the process.

The only alternative to a legislative consent motion would be the introduction of equivalent Scottish primary legislation. However, to take that approach, we would need to have the legislation in place at the same time as the UK bill—which was introduced seven weeks ago—came into force. Given the extent to which the UK bill has been expedited, that would be extremely challenging because of the other pressures on this Parliament's legislative programme. Without parliamentary approval for the legislative consent

motion that we are considering today, those in receipt of, or applying for, DWP disability benefits in Scotland would not be able to take advantage of the widening of the terminal illness definition. I appreciate the member's point, but I think that the process that we are following is the most practical one in the circumstances.

Pam Duncan-Glancy made a point about speed. I want to be clear that I was in no way insinuating that budget is a factor in delivering the roll-out of new devolved Scottish benefits or in the case transfer process. As a member of the Social Justice and Social Security Committee, Pam Duncan-Glancy will be aware that Social Security Scotland has made it very clear that it could not have gone faster with this process. We have had to ensure the safe and secure delivery of these benefits by creating benefits that have been designed for those with lived experience in mind, and we have undertaken all the stakeholder engagement involved in that process. We have moved at a strong pace to deliver a high-quality service as we continue to undertake the case transfer process and introduce seven benefits that are not available elsewhere in the UK. That is a significant improvement.

Jeremy Balfour raised an important point about awareness. When we deliver new benefits, including through the phases of adult disability payment, we engage with local authorities and stakeholders through our local delivery teams to raise awareness. All of us MSPs can play a really positive role in that process. I will write to all MSPs and Scottish MPs in the coming days to encourage all of us to do what we can through the summer recess to raise awareness of what benefits are available for people, so that they can apply. The Government, of course, does that work on an on-going basis, and it will continue to do so as proactively as it can. However, we can all make a difference, and we should do it together.

It is important that those people who are terminally ill benefit from the change that the UK Government's definition of terminal illness will create. That includes those people who receive attendance allowance and those adults who will apply for DWP benefits in the short time between the UK Government's bill coming into force and the end of August, when the adult disability payment will be introduced nationally.

The legislative consent motion that is before us today will ensure the continued delivery of UK Government benefits on our behalf while we continue the safe and secure transfer of people to their respective forms of Scottish assistance.

I thank Parliament for considering the matter, and I look forward to working with colleagues through the summer as we continue to support people who receive disability assistance and to

raise awareness of what is available to support people. I hope that Parliament will back the legislative consent motion.

The Deputy Presiding Officer: That concludes the debate on the Social Security (Special Rules for End of Life) Bill—UK Legislation.

Northern Ireland Protocol Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-05235, in the name of Angus Robertson, on the Northern Ireland Protocol Bill. I invite members who wish to participate in the debate to press their request-to-speak buttons now or place an R in the chat function as soon as possible.

I note that one member who is scheduled to participate in the debate is not in the chamber, which is more than a little disappointing; I will expect an explanation for that.

16:07

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): The United Kingdom Government's Northern Ireland Protocol Bill had its second reading in the House of Commons on Monday. The European Union considers the bill illegal. Many in the Commons also doubt its legality; others warn that it will undermine the UK's international reputation; and still more point out that the bill fails to bring the Democratic Unionist Party back into power sharing in Northern Ireland, or to advance trade talks with either the EU or the United States of America. However, not a single Conservative MP voted against the legislation.

I will focus my remarks on three issues that are of utmost interest to all colleagues in the Parliament: first, the issue of legislative consent, which Conservative members seemed to have forgotten about when they told us last week that the Northern Ireland Protocol Bill was none of our business; secondly, the question of international law, which itself is related to whether the Scottish Government can recommend consent; and thirdly, the potential direct impact and damage that will be caused to people in Scotland, should the bill become law.

The Northern Ireland Protocol is a key part of the withdrawal agreement that the UK Prime Minister signed with the EU in 2019. Indeed, without the protocol, it is clear that there would not have been a deal at all between the EU and the UK. So good was that deal, according to Boris Johnson, that when he signed it, he hailed it as a "fantastic moment" and went on to fight a general election on the basis that he had "got Brexit done".

However, the bill unilaterally disappplies, or affords the UK Government powers to disapply, the legislation that enforces parts of the protocol in the UK. In other words, the UK Government wants to tear up that self-same apparently fantastic deal and renege on the UK Government's commitment and international obligations. It wants the Scottish

Government to recommend consent for the bill that does the tearing up, and for this Parliament to agree that recommendation.

To address the first issue directly, it is inconceivable that the Scottish Government could recommend agreeing to such a legislative consent motion.

That brings me to my second point, on the question of international law. It is the opinion of all—except, seemingly, the UK Government—that the legislation, if it were implemented, would breach international law. The bill deliberately sets the UK on an entirely avoidable collision course with our fellow Europeans in the EU, and it leaves the UK increasingly isolated in the court of world opinion.

Following the introduction of the bill, European Commission vice-president, Maros Šefčovič, stated:

"Let there be no doubt: there is no legal, nor political justification whatsoever for unilaterally changing an international agreement ... Let's call a spade a spade: this is illegal."

He was not alone in that view. That view was echoed across European capitals, and it is held not just in Europe. Senior US officials do not

"believe that unilateral steps are going to be the most effective way to address the challenges facing the implementation of the protocol".

Most important of all, perhaps, is the view from Northern Ireland. More than half the members of the Northern Ireland legislative Assembly have rejected the UK Government's actions as "utterly reckless". They are reckless in terms of negotiating with the EU, reckless with regard to the United States and reckless with regard to the Belfast Good Friday agreement.

Legal commentators tend to agree that the proposals could breach international law. That is deeply concerning, but not surprising. It is not surprising from a Government that, in 2020, brazenly said that its legislation to amend the withdrawal agreement would

"break international law in a ... limited and specific way"—*[Official Report, House of Commons, 8 September 2020; Vol 679, c 509.]*

as though that was okay. Jonathan Jones QC, the former head of the UK Government legal department, has described the legal position as "hopeless".

In reference to the legality of the proposed legislation, let me turn to the Labour amendment. Obviously, the bill would need to complete its parliamentary passage and be commenced by the UK Government to breach international law. The legal position would depend on conditions at the time, as well as other factors and arguments about

which we do not currently have full information. However, on that basis, the Government is content to accept the Labour amendment.

Let me turn to the Scottish interests. It is clear that the bill damages even further the UK Government's relationship with our largest trading partner. It causes business and investor uncertainty, and it risks sparking a damaging trade war. I cannot think of anything more irresponsible than launching that confrontational action in the middle of a cost of living crisis, when the UK is at real risk of entering a recession.

It has been estimated that, so far, Brexit has cost the UK economy £31 billion. We know that Scotland's total trade with the EU was 16 per cent lower in 2021 than it was in 2019, while its trade with non-EU countries fell by only 4 per cent in the same period.

Many of the difficulties that Scottish businesses face are a direct result of the UK Government's decision to adopt a hard Brexit outside of the single market and the customs union. When our supply chains interact with EU businesses—be it for materials, finished goods or labour and skills—that approach has made it harder and more costly for businesses to operate.

Catherine Barnard, professor of EU law at the University of Cambridge, has warned of even tougher times ahead and the risk of iconic Scottish products such as whisky, salmon and cashmere being affected in the event of a trade war. That is hugely concerning. Scottish salmon exports to the EU alone are worth £370 million and account for two thirds of the sector's exports. Any retaliatory measures for the sector would be expected to impact many of Scotland's rural communities and supply chain operators.

Clearly, in embarking on an utterly senseless and self-defeating course of action, the UK Government has provoked an unwinnable conflict, with likely catastrophic consequences for many people. Scotland cannot, and must not, accept that.

The protocol allows Northern Ireland to be simultaneously in the EU's single market and in the UK's internal market. It is disingenuous for the UK Government to claim that the protocol is doing harm to Northern Ireland's economy. Just a month ago, Stephen Kelly, the head of Manufacturing Northern Ireland, stated the exact opposite. He said:

"Every piece of evidence presented so far shows a positive impact".

That view is echoed by the National Institute of Economic and Social Research, which found that Northern Ireland's economic output had recently outperformed the UK average. Similarly, the chief

analyst of the Ulster Bank has noted that the number of manufacturing jobs in Northern Ireland is growing four times faster than the UK average.

The Deputy Presiding Officer: You need to start winding up, cabinet secretary.

Angus Robertson: I will indeed, Presiding Officer.

Just last week, the Resolution Foundation estimated that Northern Ireland will be the least impacted UK region in the long run because of its access to the single market.

For the reasons that I have set out, I reject the Conservatives' amendment.

The motion, as amended by the Labour amendment, asks the Parliament to take note of these very serious concerns, and to urge the UK Government to draw back from its course of reckless confrontation, withdraw the Northern Ireland Protocol Bill, and restart negotiations with the EU immediately with a view to mutually agreeable, durable solutions. I ask members to support the motion.

I move,

That the Parliament agrees that it is fundamentally unacceptable for the UK Government to unilaterally disapply key parts of the EU-UK Withdrawal Agreement, the signing of which the Prime Minister hailed as a "fantastic moment"; further agrees that by proposing this course of action the UK Government is risking a disastrous trade dispute with the European Union, with damaging consequences for Scotland in the midst of a cost of living crisis and at a time when the UK is in danger of falling into recession, and calls, therefore, on the UK Government to withdraw the Northern Ireland Protocol Bill and restart negotiations with the EU immediately.

16:25

Donald Cameron (Highlands and Islands) (Con): I am genuinely grateful to the Scottish Government for bringing the debate to the chamber. It is an important debate, not least in terms of the integrity of the United Kingdom and regarding our wider relations with the European Union. In such a debate, it is tempting to re-fight old battles and revisit old arguments, whether on the Brexit vote itself, or on the never-ending saga of votes in the UK Parliament between 2017 and 2019. Opinions vary hugely in this chamber, and there were and still are passionate views about the UK's decision to leave the EU, even six years later. There can be no doubting the seismic nature of Brexit and its impact on Scotland and the wider UK.

However, simply discussing how we got here will not take us forward. In the here and now, we should focus on three issues. The first is the state of the protocol itself and the problems that exist with its implementation. The second is the need

for a settlement that protects peace in Northern Ireland and restores power sharing. The third is a genuine and sincere attempt by both the UK and the EU to reopen negotiations. I will look at each of those issues in turn.

The protocol is not working. Rightly or wrongly, regardless of what the intentions were in October 2019, whether we voted for it or not, it is not working. There are four key issues at play, and I will touch on them briefly. There are problems with current customs processes because of the checks on paperwork that have been imposed by the protocol. According to the Consumer Council, more than 100 UK retailers have now stopped supplying Northern Ireland. There is undoubtedly an impact on business. Modelling by the Fraser of Allander Institute and the University of Strathclyde shows an additional average cost of 8 to 9 per cent for goods imported into Northern Ireland.

Secondly, there are regulatory issues that place barriers between Great Britain and Northern Ireland that could increase. Part of the problem with that is that goods that are entering Northern Ireland needed to comply with EU rules, even if they will not enter the single market.

Fiona Hyslop (Linlithgow) (SNP): Will the member take an intervention?

Donald Cameron: I will take a very brief intervention. I have got a lot to get through.

Fiona Hyslop: Bearing in mind that the EU has addressed and has proposed in joint negotiations the opportunity to do exactly what the member suggests, such as cutting paperwork in half, reducing the number of inspections and, indeed, simplifying to a single three-page document some of the paperwork, why on earth does he think that the UK Government is not doing what his amendment says, which is to have a joint negotiation to make any required improvements?

Donald Cameron: As I say, I would ideally like for negotiations to continue. On the subject of regulation, which Fiona Hyslop raised, in March last year a civil servant at Stormont said that the number of regulatory checks that are required on goods arriving into Northern Ireland from GB equates to 20 per cent of the total number of checks that are undertaken by the entire EU.

Thirdly, there are tax and spend issues. EU state aid rules still apply in Northern Ireland meaning that businesses there do not enjoy the same amount of support that businesses in Great Britain now benefit from. Businesses in Northern Ireland will not benefit from UK VAT reforms or reductions.

Clare Adamson (Motherwell and Wishaw) (SNP): Will the member take an intervention?

Donald Cameron: I am very sorry but I simply do not have time.

Finally, there are concerns about governance. Unlike other aspects of the EU-UK deal, where disputes can be settled through arbitration, any disputes arising from the protocol can only be settled by the European Court of Justice.

Those are the issues that the bill seeks to address. That is why the suggested proposals in the bill, such as the red and green lanes, the dual regulatory regime, and the governance are, at the very least, worth considering. The green lane, in particular, should assist on the GB side, especially in Scotland, when goods are exported to Northern Ireland. That might also be beneficial to Scottish businesses.

The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray): Will the member give way?

Donald Cameron: I am very sorry; I have only two minutes left.

Various proposals in the bill will be welcomed in Northern Ireland. Stuart Anderson, head of public affairs at the Northern Ireland Chamber of Commerce and Industry, said that some proposals would be helpful, especially to consumer-facing business.

Secondly, I spoke about the need for a settlement that protects peace. Again, whether we like it or not, the protocol is inextricably linked to the political situation in Northern Ireland. Many of us grew up, even at a remote distance, in the shadow of the conflict that preceded the Good Friday agreement. Maintaining stable social and political conditions in Northern Ireland is obviously of paramount importance for us all. That means obviating the need for a hard border on the island of Ireland and ensuring as frictionless trade as possible. It also means taking action to restore power sharing in Northern Ireland.

We cannot magically wish the concerns of the unionist community away. The community has a right to be heard and is entitled to air its anxiety. Northern Ireland does not have majoritarianism, so both communities need to be on board. Critically, across the spectrum, none of the parties in Northern Ireland is saying that the protocol is perfect. Flexibility is required from everyone: not only the UK Government and the Democratic Unionist Party, but the EU and the whole range of democratic parties in Northern Ireland.

Finally, there needs to be a genuine attempt to re-open negotiations, which is the point that Fiona Hyslop made in her intervention. I was in Brussels with the Constitution, Europe, External Affairs and Culture Committee only last week. We had many

conversations in private, which I will not repeat. However, it was clear that discussions are stuck and need rapidly to become unstuck. Both sides share responsibility, not just the UK Government. The EU has also shown inflexibility in its approach to the regulation of goods, as I mentioned, and it must change its negotiating mandate. It reopens negotiated agreements all the time. Where there is a will there is a way.

I will close by paraphrasing our amendment. The protocol is not working as intended. We urge both the UK Government and the EU to come to a negotiated settlement so that these very real problems can be resolved. That is how we protect both the integrity of the UK and the EU single market, and that is how we ensure a stable settlement that will safeguard peace in Northern Ireland and allow a return to power sharing—a situation that, unequivocally, we should all want to see.

I move amendment S6M-05235.2, to leave out from “it is fundamentally unacceptable” to end and insert:

“the Northern Ireland protocol is not working as intended, and calls on both the UK Government and the EU to come to a negotiated settlement so that these problems can be resolved and thereby protect both the integrity of the UK and the EU Single Market, and at the same time ensure that a stable settlement is delivered that safeguards peace in Northern Ireland and allows a return to power-sharing government in the Northern Ireland Executive.”

The Deputy Presiding Officer: I remind members that if you have made an intervention and you still wish to participate in the debate, you may need to press your button again.

16:32

Sarah Boyack (Lothian) (Lab): When I was first sworn into the Parliament, I would never have thought that we would discuss a bill that would actively break international law. The Tories’ Northern Ireland Protocol Bill will not only break international law, but further damage the UK’s global reputation as a trusted partner, risk worsening the cost of living crisis by throwing up further barriers to trade, and create further divisions at a time when we need to get on with our neighbours in Europe and pull together in the face of Putin’s war in Ukraine.

The terms of the European Union (Withdrawal) Bill and the Northern Ireland protocol should come as no surprise to Boris Johnson and his Conservative Government, because they negotiated the protocol. They agreed it and whipped their MPs to vote for it. The Northern Ireland protocol is a product of the Prime Minister and his Conservative UK Government, and the fact that they are now seeking to usurp it demonstrates their incompetence, past and

present. What confidence can we have in a Government that cannot get the job done right first time around?

I was struck by the Foreign Secretary yesterday telling the *Belfast Telegraph* that she has no regrets in voting for the protocol at the time, and that the issues that have arisen were unexpected, even though she now says that the problems were “baked into the protocol”. It begs the question as to what work the Conservatives did to look at a protocol that the Foreign Secretary now thinks is disastrous. What kind of risk assessment did they do?

I agree with key points in the Scottish Government motion. My amendment, which adds to it, focuses on the fact that the UK Government’s bill will break international law.

Article 27 of the Vienna Convention on the Law of Treaties states:

“A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.”

The bill does exactly that. In the bill, the Tories are seeking to unilaterally override parts of the Northern Ireland protocol through UK domestic law.

It is ironic that I agree with Donald Cameron’s suggestion that the UK Government and the EU should get round the table to negotiate. The bill will not help with that.

There is an issue with the legal principle of the doctrine of necessity, which we may come on to later in the debate, but it is clear that the doctrine of necessity applies only when a country is facing grave and imminent peril. The UK Government’s former legal adviser Jonathan Jones has already said that the EU would be completely unpersuaded by that argument. The bill shows that, once again, the Tory Government is totally detached from the real issues of the day, and is hellbent on furthering its own political agenda, with no regard for the reputational risks to which it is opening up our country. It speaks volumes that the former Prime Minister Theresa May warned that unilateral attempts to scrap parts of the Northern Ireland protocol and the Brexit deal are not legal.

Article 16 of the protocol allows the UK or the EU to invoke restricted safeguard measures unilaterally when serious economic, societal or environmental difficulties arise because of the operation of the protocol. I agree with Donald Cameron—it is time for the UK Government and the EU to get round the table and talk about the issue. The analysis of Mark Elliott, a professor of public law at the University of Cambridge, is that the UK Government’s legal position paper shows that it has no intention of using that provision.

The Northern Ireland protocol was put in place to ensure that the Tory agreement on the UK's withdrawal from the EU protected the Good Friday agreement. To date, far too many Tory MPs have shown complete disregard for the Good Friday agreement in the Brexit process, and we can see that here from the very top of the UK Tory Government.

Scottish Labour will not support legislation that not only does not respect international law, but threatens the hard-won Good Friday agreement. Negotiation is needed. The irony is that although the Tory party claims to stand for businesses, businesses in Northern Ireland have been able to work with the protocol. The bill risks creating new barriers during a cost of living crisis, and it will only bring more uncertainty for the people of Northern Ireland, who are trying to make the protocol work in the best way that they can. Surely it is far better to negotiate on food and agricultural standards than to raise trade barriers.

The bill would break international law and have a devastating impact on families and businesses in Northern Ireland, Scotland and across the UK. The UK Government must focus on negotiation with the EU. That is the route to ensuring that international law is respected and the Good Friday agreement is protected. The UK Government must get round the table with the EU and negotiate in good faith.

I move amendment S6M-05235.3, to insert after "recession":

“; condemns that the Bill breaks international law and risks the integrity of the Good Friday Agreement”.

16:37

Willie Rennie (North East Fife) (LD): We will support the Government motion and the Labour amendment.

The European Union had a largely unrecognised, but central, role in the Northern Ireland peace process. It formed a cradle within which peace could thrive. As Ireland and the UK were both members of the EU, it allowed a way forward to develop. The border between north and south could be removed so that there could be free movement of goods and people across Ireland and with the rest of the United Kingdom.

It was reckless of the man who is now Prime Minister, and the leave campaign, to ignore the extensive warnings about the consequences of removing that cradle. The Prime Minister was dishonest to tell people that he had found a good solution, because there is no good solution. Whether the border is between north and south or east and west, there needs to be a border, and borders cost. The protocol that Boris Johnson condemns today is the one that he praised three

years ago. The more the UK wishes to diverge from the EU, the greater the pressure there will be on that border.

I would love to be able to say that there is a good solution to the problems that have been caused to Northern Ireland by our exit from the EU, but there simply is not one. There are least worst options. The protocol may be the least worst option, but it is hardly a model for success, which makes it all the more surprising that the First Minister holds it up as a template to aspire to. The chaos, the tension and the disruption make the protocol a model, according to Nicola Sturgeon.

Last April, the First Minister was interviewed by *The Irish Times* and was very optimistic about the Northern Ireland protocol and, as always, what it could mean for her and her campaign for independence. She said:

“yes, I think that does offer some template”,

and that it would address

“any practical difficulties for businesses trading across the England-Scotland border.”

To hitch her independence ambitions to anything from Northern Ireland was brave.

Clare Adamson: Will the member take an intervention?

Willie Rennie: Not just now.

To hitch those ambitions to the wreckage of Brexit was remarkable.

Last month, the First Minister warned that the protocol could trigger a trade war with the European Union and tip the UK into recession. The First Minister's model for Scotland has careered towards a trade war in just 12 months.

Neil Gray: Will the member give way?

Willie Rennie: I will in a second.

That is some trajectory, and serves in my mind only to emphasise the chaos that would ensue were we ever to break up from the United Kingdom. That chaos would only mushroom if Scotland joined the European Union—more so if Scotland dramatically diverged, as is its wish, from UK standards on immigration, business and trade. Pressure on the border would be certain to grow, just like the pressure on the border in the Irish Sea would if the UK diverges from the EU. That throws into sharp focus the fact that the SNP is not ready with a worked-out plan for independence.

The Prime Minister is playing fast and loose with the peace process, international law, our relations with our trading partners and good local democracy in Northern Ireland—there is no doubt about that—but he has done so because he is in an impossible position of his own making. It looks

like the SNP is trying to make the same mistake all over again.

16:42

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): When is an international treaty not an international treaty? Ordinarily, there should be a punchline inserted at this point, but unfortunately the joke is on us in so many ways that it is embarrassing and dangerous.

I attended the Quality Meat Scotland breakfast meeting last week at the Royal Highland Show, where the First Minister gave a well-received address to the farming and red-meat industry attendees. However, what I found incredibly interesting that morning was the presentation from Professor John Gilliland, a former president of the Ulster Farmers Union and chair of the Department for Environment, Food and Rural Affairs rural climate change forum. His talk was interesting for several reasons, but one thing that really struck me was that, almost in his first sentence, he congratulated us in Scotland on having a viable, working First Minister who works on behalf of the people of Scotland, because people would love to have that in his part of the world.

The Northern Ireland protocol was supposed to be the tool that allowed Northern Ireland to have the functioning Parliament that the majority voted for, but here we are debating the fact that, once again, throwaway lines and promises from Boris Johnson have proven to be nothing more than his usual speak-first, think-never routine. That did not matter as much when he was editor of *The Spectator*, but it matters now that he is the Prime Minister. He is destabilising an entire country and threatening a trade war with the EU.

It appears that the Tories have little respect for international treaties, whether they were signed in 1706 or 2020, and they think that it is okay to ignore or break them and carry on regardless of the consequences. In the words of Maroš Šefčovič,

“the UK government tabled legislation, confirming its intention to unilaterally break international law.”

Although it is bad for the people of Northern Ireland to leave them without a functioning executive, it is also extremely damaging to us here in Scotland, because it raises the serious potential of a trade war with the EU during a Tory-inflicted cost of living crisis, and puts at risk the vital trade of goods between Scotland and Northern Ireland.

I know that the Tories are having difficulty this week with the concept of a political leader delivering on a promise that was made during an election campaign, but let me remind them of what their party leader said to the Democratic Unionist Party conference in Northern Ireland in 2018:

“We would be damaging the fabric of the union with regulatory checks and even customs controls between Great Britain and Northern Ireland on top of those extra regulatory checks down the Irish Sea that are already envisaged in the withdrawal agreement.”

He also said:

“I have to tell you no British Conservative government could or should sign up to any such arrangement.”

However, less than a year later, Mr Johnson put a border down the Irish Sea.

I have no problem with damaging the fabric of the union, particularly in relation to Scotland, but I have a huge problem with a London-centric Tory Government that thinks that it can play fast and loose with the politics of Northern Ireland and the economic impact that its decisions have on Scotland.

Boris Johnson does not care about Northern Ireland. He did not go there and make that—empty—promise because he believed in it. He did it because it was expedient for him, for his party and for his Government to do so at that time.

In October 2019, the Prime Minister assured the House of Commons that his protocol was a

“great success for Northern Ireland and the whole country”, and that it was

“fully compatible with the Good Friday agreement.”— [*Official Report, House of Commons*, 19 October 2019; Vol 666, c 581.]

Now, the UK Government is saying that legislation to unilaterally override the protocol is

“necessary ... to preserve peace and stability in Northern Ireland.”

The man has more faces than a dice.

I do not raise the issue because the Northern Ireland protocol was the best solution for Northern Ireland. Like the majority of people in Northern Ireland and Scotland, who voted to remain in the EU, I think that recognising and enabling people’s democratic wish would have been the best solution for Scotland and Northern Ireland. However, as I said, the Tories have a problem with recognising democratic mandates.

I quote Maroš Šefčovič again. He said:

“The Protocol was the solution agreed with the UK government to protect the Good Friday (Belfast) Agreement in all its dimensions, avoid a hard border on the island of Ireland, and protect the integrity of the EU’s Single Market.

We know that there are some practical difficulties in implementing it ... That is why my team and I had been engaging extensively with all stakeholders on the ground, resulting in a set of solutions put forward in October—showing genuine and unprecedented flexibility.”

The EU is showing “genuine and unprecedented flexibility”—

The Deputy Presiding Officer: You must close, Mr Fairlie.

Jim Fairlie: All that makes me wonder whether Boris Johnson's volte face is more about his having realised that if the Northern Ireland protocol works in Northern Ireland and applies in Scotland, too, he might have more to lose than he thought.

16:46

Paul Sweeney (Glasgow) (Lab): I support the amendment in the name of my colleague Sarah Boyack and I support the Government motion.

The member for Airdrie and Shotts and I are veterans of the 2017-19 UK Parliament. We had front-row seats for the tragic and horrible spectacle of the constitutional vandalism that the Conservative Party perpetrated on this country. I was nine years old when the Good Friday agreement was signed, so I have only ever known peace in Northern Ireland. It was, therefore, appalling to see peace and my generation's prospects being threatened.

In wrestling with the difficulties of the 2016 Brexit vote and considering how to make sense of it and deliver a workable solution, it quickly became clear that there were only three options. The whole UK could remain in the single market and customs union—or something that was very closely aligned to that—or there could be a hard border in one of two locations: between Northern Ireland and the Republic of Ireland or between the island of Ireland and Great Britain.

The Conservatives, under Theresa May and later Boris Johnson, made three promises that were logically incompatible—I summarise that as the Brexit trilemma. They promised that we could leave the single market and customs union but have no border between Ireland and Northern Ireland and no border between Northern Ireland and Great Britain. That was simply impossible to achieve: something had to give. The fantasy that things could be squared off was impossible to deal with in that session of Parliament, which led to the disastrous outcome of the 2019 general election and the no-deal—in all but name—Brexit with which we ended up.

Option A was the 2019 withdrawal agreement and the Northern Ireland protocol that Johnson negotiated with the EU, which broke the promise that there would be no border between Northern Ireland and Great Britain. Johnson lied to the Democratic Unionist Party—his erstwhile partners in sustaining the Conservatives in power—when the UK agreed to a de facto customs border in the Irish Sea, with checks on goods moving between Great Britain and Northern Ireland.

Now, Johnson brazenly and outrageously denies that he agreed to that and, to try to cover his tracks, he threatens to renege on the deal. If the UK reneges on the withdrawal agreement with the EU, that will undermine the Good Friday agreement by forcing a return to a border on the island of Ireland, thus breaking promise 3, which was that there would be no border between Ireland and Northern Ireland. In effect, that will result in a no-deal Brexit and economic disaster for the UK—and, of course, the United States will never sign a trade deal with the UK if it does that.

The UK will then try to claim that the EU is to blame for this disaster and for that border. That is the most outrageous lie that has been perpetrated on the people of this country—including people who perhaps voted in good faith against what they thought was EU bureaucracy and so on, but without fully understanding the implications of the problem that would be faced with Ireland.

Theresa May's 2018 deal with the Irish backstop pretended to achieve the fantasy of squaring off the situation, but in reality it would have kept the whole UK de facto in the EU customs union and single market for goods, if no other solution could be found, which would have broken the promise to leave the single market and customs union. Effectively, Theresa May was held hostage by her back benchers.

That deal was rejected by the UK Parliament. I am proud to say that I worked as much as possible with colleagues across parties to achieve as much as we could by way of compromise to secure agreement to remain in the customs union and single market and to achieve that alignment. There was Ken Clarke's proposal, for instance. We worked as much as we could on that. However, the vandals on the back benches of the Conservative Party put paid to that, which led to May's resignation, to Boris Johnson becoming Prime Minister and to the whole thing unravelling.

What we saw through 2017 to 2019 was the most appalling constitutional vandalism, and we are now wrestling with the consequences of it. That is why we should reject the proposals and reject everything that the Conservative Party has visited on this country—the misery that it has visited on this country over the past five years.

The Deputy Presiding Officer: I call Paul McLennan, to be followed by Clare Adamson.

16:51

Paul McLennan (East Lothian) (SNP): I clarify that I was told that I was not speaking today—that the number of members who would speak had been cut. I have a speech and am prepared to make the speech.

The Deputy Presiding Officer: You are on my list and you have been called to speak. I would take that as permission, Mr McLennan.

Paul McLennan: That is fine—I just wanted to clarify that. Thank you, Presiding Officer.

It has been a long six years since Scotland voted by the margin of 62 per cent to 38 per cent to remain in the EU. Indeed, polls have shown that support for rejoining the EU is now higher than that.

Let us remind ourselves of what the protocol does. It creates a border in the Irish Sea for goods passing from Great Britain into Northern Ireland, which remains in the EU's single market for goods. We have already heard about the benefits of that for Northern Ireland. That removed the need for border checks on the Irish land border.

On Monday, Boris Johnson secured a 74-vote majority for a bill to rip up the Northern Ireland element of his Brexit deal. Remember: he authorised its approval. More than 70 Tory MPs either abstained or were excused from voting. They included Theresa May, the former Secretaries of State for Northern Ireland Julian Smith and Karen Bradley, and the former Attorney General, Geoffrey Cox. Theresa May led criticism of the Northern Ireland Protocol Bill, condemning it as “illegal” and warning that it would damage Britain's standing in the world. She said:

“this Bill is not in my view legal in international law, it will not achieve its aims and it will diminish the standing of the United Kingdom in the eyes of the world.”—[*Official Report, House of Commons*, 27 June 2022; Vol 717, c 64.]

Simon Hoare, Tory chairman of the House of Commons Northern Ireland Affairs Committee, said that the bill appeared to be

“a muscle flex for a future leadership bid”—[*Official Report, House of Commons*, 27 June 2022; Vol 717, c 56.]

by Liz Truss, the Foreign Secretary.

The EU has warned Britain against unilaterally ripping up the protocol, and said that it would respond to the bill by restarting legal proceedings against the UK and threatening to use

“all measures at its disposal”,

including a potential trade war, if London acts to unravel the protocol.

With regard to the impact of Brexit, the Centre for European Reform modelled the economic performance of a UK that had remained in the EU, using data from countries including the US, Germany, New Zealand, Norway and Australia, whose performances were similar to that of the UK before Brexit. The CER then compared that with the real performance of the UK economy since the referendum six years ago. The CER concludes that, by the end of last year, the UK economy was

5.2 per cent, or £31 billion, smaller than it would have been had the UK stayed in the EU. Investment by business and Government was 13 per cent lower, and goods trade was also 13 per cent lower.

Last year, the Prime Minister promised that the UK was on the way to becoming a high-wage, high-productivity, low-tax economy. The evidence suggests that, so far, Brexit is delivering the opposite.

John Springford, who is deputy director at the CER, commented:

“If the economy is 5% smaller than it would otherwise have been then we are all 5% poorer. It also means that taxes have to rise to fund the same quality of public services that we had before.”

He added:

“That's the backdrop to the chancellor's decision to raise the overall tax [burden] to levels that we haven't seen since the 1960s”

In a report that was produced in collaboration with the London School of Economics and Political Science, the Resolution Foundation said that quitting the EU would make Britain “poorer” during the 2020s. The Resolution Foundation specifically highlighted the impact on the fishing industry. It noted that

“the fishing industry, which is largely based in Scotland, is expected to decline by 30 per cent and some workers will face ‘painful adjustments’.”

Brexit has proved to be disastrous for the Scottish economy, and now the UK Government is risking a disastrous trade dispute with the European Union. Scotland is in the midst of a Tory cost of living crisis, and the UK is hurtling towards recession. The total trade in goods and services—the trade deficit—has widened by £14.9 billion to £25.2 billion in quarter 1 this year, reaching the largest deficit since records began in 1997.

That is the devastating impact of Brexit. The UK Government needs to withdraw the Northern Ireland Protocol Bill and restart negotiations with the EU immediately. There is, of course, a solution on the horizon. Scotland will regain its independence on 19 October 2023, start negotiations to rejoin the EU and become part of the European family as an equal partner.

The Deputy Presiding Officer: Thank you. I call Clare Adamson.

16:55

Clare Adamson (Motherwell and Wishaw) (SNP): Thank you very much, Presiding Officer.

“O wad some Pow'r the giftie gie us
To see oursels as ithers see us!”

I have visited Brussels twice recently in as many months, as was mentioned by my deputy convener. One visit was to go to the parliamentary partnership assembly and one was a fact-finding visit for the Constitution, Europe, External Affairs and Culture Committee, so I have seen at first hand how Europe and the wider world see the UK—how they see us. In short, the UK is seen as being not to be trusted. If it enacts the Northern Ireland Protocol Bill unilaterally, it will be viewed internationally as a rogue state.

The bill represents a huge threat not just to Northern Ireland but to Scotland's economy, our competitiveness and our consumers—our constituents. Scotland's exports, including whisky, salmon and cashmere, could be affected—industries that are already having to contend with post-Brexit chaos.

The most recent National Institute of Economic and Social Research quarterly outlook states that closer links with the EU through trade and potential labour mobility have benefited Northern Ireland post Brexit. Northern Ireland is shielded because it was given a compromise—a compromise that was sought for Scotland but was denied, as we are tethered, against our will, to Brexit.

The question for my Conservative colleagues is this: Cui bono? Who benefits from those decisions—the decision to leave the EU, the subsequent decision not to progress implementation of the protocol, and now the decision to unilaterally introduce the bill? It is a bill that rips up a protocol that was agreed and which Boris Johnson and his Tory acolytes hailed as a triumph at the time. The protocol was negotiated in good faith between the Westminster Government and the European Commission, and by reneging on the first serious international treaty post Brexit, the Tories will do irreparable damage to the UK's international standing.

The European Commission has announced new infringement proceedings against the UK Government over the alleged failure to implement and to staff border control posts at the Northern Ireland ports, and to provide real-time data on the movement of goods between Great Britain and Northern Ireland. I say to Mr Rennie that those were infringement proceedings that had been suspended but have been re-enacted because of the bad faith of the UK Government.

Having been in the room during the PPA, I heard the representations from the EU and UK delegations. The EU delegation was incredulous that, having solved the medicines issue and negotiated using what exists within the protocol to solve the difficulties, the UK seems not even to have responded—as Ms Hyslop said in her intervention—to the new proposals from the EU to

make things work and to get round that table. It is the UK that is the problem in relation to the negotiation being taken any further. Mr Šefčovič's comments have laid things bare: he has told us how that step by the UK would be illegal and could provoke a trade war.

The UK Government, in its bad faith, is willing to put the Horizon scheme at further risk. It is willing to put the Good Friday agreement at further risk. It is putting the commerce of our country at risk while our voice is silenced. In the PPA, the Senedd, Stormont and Holyrood do not have voices in the room; everybody sits there talking about Northern Ireland, but Northern Ireland does not have a voice in the room. That is untenable and it is a democratic deficit that will only get worse. Thank goodness we have a path out of this boorach.

16:59

Ross Greer (West Scotland) (Green): I have been a member of the British-Irish Parliamentary Assembly for six years. That institution predated the Good Friday agreement by a couple of years, but it fulfils the role of interparliamentary dialogue that is required under strand 3 of the agreement, so it is one of the institutions of the peace process.

Through that institution, I have been privileged to get to know some of the people who secured the peace agreement in the first place. They put themselves at immense risk to secure that better future for their families and their society. However, Brexit has defined all the six years that I have sat on the BIPA, to the immense frustration of most members when there are so many other issues about the relationships on these islands that we could have discussed. It has been like groundhog day every meeting trying over and over again to square the circle of an open land border between two markets and an open sea border between different constituent parts of the UK.

There has been little to no understanding from the UK Government of the fact that the peace process is a process and still on-going—it was not an event in 1998. The Good Friday agreement is an international treaty, not an internal political agreement in the UK between different parties and combatants in the conflict. The protocol is the least-worst solution, not the problem. Brexit itself was always the problem. However, the protocol is the solution that the Brexiteers chose and signed up to. It was part of their oven-ready deal.

The protocol is working economically for Northern Ireland, as has been pointed out. On a range of measures, Northern Ireland is outperforming the rest of the UK. The situation is causing political instability. However, that political instability is being caused by the Democratic

Unionist Party leading political loyalism down a dead end. By the way, the DUP barely engages with the British-Irish Parliamentary Assembly.

Earlier this year, I spoke to Jeffrey Donaldson, the leader of the DUP, about the issue. To be fair to Mr Donaldson, he is the one DUP member I have seen engage properly with the institutions of the peace process but, when I asked him about the DUP's proposed alternatives to the protocol, all I got back was vague talk of technological solutions. We have been there before. That was most of the discussion with Brexiteers for the past six years.

If the situation was purely about resolving economic issues, technological solutions would be available. The border between Norway and Sweden is an excellent example of a high-technology solution to a customs border. However, we know that that is not a solution in the north of Ireland, because it would require immense amounts of physical infrastructure, which is clearly not compatible with the peace agreement.

The DUP has whipped up political loyalism and is now being punished by it. As a result, a number of loyalists—fairly understandably—feel that they have been sold out as part of the process.

Northern Ireland is changing. The institutions are premised on a unionist-nationalist divide but will need to be reconfigured. Political unionism has lost its majority and is highly unlikely to get it back, but political nationalism is not much closer to securing a majority of its own. A different configuration is required for Stormont, but there is no space for that discussion as long as Brexit makes the crisis permanent. If polling is correct, Irish unity is perhaps closer than ever. That is not an issue for us to weigh in on, but I highly doubt that it is a consequence intended by the people who led us to this point from Downing Street.

The situation in Northern Ireland is being made worse by Tory brinkmanship. At best, that is about the Tories strengthening their negotiating hand with the EU, although that would be a shameful way of going about it, because it plays into the hands of the people who do not want peace and never wanted peace in the north of Ireland. More likely, it is just about holding on to the keys to number 10. Boris Johnson is feeding the Brexiteer wing of his party and wider support base a constant diet of confrontation with Brussels.

If it is about negotiating strength, though, another profound mistake is being made. The EU faces immense challenges to the rule of law in Poland and Hungary. It cannot credibly deal with those, which it fully intends to do, without taking action against the partner that is also breaching international law and agreements. Brexiteers think that the Northern Ireland protocol sits in isolation,

but it does not. The same mistakes have been made over and over since 2016—mistakes rooted in British exceptionalism.

The risk of a trade war is real. That would result in huge suffering on top of the cost of living crisis. The UK would not win that trade war. We are on the precipice of recession anyway and that would tip us over. The solution to the matter was here from the start: the UK staying in the single market and the customs union.

Boris Johnson was elected on a promise to get Brexit done, but he has guaranteed that it will never be over. The UK Government intends to address the protocol on the basis of the necessity principle, but that principle is a justification for breaching international law. It is an admission that that is exactly what the UK Government intends to do. The EU still wants to negotiate, but that requires the UK to turn up and have proposals.

The EU does not want a trade war and we cannot afford one. Today, the Parliament will state overwhelmingly that it is not happening in our name. There is still time for the UK Government to withdraw the bill but, if it does not, the Conservatives must own the consequences of their actions.

17:04

Fiona Hyslop (Linlithgow) (SNP): Why is this issue important? What is at risk? Why does it affect Scotland? How must it be resolved? Those are the key questions.

As others have already warned, the risks of an EU trade war and its implications are real. In the spirit of co-operation, the EU has, willingly, not implemented a number of things that are part of the withdrawal agreement. However, if, because of the UK's behaviour, it now chooses to implement the letter of the agreement, that will have wider consequences. For example, I have heard that the EU's Copernicus programme may now cease to involve UK researchers and academics in work on satellite monitoring of climate change impacts on seas, polar ice and deforestation. The UK is knowingly prepared to risk that participation as well as risk a trade war.

Of course, Northern Ireland is currently the best-performing part of the UK, precisely because it continues to have easier access to the single market.

Simon Coveney, Ireland's Minister for Foreign Affairs, has stated clearly the situation with the Northern Ireland Protocol Bill, saying that 74 per cent of people in Northern Ireland want an EU-UK agreement on protocol implementation, not unilateral legislation in breach of international law; that it will damage the Good Friday agreement, not

protect it; that it is a breach of international law and will damage the UK's reputation; that it is against business and majority opinion in Northern Ireland; and that it is unnecessary UK unilateral action when partnership and compromise are on offer from the EU. His words were blunt but accurate.

In her searing speech in the House of Commons on Monday, Teresa May said:

"In thinking about the Bill, I started by asking myself three questions. First, do I consider it to be legal under international law? Secondly, will it achieve its aims? Thirdly, does it at least maintain the standing of the United Kingdom in the eyes of the world? My answer to all three questions is no. That is even before we look at the extraordinarily sweeping powers that the Bill would give to Ministers."—[*Official Report, House of Commons, 27 June 2022; Vol 717, c 63.*]

In an important intervention on Liz Truss, Joanna Cherry MP referred to a gaping hole in the UK Government's legal defence when she said:

"the International Law Commission says that where a state has itself contributed to the situation of necessity, that doctrine cannot be prayed in aid."—[*Official Report, House of Commons, 27 June 2022; Vol 717, c 40.*]

However, the UK Government is arguing the defence of necessity for something that it itself deliberately instigated.

International standing matters; the rule of law matters; and the rule of international law matters on a global scale. Is the UK a trusted partner that will honour its agreements? In an article that was published only last week, former Labour Welsh First Minister Carwyn Jones wrote:

"Britain is beginning to look more and more like a kind of rogue state. The Prime Minister can break the law with impunity without consequence. Ministers, when challenged, want to remove the source of that challenge. The state wants to pick and choose what parts of international agreements it wants to abide by and those it wants to ditch.

All this gives the impression to the world of the UK slowly falling apart and cannot be relied on to keep its word."

To go back to my questions, why is this important? Because international agreements, the rule of law and the UK's reputation are important. What is at risk? The on-going peace in Northern Ireland and the restoration of power-sharing democratic government there. Why does it affect Scotland? Because Scotland is proportionally more reliant on EU exports, and our food and drink, agriculture and other industries will be damaged if the EU implements the customs rules that the UK has signed up to but the EU has not yet fully implemented. How must the situation be resolved? Through diplomacy—serious diplomacy, not arrogant posturing and politicking—and discussion and negotiation between the EU and the UK, and I welcome the sentiment of what Donald Cameron said in that regard.

Brexit is not done. Brexit is still with us. It is happening. It is causing economic loss, curbing exports to the biggest market in the world and causing staffing shortages in key industries, which is exacerbating inflation. Worst of all, it is undermining and rejecting the democratic wishes of the people of Northern Ireland who voted for parties that want the protocol to continue, and it is damaging to the upholding of democracy, the rule of law and the UK's international reputation.

I urge members to support the motion.

The Deputy Presiding Officer: We move to the wind-up speeches.

17:09

Sarah Boyack: As many members have said, it is extremely disappointing that we are debating a bill that would break international law, but some good points have been made that need to be re-emphasised. One of them concerned incompetence. Several speakers across the chamber have highlighted that the challenges for the operation of the protocol are challenges of the Conservative Government's own making. It negotiated and voted for the protocol and is now taking a wrecking ball to its own deal and also, critically, to our relationship with our European neighbours.

The irony is that there is a way out of this mess and it is through negotiation. Times change and experience needs to be learned from. In the face of unworkability, it is unrealistic to stick dogmatically to previous decisions. However, change via a wrecking ball is also unrealistic.

I thought that the point that Clare Adamson made about the deal on medicines was important. There is a willingness to work together. There are issues that Northern Ireland businesses—in particular, dairy farmers—would like to see addressed. Sorting out problems would require the European Union and the UK Government to work together to make compromises, but that is how negotiations work, and it is by sitting around a table and having those realistic discussions that we get progress.

The rule of law has also been mentioned several times, with regard to the legality—or rather, illegality—of this bill. It is clear that the bill would break international law. One of the things that worry members across the chamber today is what happens next on the Good Friday agreement, which was built on the parity of esteem of both communities. The UK Government needs to outline now what it is going to do to respect the Good Friday agreement, because that is what the protocol agreement was meant to do. It is on the Government, so it needs to talk about it.

Several members have rightly raised the risk of trade war, which is really concerning our businesses at the moment. The adversarial manner in which the Tory Government is acting could lead to retaliatory measures from the EU, which would affect all of us and would increase the uncertainty that businesses are already dealing with. Many businesses are currently struggling, so people up and down the country will have to face the consequences, with miserly help at the moment from the UK Tory Government.

It has been reported that the Treasury has drawn up an economic impact assessment for this disastrous course of action. The UK Government needs to publish that analysis now and reflect on it, because it is potentially writing us out of organisations and opportunities to work together, for example in research and development and the horizon programme.

So much is at risk from the bill, and that is why Scottish Labour cannot support it. Over the coming months, it is to be expected that we will have debates about independence being the only solution for Scotland. In reality, under the SNP-Green independence plans, the issues that face communities and businesses in Northern Ireland would simply move to Gretna and Berwick. Willie Rennie's points about the risks of independence were well made. There is a gap between ambitions and a reality check, and Brexit shows the tragedy of advocating something but not owning up to the divisions that it potentially creates. It is a warning for all of us.

Paul Sweeney's reflections on trying to find workable solutions when he served in the UK Parliament are important to us. There is a gap between promises and the reality of separation. We need to think about interdependence, constructive dialogue and negotiations, in order to put the interests of all our constituents first. That should be the priority for all members.

A future Labour Government would scrap this bill and get around the negotiating table with our European neighbours. We are never going to agree on everything, but we have to work together, respect each other, rebuild the trust and good will that has been demolished by the Conservatives, and provide certainty for communities in Northern Ireland and across the UK. We need to make the effort to work together and be honest about the challenges that we face. That is not happening at the moment, so we urgently need change.

17:13

Sharon Dowe (South Scotland) (Con): We all want to see a resolution to the situation in Northern Ireland. It is in the interests of all parties,

all four nations of the UK and the EU that we come together to address the issues with the Northern Ireland protocol that have become apparent.

In its current state, the protocol is stifling trade, has caused major issues around the supply of essential medicines and is an active problem in resolving the delicate matter of power sharing at Stormont. That threatens to destabilise the Good Friday agreement, which is one of the very things that the protocol was created to protect.

Clare Adamson: Will the member take an intervention?

Sharon Dowe: No, I will not.

That is not to say that aspects of the protocol do not work and that it was not a necessary starting position in order to break the previous deadlock. However, like any deal, it requires fine tuning in order to best protect the interests of all involved.

Neil Gray: Will the member take an intervention?

Sharon Dowe: No—sorry.

The bill that has been introduced addresses many of those issues. Practical measures such as a green lane-red lane system, which would create a two-tier regulatory system, are proposals that should, and will, be considered by the EU.

As Donald Cameron alluded, retailers who have no stores in the Republic of Ireland are still required to meet EU standards just to ship their goods to Belfast for sale exclusively in Northern Ireland. That is clearly unworkable in the long term.

The same can be said for the transport of medicines. My region of South Scotland is home to the major ferry port at Cairnryan, which is Scotland's largest export point for goods to Northern Ireland. If the protocol is not amended, it will continue to affect exporters in the constituencies of every MSP in the chamber. Therefore, it is in all our interests to support a re-evaluation of the deal's implementation.

Sarah Boyack: Will the member take an intervention?

Sharon Dowe: Sorry, but I will not.

There are also political considerations. Both parties to the agreement pledged to uphold the Good Friday agreement. With the breakdown of power sharing at Stormont and the threat of a hard border in the island of Ireland, it is fair to say that the Good Friday agreement is under strain.

The UK Government maintains that the amendments that it proposes to the protocol will support all three strands of the Belfast agreement, and it is clear that they are in need of support.

Strand 1, relating to the Northern Ireland Assembly, remains unresolved. Strand 2, which fosters co-operation between the north and south, is under pressure. It is clear that the third strand, which deals with east-west relations, is also strained. For the proposed changes to be implemented, the agreement of both the UK and the EU is required.

Northern Ireland urgently needs a Government. The people of Northern Ireland require stability and certainty, and the UK and the EU have a duty to uphold their prior obligations in the form of the Belfast agreement. Those should be our common goals going forward. I hope that an acceptable compromise is reached that addresses the many concerns that have arisen on both sides regarding the protocol.

17:17

The Minister for Culture, Europe and International Development and Minister with special responsibility for Refugees from Ukraine (Neil Gray): Scotland did not vote for Brexit. That requires consideration as we reflect on the impact that it is having on Scotland, including as the protocol chaos rumbles on.

Today, we have heard much about the parlous state of UK-EU relations and much about the UK Government's approach to the bill. We have also heard a great deal about the negative impact that its approach could have on the Scottish economy—both on our trading routes and on our interests in the trade and co-operation agreement, as was referred to in the excellent speeches by Jim Fairlie and Fiona Hyslop.

To take just one example of how the bill carries with it wider implications, Scotland's leading researchers, who have already suffered the uncertainty of Brexit in previous years, face being frozen out of horizon Europe—collateral damage of the UK Government's ideologically driven agenda. Horizon Europe is globally unparalleled and offers a €95.5 billion research and innovation programme from which Scotland has benefited greatly in the past. What is the UK Government's response? A potential smaller domestic replacement, with details to follow.

We face the same paralysis across the trade and co-operation agreement, with all questions and queries about progress tracing back to the impasse on the protocol. Lest we forgot, this is the protocol that was negotiated by Boris Johnson less than three years ago, which he hailed as a "fantastic moment".

Now, of course, UK Government ministers claim that there are issues with the protocol, which were "unforeseen" and "unintended". However, in the next breath, to justify the bill, we were told this

week by the foreign secretary that the problems are

"baked into the text"

of the protocol itself. Both excuses cannot be true. If the problems are, indeed, baked in, we would be forgiven for asking whether the Prime Minister even read his own "oven-ready" Brexit deal. Such are the contortions and linguistic gymnastics that are required for the UK Government to try to justify this embarrassing ideological nonsense that its ministers are directly contradicting themselves.

Those are, of course, extremely serious issues that will be causing much consternation to many sectors in Scotland. However, as Paul Sweeney and others have said, we must also keep in mind the wider context: the need to respect the Northern Ireland peace process and the rule of law. Willie Rennie was right to refer to the rule of law—that is possibly the one part of his speech that I could agree with.

Adherence to the rule of law underpins our democracy and society. It is a fundamental value that we hold dear in Scotland. Knowingly breaking it by passing the bill could have far-reaching economic, legal and political consequences and should not be taken lightly, which is a point that Paul McLennan covered.

As Ross Greer has said, UK ministers' justification for trashing the protocol is that there is a necessity to do so. However, as Fiona Hyslop mentioned, on Monday night, Theresa May said:

"the very existence of article 16"—

which allows negotiations on aspects of the protocol—

"negates the legal justification for the Bill."—[*Official Report, House of Commons, 27 June 2022; Vol 717, c 63.*]

Before closing the debate, I once again stress the frustration and anger that has been felt in European capitals as a result of the bill and the unfathomable and unforgivable damage that it is doing to bilateral relations, as Sarah Boyack and Clare Adamson stressed. We have seen the UK Government's actions condemned in Brussels, Berlin, Paris, Dublin and Washington DC by presidents and prime ministers who are appalled that a western democracy would cast aside an international agreement that it signed in good faith less than three years ago. This is not just about the Northern Ireland protocol, important though that is. It is about how our nation, as part of the UK, is perceived on the international stage. It is also further evidence of the importance of Scotland being able to take charge of all our affairs in the future as an independent nation.

Regardless of how the bill ultimately fares at Westminster—I call on all responsible members of the House of Parliament and the House of Lords

to speak up in defence of international law—the damage done by the UK Government’s actions will not be easily reversed. It also prompts the question: “For what?” What end is the UK Government pursuing with this bill that justifies these extraordinary means? As the cabinet secretary has outlined, it cannot truly be the economy, as the Northern Ireland economy is enjoying better growth because it has continued access to the single market.

We are told that the UK Government is seeking to unlock the political impasse in the Northern Ireland Assembly, to protect the Good Friday agreement and to restore power sharing at Stormont. If that truly is its aim, the UK Government is falling at the first hurdle. The DUP is still refusing to share power with Sinn Féin, and more than half of those who were, last month, elected to the legislative assembly—the very body that the UK Government claims it is protecting—made their position very clear in a recent letter to the Prime Minister. That letter states:

“we strongly reject your continued claim to be protecting the Good Friday Agreement as your Government works to destabilise our region ... Your claims to be acting to protect our institutions is as much a fabrication as the Brexit campaign claims you made in 2016.”

The Brexit referendum was supposed to answer the decades-long Tory Party psychodrama on the relationship with Europe. Instead, six years since that referendum, Scotland is still being held back by Tory incompetence and ideology that the majority in Scotland want nothing to do with. Breaking the protocol and international law by passing the bill is not the answer. If the Scottish Conservatives are true to their word on negotiation, there is a route: article 16. The UK Government needs to renegotiate the terms of the protocol. In the meantime, it should consider removing the bill, ensure that it does not break international law and get back round the table to negotiate with the EU so that we all enjoy a more fruitful future and a better relationship with the EU.

Fireworks and Pyrotechnic Articles (Scotland) Bill

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-05154, in the name of Ash Regan, on the Fireworks and Pyrotechnic Articles (Scotland) Bill. Before I invite Ash Regan to open the debate, I call Keith Brown to signify crown consent to the bill.

The Cabinet Secretary for Justice and Veterans (Keith Brown): For the purpose of rule 9.11 of the standing orders of the Parliament, I advise the Parliament that Her Majesty, having been informed of the purport of the Fireworks and Pyrotechnic Articles (Scotland) Bill, has consented to place her prerogative and interests, in so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

The Deputy Presiding Officer: We are now able to begin the debate. I invite members who wish to speak in the debate to press their request-to-speak button. I call Ash Regan to speak to and move the motion.

17:25

The Minister for Community Safety (Ash Regan): I am pleased to open the final debate on the Fireworks and Pyrotechnic Articles (Scotland) Bill. I thank the Criminal Justice Committee for its detailed scrutiny of the bill and the stakeholders who have engaged in and helped shape it.

Without the protection that the bill provides, many people and animals will continue to be deeply affected by the use—and deliberate misuse—of fireworks and pyrotechnics.

Earlier this month, I met national health service staff from the Scottish national burns centre at Glasgow royal infirmary. The harrowing accounts of injuries that were caused by fireworks and pyrotechnics tragically reinforce why the bill is needed. It is of extreme concern that, without the additional restrictions that are proposed by this bill, people will continue to suffer life-changing injuries and many of them will require months of physical and psychological aftercare.

The first account that I heard was of a young man who, following a pyrotechnic explosion, had severely and permanently disfigured his hand. As he was a tradesman, the long-term impact of that was severe, and he had to undergo years of intensive therapy to return to employment.

The second account was of an innocent bystander—a young person at school—who sustained a serious burn injury on their arm due to a pyrotechnic being set off in a crowd where it was

difficult to get away from the device. They were about to sit school exams, and it was a crucial point in their life. After their injury, they had to overcome physical and psychological issues to allow them to continue with their schooling.

The third account was of a man who returned to a firework that had been lit and sustained a serious hand injury. He continues to undergo psychological care as a result—long after the physical wounds healed.

What was striking about all those accounts was the significant treatment that was required. Each person required years of surgery, physiotherapy and psychological care to deal with the physical and mental impact. That is surely a terrible and unacceptable toll to pay for something that, in the right hands and in the right circumstances, should and can be enjoyed safely.

The Criminal Justice Committee also heard some heart-breaking accounts. It heard from the National Autistic Society of Scotland about the debilitating impact that fireworks—particularly when used sporadically—can have on people with autism, and it heard how, in some cases, that can lead to shutdowns during which the autistic person reacts involuntarily. That reaction could include a physical or verbal distress response that would make it difficult to provide calming protection, which can, of course, be incredibly distressing. The ability to plan and prepare for the use of fireworks and pyrotechnics gives autistic people, and those caring for them, the opportunity to put safeguards in place.

The committee also received evidence on the sickening attacks on our emergency service workers when they are putting themselves on the line to keep our communities safe. I do not want to believe that anyone in the chamber wants to see people in Scotland physically or mentally harmed, nor that they want to see autistic people acutely distressed or to hear about our emergency service workers being exposed to such sickening attacks.

In taking the legislation through Parliament, I have listened to arguments that we should just stick with the status quo—that convictions and prosecution numbers are low, and that injuries from fireworks and pyrotechnics are rare—but those arguments failed at the time and they still fail to be convincing. They have failed to persuade me and, perhaps more crucially, they have failed to persuade the dedicated staff whom I met earlier this month at the burns clinic in Glasgow.

The core policies of the bill are the result of extensive consultation, engagement and evidence gathering. First, the firework licensing system will put robust checks and balances in place by requiring applicants to undertake mandatory training. Secondly, the proxy purchasing offence

makes it clear that any adult who supplies fireworks or pyrotechnics to a child, without a legitimate reason, is committing a crime.

Thirdly, the bill puts restrictions on permitted days of supply and use of fireworks by the public. Those dates are based on existing firework periods and, following engagement with faith groups, strike a balance between allowing people to continue to buy and use fireworks for traditional events while limiting the problematic, sporadic use of fireworks.

Fourthly, local authorities will have the power to designate firework control zones, where it will be an offence for fireworks to be used either by the public or by professionals other than in a public firework display or for other essential purposes, such as safety checks.

Lastly, the offences that relate to possession of pyrotechnic articles in public places and at certain events, without a reasonable excuse, mean that Police Scotland will have the necessary powers to take a preventative approach to tackle the misuse of fireworks and pyrotechnics through intelligence-led policing.

What I am presenting today is the result of my having listened to the committee, communities, the police and other stakeholders and having modified my proposals in light of that. I believe that the bill balances the legitimate right to use fireworks and pyrotechnics with the need to protect public safety.

I accept that fireworks misuse currently presents a number of unusually difficult challenges for the police in particular. The reality is that much of the evidence is literally burned or blown up at the time of the offence.

I have heard calls to focus on the enforcement of existing legislation. However, the bill that I am presenting to Parliament today adds to the existing legislation. It provides clarity for those people whose job it is to keep our communities safe and it puts robust checks and balances in place to ensure that those who can access fireworks will use them safely and lawfully.

I am grateful for the consideration that Parliament has given the bill. Indeed, the Scottish Government lodged a number of amendments that improved the bill as a result of that consideration. The bill is an important milestone in our journey to change the relationship that Scotland has with fireworks and pyrotechnics. It is a key part of reducing the harm, distress and injury that those items cause, and it will put early and robust intervention in place to stop them falling into the wrong hands. I therefore hope that the whole Parliament will feel able to support it.

I move,

That the Parliament agrees that the Fireworks and Pyrotechnic Articles (Scotland) Bill be passed.

The Deputy Presiding Officer: For the sake of clarity, I advise that this is follow-on business and, therefore, that attention needs to be paid to the progress of the day's proceedings.

17:34

Jamie Greene (West Scotland) (Con): I thank the minister for her opening comments. I also thank all members of the Criminal Justice Committee, our clerks, and all the third sector organisations, community groups, businesses and others who have engaged in the process from the beginning up to this end point.

It has been a difficult journey, not least because of the truncated scrutiny process that we were required to go through. That cannot and should not become the norm. That is no way to make good law, and, in my view, it was unnecessary to have such a process on this occasion.

The Government has a problem on its hands that it is trying to fix. Specifically, it is trying to fix the issue of the proxy purchasing of fireworks and people giving them to minors. That could have been addressed in a different way, with more time given to scrutinise the rest of the bill's provisions.

That brings me to the bill itself. The more I learned about fireworks and their misuse, the more confused the landscape became and, indeed, the more confusing the Government's approach to the bill became.

As a dog owner, I know from first-hand experience the distress that fireworks cause. My little rescue dog, Astro, would testify to that were he here today. I also know that many communities have been absolutely blighted by antisocial behaviour year after year. We heard powerful testimony about that. Farmers, dog homes, accident and emergency departments, plastic surgeons, community bodies and community councils all want something to be done. The question that is posed to us, as lawmakers, is not whether we should do something, but what we should do and how we should do it.

Conservative members worked constructively and tirelessly—often late at night—in considering the bill. At stage 2, we lodged 77 amendments. I know that because I moved and spoke to practically all of them. Throughout the process, we tried to strengthen the bill by making it meaningful. We tried to force the Government to review the legislation that already exists. It is already open to the police and to prosecutors to use that legislation to combat the misuse of fireworks. We tried to increase the fines and the sentencing for the misuse of fireworks. We also tried to increase the penalties and sentencing for those who use

fireworks as a weapon specifically against our emergency service workers, and I am pleased that the Government conceded on that point.

We tried to give our local councillors more autonomy in decision making on the so-called firework control zones. We tried to create genuine no-firework zones—as did other members—that would actually deliver on the promise that there would be no fireworks in communities. People told us that they wanted that, but that is not what they are getting. We tried to force the Government to come back to the Parliament with concrete proposals on what the licensing scheme might look like. The problem is that we just do not know.

What about the compensation scheme for the businesses that we will be shutting down overnight if we pass the bill? What about the firework safety plan that the Government should produce? Unusually, such a plan has buy-in from the industry; it wants further regulation in this space. All those sensible Opposition amendments were shot down by ministers at stages 2 and 3.

At stage 1, the committee's cross-party report was one of the most critical that I have ever written or read. There was no dissent or disagreement; it was a cross-party effort. At stage 2, the votes on nearly every amendment were split 50:50, but the amendments were all voted down through the use of the convener's casting vote. That is quite telling and important. At stage 3, the Government lodged few amendments, despite widespread concerns about the bill.

Of course, the bill contains some sensible proposals, but the question is whether it will meet its primary objectives of improving firework safety and reducing the harm that fireworks cause to society. I am not convinced that it will.

On the face of it, I can see why some people think that restricting the sale of fireworks to 37 days per year and their use to 57 days per year is a great idea. However, here is the problem: there are genuine and vocal concerns about stockpiling, the black market and the white van man scenario, and the situation could get worse, not better. The bill randomly selects certain religious festivals, but it excludes others. I have concerns that that will be challenged in the courts. Let us not forget the bizarre situation in which the law will say that, outwith a defined period, people cannot let fireworks off in their backyard to celebrate something, but if people can afford to pay a company to do that, that is fine for 365 days a year. National exemptions mean that, even in the so-called firework control zones, people might still hear fireworks going off, and there is nothing that they can do about it. It is bonkers and nonsensical.

What about the licensing scheme? Someone can be refused a licence if they have committed

arson but not if they have committed an act of terror. The bill does not regulate online sales, and nor does it prevent people from crossing over the border to England for their stash. What about the fact that courier companies, not retailers, will apparently now be responsible for the checking of licences?

What about enforcement? That is what it really comes down to. Last year, there were nearly 1,000 reports of the misuse of fireworks in Scotland, but there was not one criminal conviction. I have stated that fact previously, but it is an important one. Over five years, there have been only 16 criminal convictions for firework-related offences.

As they stand, the laws are simply not being enforced, and we should remember that before we start passing new laws further restricting the use of fireworks. Are the police seriously going to respond to every call from a member of the public and turn up with blue lights flashing to see who has let off fireworks? I think that we all know the real answer to that question.

I do not have time to outline all the reasons for my grave concerns, because I have many—more than I had at stage 1. It is with sincere regret that I say to those people who are watching this and who think that the bill will be the great panacea needed to tackle problematic firework use, that it will not. It is for those reasons that Conservative members will abstain on the bill in the knowledge that it is likely to pass.

I hope that I never have to come back to the chamber and say to the minister or anyone else who voted for the bill, “I told you so,” but if I do, it will be too late. One injury or one lost life is too much for our consciences to bear as we wave through the bill. I urge members to vote on the basis of what the bill actually does, not what people think it does or wish it might have done. There is a marked difference between the two.

Ash Regan: Will the member take an intervention?

Jamie Greene: I am in my last minute.

The Deputy Presiding Officer: The member is just about to conclude, I hope.

Jamie Greene: I apologise, minister.

There is a marked difference between those two and it is an important difference that we as legislators should remember when we pass legislation.

17:41

Pauline McNeill (Glasgow) (Lab): I am pleased to open the debate on behalf of Scottish Labour. I begin by sincerely thanking my

colleagues for an excellent and thorough stage 1 report.

Every year, during the bonfire period, we see the stress and strain that is put on our communities by the antisocial misuse of fireworks, as well as the burden that it puts on the police and emergency workers. The bonfire period appears to have expanded from one night to the best part of two weeks in recent times. Unfortunately, the bill solidifies that.

We do not believe that the bill goes far enough in many places and, as such, we are concerned that it might not change things on the ground. Scottish Labour proposed amendments to strengthen the legislation, but they were almost all rejected by the Government. For example, my amendment to further reduce the number of days on which fireworks could be purchased and used during both the bonfire and the new year periods—it was supported by the Dogs Trust—was rejected.

As has been referred to already, the disparate dates when fireworks can be bought and used is an issue. There is a bunch of 57 days around the calendar when fireworks can be used, with a different set of 37 days when they can be sold. The possibility for public confusion about that is clear and, of course, offences are attached to the provisions. I agree with Jamie Greene and wonder how enforceable they really are.

Sadly, the bill might not make a difference unless the Government is prepared to create more capacity for enforcement. Given the very low levels of enforcement for breaches of existing legislation on fireworks misuse, it is clear that we need to provide the police with adequate resources if we are serious about what we have just heard. Unfortunately, the legislation is being introduced at a time when police resources are definitely a subject for debate.

We have expressed concern about the lack of detail in the licensing scheme. My colleague Katy Clark examined that in great detail at stage 2 and stage 3, and we still say that it is possible to have the legislation without a licensing scheme, because there are permitted days for fireworks and days on which it would be an offence to set them off. However, our primary objection to the licensing scheme is that it runs the risk of fuelling a black market. The Government was too quick to dismiss that.

Furthermore, I lodged two amendments to keep any licensing fee small, and affordable for families, and those were rejected. At committee, we heard from Norman Donald from NJE Fireworks Displays, who warned that

“not everyone can afford a fee. Some families come to our shop to spend £30 on a small selection box because that is

a once-a-year treat for their children. If you introduce a fee of £30, £50 or whatever, you could put that purchase out of their reach.”—[*Official Report, Criminal Justice Committee*, 23 March 2022; c 7.]

The important point is that the knock-on effect of a potentially complex and expensive scheme is the risk that people will turn to the black market. We have seen that in Northern Ireland. I have said already that the extent to which the bill was rushed through the Parliament means that we did not get a chance to examine this properly, but in Northern Ireland, which operates a similar licensing scheme, the *Belfast Telegraph* reports that

“black market fireworks are available everywhere.”

We also heard from the industry that it has concerns that the black market can consist of a wider range of different things, some of which are not currently legal. Bangers are a good example of that, and no one would want to see the rise of that extremely dangerous firework on our streets.

I felt that it was important to give communities the chance to request a firework control zone if they were enduring a lot of antisocial behaviour in relation to fireworks. I have many constituents in Glasgow who are keen to be able to request a firework control zone in their community because they feel terrorised by fireworks at certain times of the year, but unfortunately ministers were unwilling to support that proposal and it was rejected.

In its stage 1 report, the Criminal Justice Committee decided only on balance that it agreed with the general principles of the bill. As Jamie Greene said, it is quite extraordinary in this Parliament that a committee would be so critical, and I am disappointed that more was not done to address those concerns.

There are things in the bill that we pushed for, such as Police Scotland’s proposal for the simple possession offence. We were keen to see that.

However, the bill has many flaws. It was a difficult one for Scottish Labour to make a decision on. We are keen to send a strong message that the antisocial use of fireworks will not be tolerated. We must be certain to act on that.

I commend Jamie Greene for what I thought was a very considered speech. On balance, we will take a different position. We will support the Government on the bill, but I have to say that that decision was made on the balance.

I urge the Government, if it is serious about the control of fireworks in our communities, to demonstrate that by using the full force of existing law, and to allow the committee to drill down into any regulations that come before it, so that we have the opportunity to correct the things that we thought were wrong from the very beginning.

17:46

Willie Rennie (North East Fife) (LD): I thank the Criminal Justice Committee, the clerks and all those who gave evidence for their work on the bill.

In 2019, my colleague Liam McArthur called for powers to allow councils to make decisions around the use of fireworks and how they affect the local community. I am glad to say that we find elements of that in the bill.

It has been clear for a long time that something needs to be done to regulate the use of fireworks and limit their misuse. Sadly, every year, the police are called to address disturbances, with groups of people hurling fireworks and projectiles at emergency workers and private individuals. One year in Edinburgh, a police officer was badly burned and hospitalised after a firework was thrown in her face. Emergency workers do not deserve to be treated like that; they should be able to go about their duties without fear of physical violence. It comes as no surprise that the bill has been welcomed by the fire and police services.

As a liberal, I am instinctively wary of the state reaching further into our daily lives to impose any kind of control or stricture around a tradition that has been going on for centuries, which many people consider to be part of our heritage, especially when the vast majority of people who use fireworks do so in a responsible way. However, when we are witnessing the same sort of antisocial behaviour involving fireworks year in, year out, when a local police sergeant ends up in the burns unit, when people feel threatened in their own homes, as well as out in the streets, and when animals are scared witless because of a warped distortion of those traditions, we have to say that enough is enough. It is right that we take proportionate action to reduce the likelihood that those sorts of instances will occur. The passing of the Fireworks and Pyrotechnic Articles (Scotland) Bill will help to resolve the situation in some way.

It is important to note the growing problem of the use of pyrotechnics at sporting events, often in the middle of large crowds of people. Someone attending a football match with their children should be able to do so safe in the knowledge that a flare will not suddenly be lit right beside them.

I listened to the contributions of Jamie Greene and other members who are concerned about whether the bill goes far enough; it may not do so. Pauline McNeill was absolutely right to take a balanced approach, as did Jamie Greene. There is no doubt that we could have gone further with the bill. Pauline McNeill said that we need to send a message to people who misuse fireworks, and she is right that we need to send them a message, but laws cannot be used to send messages; we need to make a real difference.

That is why I urge the minister to consider post-legislative scrutiny of the bill as enacted. We need to make sure that we have made the right decisions and that we can review the measures and introduce new ones if more measures are required. I hope that the minister will respond to that request in her closing remarks.

I am conscious that, to some people, we in this Parliament might sound like a bunch of curmudgeons who are part of the fun police. However, the bill is not about limiting fun; it is about making sure that, instead of some people misusing our traditions and misusing fireworks as weapons, everyone can have fun.

I encourage all members to vote for the bill, but to come back to the chamber at a later date to carry out proper post-legislative scrutiny to ensure that we can improve the bill as enacted, if necessary, and have the correct laws for our country.

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

17:51

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I am very pleased to speak in the stage 3 debate on the Fireworks and Pyrotechnic Articles (Scotland) Bill. In the short time available, I want to make a few points about public expectation, scrutiny and the harm that is caused by fireworks.

I again thank the Criminal Justice Committee clerking team, Scottish Parliament information centre colleagues and our community participation and communications team colleagues, who supported members throughout what was a challenging journey, given the tight timescales and the breadth of the provisions that were being considered.

I also acknowledge the collegiate and good-humoured way in which members of the Criminal Justice Committee worked together, discussing and probing issues, challenging and disagreeing with one another, but always respectfully and always in the spirit of making the best law that we could with the provisions that were set out.

The bill does not ban fireworks—such a provision would be counterproductive and an unwelcome overreach in legislation. Rather, it seeks to bring about a culture shift that will enable us all to enjoy fireworks, while recognising that the public mood has shifted and that greater controls are sought to address the antisocial use of fireworks, the causing of distress to people, pets and livestock, and, of course, the targeting of emergency services workers who are simply trying to do their job.

There was strong support for increased control over supply and use in the majority of the 16,500 responses that the Scottish Government received to its consultation back in 2019. Subsequently, the firework review group made 11 recommendations, all of which sought to tighten legislative provision around fireworks.

Similarly, a desire for tighter controls was reflected in more than 1,600 comments in the Criminal Justice Committee's digital engagement process. The emergency services, animal welfare organisations, the National Autistic Society, local authorities and the Blackburn bonfire night action group were all consistent in their desire for change.

That all helped to inform the committee's strong desire to shape the bill. As was evidenced by the volume of amendments that were lodged at stages 2 and 3, members across the chamber were invested in the issue and truly represented their constituents and communities.

The fireworks industry was less supportive. Understandably, it voiced concern for the future of its businesses, in the event that the bill is passed. The bill makes provision for compensation to be paid to affected businesses. If the bill is passed, I am pleased that the Scottish Government intends to work with the industry to "lay the groundwork" for how support can be delivered to help businesses to adapt.

I turn to the issue of burn and blast injuries, which the minister highlighted in opening the debate. I feel that the issue received limited scrutiny during stages 1 and 2 but is a crucial driver for change.

The British Society for Surgery of the Hand highlighted the devastating life-changing burn and blast injuries to the face, hands and limbs that fireworks can cause—preventable injuries that are commonly sustained by children and young men and in communities where there is increased deprivation, adding to the long-term burden of disease and disability in our communities.

Care of Burns in Scotland stated that

"Despite public information and injury prevention campaigns, these fireworks injuries continue to occur at a steady rate. What could be considered as minor injuries cause suffering and devastate families' lives."

The Royal College of Physicians and Surgeons of Glasgow considered that

"multiple elements"

in the bill

"would make a substantial difference in reducing harm"

including

"fireworks licensing which changes purchase from impulse to one of planned decision."

The bill's journey has not been straightforward, and there were many diverging views on the provisions. Should the bill be passed today, it is now for the Scottish Government to ensure that the legislation delivers on its intention of facilitating a culture change that supports tighter control of fireworks, but still allows the safe and enjoyable use of fireworks in all our communities.

17:56

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Green Party, I welcome the bill and thank all who have worked so hard within and outwith the Parliament to make it a reality.

Although we recognise the positive ways in which many people experience fireworks, the harms that they and pyrotechnics can cause have been a source of long-standing concern to us.

There are harms to communities from noise, disruption and conflict; serious dangers at sporting events; and strains, and even attacks, on emergency services. There are physical and psychological harms to individuals, especially children, neurodivergent people, people with sensory processing conditions and veterans of armed conflict with post-traumatic stress disorder, for whom the lights and sounds of fireworks can horribly mimic those of combat explosions.

There are harms to animals, including our closest companions. In the stage 1 debate on the bill, I spoke of our childhood pet dog Roly, who was terrified by a nearby fireworks display and fled in panic. It took us four days to find him; we experienced four days of the fear and anxiety that all dog owners here will know. We got Roly back, but many are not so fortunate. A Blue Cross survey found that 70 per cent of pets were reported as being negatively affected by fireworks: trembling; physically sick; if indoors, afraid to go outside for days; and if outdoors, following their instincts to escape, disorientated, lost and running into busy traffic. Those are only the animals we understand best; we know little about the effects on others, such as wildlife and livestock.

Firework debris, with its toxic heavy metals, represents a further danger, as does the noise of explosions, which can damage hearing. There are further environmental harms from the toxic components of fireworks: sulphur compounds, dioxins and particulates intensify air pollution, especially when combined with bonfires. Some older forms of fireworks also threaten water pollution, and in a heating climate the dangers of wildfire are ever increasing.

Those are real and serious forms of damage, but just as real are the pleasures, celebrations and community cohesion that can come from a shared

experience of watching fireworks. The challenge for the bill has been how to retain those positives while minimising the negatives. The provisions on safety training, licensing and regulating the times when and places where fireworks are acceptable all represent opportunities to hold that balance sensitively and creatively.

The passing of the bill will of course be only a beginning. There is much work to be done on the detailed regulations to bring its provisions into effect, and it is vital that that work includes the active participation of communities and real consultation that listens to the quietest voices.

When the provisions come into force, awareness and education will be essential. The legislation will need to adapt to new circumstances, changing cultures and technologies, working to encourage the development and use of low-noise, low-impact fireworks.

In addressing the specific problems of irresponsible firework use, it is important that we do not lose sight of the broader and deeper questions that have been raised, particularly by the Scottish Community Safety Network. What lies beneath attacks on emergency services and other forms of what we describe as antisocial behaviour? How can we build communities with space for exuberance and dissent that do not involve gunpowder and explosion?

The jigsaw of devolved and reserved powers added to the difficulties in drafting and discussing the bill. The bill is inevitably a compromise, whatever our perspective, but it is also a paradigm of the process that we are all involved in. It is part of an evolving awareness of human diversity and non-human need. We strive to use the powers that we are privileged to hold to recognise different voices and experiences in a Scotland that works for and welcomes everyone. I think that the bill does that.

18:00

Stuart McMillan (Greenock and Inverclyde) (SNP): I am pleased to speak in the debate. I want to highlight a couple of aspects of the work of the Delegated Powers and Law Reform Committee, which I convene. I make it clear to members that I am not speaking on behalf of the committee today.

The committee welcomed three Scottish Government amendments to the bill at stage 2. Amendments to sections 18, 24 and 35 changed the parliamentary procedure for powers under those sections from negative procedure to affirmative procedure. Although the committee was, in principle, content with the powers during its stage 1 scrutiny, it is always conscious of the need to strike a balance between use of

parliamentary time and the appropriate level of scrutiny. For the powers under those sections, the committee considered that the enhanced scrutiny for which the affirmative procedure provides was most appropriate.

The committee sometimes challenges the Scottish Government's approach to delegated powers in bills, so it is right that we also highlight times when the Government responds positively to the committee's recommendations.

That relates to Maggie Chapman's point about the bill: today is not the end of scrutiny of the legislation. As she said, secondary legislation will come forward in the future. Parliamentary scrutiny does not end today; there will be more, as time goes on.

On the policy behind the bill, I am pleased that at the heart of the bill is the aim of reducing the negative impact of fireworks and pyrotechnics on communities. Many people enjoy fireworks, whether we are talking about Guy Fawkes night or displays that are part of festivals or family celebrations. We must legislate in a way that does not prevent people from enjoying fireworks, but which takes account of the impact that loud noise has on pets, wildlife and people with sensory issues, including veterans.

The bill is also an important step towards reducing the burden on the emergency services of preparing for and responding to fireworks-related incidents. Data from Police Scotland indicates that around 900 such incidents were reported during the 2019-20 fireworks period. There is no evidence that the number of such incidents that are reported to the police is changing. The Scottish Fire and Rescue Service identified fireworks as a contributing factor in 342 incidents annually, on average, between 2009-10 and 2019-20, with around half of those incidents occurring on or around bonfire night.

Jamie Greene: Will the member give way?

Stuart McMillan: No. I am sorry, Mr Greene.

The incidents were concentrated in more deprived areas. I have seen that in my constituency. A few years ago, the riot police were called to a part of Greenock; there were horrendous scenes there that night. It is clear that there are considerable financial and resource cost implications for Police Scotland and the Scottish Fire and Rescue Service when it comes to planning and preparing for 5 November and the days leading up to it each year.

There is also an impact on the NHS and the Scottish Ambulance Service, and common fireworks-related injuries are ones that affect hands and heads, as we heard. Mortars and rockets are responsible for the majority of serious

eye and hand injuries, which often require specialist treatment and surgical intervention and are sometimes fatal, as we know.

Fireworks pollute the air with gases, particles and other elements that are potentially harmful to human health and the environment. That is another reason why the bill is so important.

Tougher action on sale and use of fireworks and tackling misuse of pyrotechnics have clear public support. I know that from people who have contacted me about the bill; I know that the bill will be supported in my constituency. I believe that the bill will be welcomed by many constituents across the country—especially by veterans, by people who have sensory issues or who live with someone who has sensory issues, and by pet owners, as others have highlighted. I will be pleased to vote for the bill tonight.

The Deputy Presiding Officer: We move to closing speeches.

18:05

Katy Clark (West Scotland) (Lab): I am pleased to close the debate on behalf of Scottish Labour. Pauline McNeill and I have sought to amend the bill, both at committee and here in the chamber, with a view to making it more effective and workable. We recognise the significant problem that Scotland has with antisocial use of fireworks, which we believe to be a growing problem. Indeed, we have heard from a number of members today about the extent of the problem. We know that most people simply want to enjoy fireworks, and we believe that the best place to do that is at public events.

We believe that the bill will reduce use of fireworks, and we welcome the creation of a new offence to criminalise supply of fireworks to under-18s, to ensure that adults do not supply fireworks to children.

During the passage of the bill, we have outlined our concerns that the licensing scheme might have the unintended consequence of creating a black market in unregulated fireworks, with all the greater safety risks that they carry.

As Pauline McNeill has said, a similar scheme was introduced in Northern Ireland. There, it has been reported that fireworks are widely available on the black market, and there is no evidence that there has been a decline in fireworks-related antisocial behaviour. At stage 2, I spoke about Italy, where a similar licensing scheme was introduced that seems to have done nothing to address the problems there of very dangerous unregulated use of illegal fireworks.

I lodged stage 2 amendments to strengthen the bill to enable local authorities to create no-

fireworks zones, in which all fireworks use would be banned. I believe that that is what people who have been campaigning for fireworks reform were actually looking for. That would have been far simpler legislation. The amendments that I lodged were not successful. I know that other members lodged amendments that would have had a similar effect.

Ash Regan: I want to pick up on Katy Clark's point about banning fireworks, or having the ability to do so. I believe that we have been over the matter several times. Does she accept that I have repeatedly explained, both at committee and in the chamber, that Scotland does not have the power to ban fireworks?

Katy Clark: We have, indeed, had this discussion previously. The fact that we are able to lodge amendments that would have the effect of banning fireworks shows that we do have that power. We can ban—indeed, the bill does so—sale of fireworks for most of the year, and the bill bans use of fireworks for most of the year. In reality, we can ban fireworks. I appreciate the point that the minister makes, however; it is a point that I think she made at stage 2.

Russell Findlay (West Scotland) (Con): Does the member recall the minister telling the committee that she had no desire to introduce a ban on fireworks?

Katy Clark: I do recall that. As the minister has said, we have had extensive debate about these issues at various stages.

I welcome the fact that the Scottish Government has listened to some of the arguments that have been made and that it has added private operators to the proposed firework control zones.

Public displays will not be banned by the legislation, however. There is no way to do that unless the Scottish Parliament legislates further. I hope that the Scottish Government will revisit the issue later, so that it is possible to ban fireworks where councils believe that doing so is necessary—in particular, near facilities such as hospitals, care facilities and animal shelters.

From the outset, Scottish Labour has been clear that it wants the bill to succeed and to be effective.

Fireworks misuse is already illegal but, despite the many hundreds of complaints to the police every year, there are very few prosecutions and even fewer convictions, as we have already heard. Between 2016 and 2020, there were only four solemn and 16 summary fireworks offence convictions and, as Jamie Greene said, there were no fireworks offence convictions in 2020-21.

We have real concerns that some of the provisions of the bill will be confusing, unworkable and expensive, and that therefore the public will

not comply or might inadvertently fall foul of the law. I very much hope that the Scottish Government is correct that the bill will result in the culture shift that it is seeking, but that will happen only if the Crown Office and the police put resources into implementing existing legislation.

As we have said, we are disappointed that the Government did not respond further to the stage 1 report, but because of the new offences that will be created and because we believe that the bill will reduce the use of fireworks, we will support the bill when it comes to the vote.

18:11

Russell Findlay (West Scotland) (Con): I usually take interventions but, with so much to cover in five minutes, I will not have the time to do so. I begin by thanking the Criminal Justice Committee clerks, the bill team and those who gave evidence to the committee.

Although fireworks are the source of great enjoyment to many people, including me and the fun-filled Willie Rennie, others regard them as a nuisance or indeed worse.

The Scottish Government's firework review group first met in December 2019 and produced its report almost a year later. Now, just 18 months after that, following a fast-track timetable, we have this bill in front of us. Let us strip it back. It does three main things. It requires anyone buying or using fireworks to have a licence; it creates firework control zones; and it limits firework use by the public to 57 days per year. Many key details remain unknown, with the Government in effect saying, "Trust us, pass the bill and we'll work it all out later". That is just not good enough.

I will now turn to those three main issues. Perhaps the most contentious is licensing. We still do not know how much a licence will cost. If we compare it to the Northern Irish model, it is anticipated that around 1,500 Scots may apply for a licence, yet up to 250,000 people in Scotland buy fireworks annually. What will those people do instead? Our concern is that the SNP's licensing scheme is so badly flawed that it will drive people to a black market. No work has been done on addressing that concern. This risks achieving the opposite of what is intended—a rise in firework misuse and the type of injuries that the minister described in her opening statement.

At stage 2, I secured an agreement from the minister that applicants for a licence must disclose convictions for fire-raising, yet she refused to budge on the disclosure of other convictions, including antisocial behaviour, football violence and even terrorism. My attempts to increase sentencing were also rejected.

Let us look at firework control zones. People might think, from their name, that firework use would be prohibited in those areas. It is not. At stage 2, I secured an agreement from the minister to ban professional displays in private gardens within these zones, but public displays will still be allowed. As Katy Clark said, that will not help pet owners, farmers or people with sensory issues who wanted clearly defined areas in which fireworks were completely banned.

Then there is the issue of fireworks being used on only 57 days. The Government has failed to properly explain how it arrived at those dates. It seems inevitable that other cultural or religious occasions will need to be added in the future. The bill limits firework sales to 37 days, which surely risks dangerous stockpiling in people's homes. Also—and this is a big one—professional companies will still be free to operate on 365 days of the year. As with the flawed firework control zones, that will do nothing for those seeking respite from noise.

This bill has been rushed. My colleague Jamie Greene has already explained why—so that proxy purchasing for under-18s could be dealt with quickly—but there was no need to rush. In doing so, we are left with a bill that contains huge gaps and may make existing problems even worse.

I have been immersed in the bill for months and it is still not easily understood. To be frank, it is confusing.

The Scottish Conservatives tried to fix it as best we can. I commend Jamie Greene for securing an aggravator for people who use fireworks to attack emergency service workers. I lodged 46 amendments at stage 2 and 12 at stage 3, some of which were accepted.

Many of my party's concerns can be seen in the stage 2 debate and the Criminal Justice Committee's highly critical stage 1 report. Members should remember that the report was agreed to with the backing of SNP members on the understanding that the Government would address our points of concern, but it has failed to do so.

Many critical questions remain unanswered. We already have nine separate laws that deal with firework misuse, but it is painfully apparent that they are not being used to their full extent. I share the industry's real fears that the bill could become the catalyst for a dangerous and unregulated black market in Scotland. The Government admits that it will be powerless to police online firework sales.

The minister described the bill as groundbreaking. I fear that she might be right. If the bill were a firework, it would be the dodgy one that fizzles out and falls over on the lawn and that it is best not to approach. Although we are aligned

entirely with the bill's intention, we cannot support such clunky and convoluted legislation, which might end up doing more harm than good. It is important that we are honest about that with the public and the stakeholders who engaged in the process.

We will abstain today and, judging by the comments from Katy Clark and Pauline McNeill, I am hopeful that Labour might consider doing so also. However, we understand that the bill is still likely to pass.

18:16

Ash Regan: I thank members for participating in the debate. In my opening speech, I shared the stories of a few people in Scotland whose lives have been changed for ever because of horrific firework and pyrotechnic-related injuries. Sadly, that is merely the tip of the iceberg of the wide-ranging distress and harm that the people of Scotland experience due to fireworks and pyrotechnics.

I draw members' attention to the fact that Eleanor Robertson, who is the senior clinical research fellow in burns and plastic surgery at Glasgow royal infirmary, joins us in the public gallery. She is joined by Amy McCabe, whose son was badly injured by a firework incident and is a campaigner on the issue. I thank them for joining us.

Throughout extensive consultation and engagement, we have heard from thousands of people about how their lives have been, and continue to be, impacted by fireworks being used in their communities. I have no doubt that many members in the chamber have heard similar views from their constituents. As their elected representatives, we all know that we need to be able to look our constituents in the eye and say that we are doing everything that we can to protect them from such harm.

It is important to highlight that, although issues around fireworks misuse featured strongly during consultation, it was clear that the sporadic and unpredictable use of fireworks was also problematic. One heart-breaking example that I was recently made aware of concerned the untimely passing of a much loved family dog due to fireworks. The story was shared with me last month, which is by no means firework season. Loud fireworks were suddenly set off one weekend. The dog was so frightened that he managed to escape and was last seen on train tracks. The community rallied together to find him and reunite him with his owners but, sadly, his body was found the following day.

As I have previously stated, the bill is not a panacea, but it is a crucial step in the culture

change that I am committed to progressing alongside wider actions—such as education and awareness raising—to keep people, animals and communities safe from the harm that can be caused by fireworks and the misuse of pyrotechnics.

The Deputy Presiding Officer: Excuse me for a second, minister. There is far too much noise in the chamber. We need to listen to the minister responding to the debate.

Ash Regan: I will turn now to some of the contributions that we heard this afternoon.

I am afraid to say that the Conservatives' speeches were quite dismal. I thought that their tone was entirely wrong, and that they are quite out of step with the support that has been shown for the bill by the public and the many stakeholders that support the provisions in the bill.

Predictably, the point about the black market was raised again during the debate. As I have said on many occasions, displacement was fully considered during the development of the proposals. I did not think that it was a compelling argument then and I do not think that it is one now. It is like saying that people will circumvent laws on alcohol or air weapons, so we should not have any restrictions. It is a nonsensical argument. If we were going to take that approach, there would be no public safety legislation at all, and I am not sure that that is quite what the Conservatives are suggesting should be the case.

Willie Rennie raised some pertinent examples of why the bill is needed, and he asked me about keeping the law under review if the bill is passed this evening. I can give that assurance to the chamber. The provisions will be kept under review, they will be monitored and they will be updated if that is found to be required.

Audrey Nicoll highlighted the support of clinical associations for the bill, and she mentioned the serious nature of many of the firework injuries that those organisations have to deal with.

Maggie Chapman highlighted the negative impacts of fireworks on pets, wildlife and the environment. I also agree with her assessment of the limitations and, often, compromises that are involved in drafting legislation in our devolved settlement, which is something that seems to have escaped the Conservatives entirely.

I agree with Stuart McMillan, who spoke movingly of things that he had seen and witnessed in Greenock, and of the support that this legislation would be shown by the public in his constituency.

As members will be aware, a range of stakeholders have expressed support for the bill. That includes the Scottish Fire and Rescue

Service, Police Scotland, the Scottish Society for the Prevention of Cruelty to Animals and the National Autistic Society, among many others. Just last week, a coalition of seven medical institutions, including the British Medical Association and the British Burn Association, wrote to me to express their support for the bill. Their letter highlights that they welcome the legislation and believe that it will ensure that, although fireworks will still be able to be enjoyed, that can be done more safely and more responsibly. I was particularly struck by the sobering observation that was made by the president of one of the associations, who said that, if the new legislation prevents just one severe burn or one mutilating eye or hand injury, it will all have been worth while. I agree.

If Parliament passes this bill today, we will be taking a significant step towards reducing the harm, the stress and the injuries that can be caused by fireworks and pyrotechnics.

I know that the safety and wellbeing of the people of Scotland is something that all members, regardless of our party affiliations, will agree is of prime importance and is a worthy aim to be united in working towards. For that reason, I invite members to agree to the passing of the bill.

Business Motion

18:23

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of business motion S6M-05254, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 6 September 2022

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 7 September 2022

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Health and Social Care;
 Social Justice, Housing and Local
 Government
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.00 pm Decision Time
followed by Members' Business

Thursday 8 September 2022

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Constitution, External Affairs and Culture
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

Tuesday 13 September 2022

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Wednesday 14 September 2022

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Justice and Veterans;
 Finance and Economy
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.00 pm Decision Time
followed by Members' Business

Thursday 15 September 2022

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Education and Skills
followed by Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 5 September 2022, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*George Adam*]

The Deputy Presiding Officer: I call Stephen Kerr to speak to and move amendment S6M-05254.1.

18:24

Stephen Kerr (Central Scotland) (Con): Yesterday, the Scottish National Party and the Greens blocked my attempt to have a statement this week from the Lord Advocate on the legal considerations of the proposed independence referendum. During her statement, the First Minister said:

"I am sure that the Lord Advocate would be more than happy to answer questions from MSPs."—[*Official Report*, 28 June 2022; c 24.]

However, in response to my amendment, the Minister for Parliamentary Business gave just one reason why that statement could not happen, which was that he was concerned about rule 7.5 of the standing orders and the possibility of breaching the sub judice rule.

In a point of order earlier today, Donald Cameron quite clearly dispelled that concern by pointing out that the rule applies only to active cases. Since no hearing date has been set for the Supreme Court's consideration of the Lord Advocate's reference, it is not an active case and therefore cannot breach the law or the standing orders. That fact was confirmed and reinforced by the Presiding Officer of the Scottish Parliament. Therefore, the only obstacle that is standing in the way of the Lord Advocate delivering a statement tomorrow is gone.

However, at an emergency Parliamentary Bureau meeting this afternoon, the minister said that his legal advice stated otherwise. Who knows whether that was legal advice or a political instruction from the First Minister? Either way, quite frankly, the minister's opinion is neither here nor there. His stated concern was with the standing orders of the Scottish Parliament. The Presiding Officer of the Scottish Parliament has ruled that the Lord Advocate can come to this chamber tomorrow. If the minister does not accept that, he is, quite simply, questioning the authority of Parliament.

Sadly, it appeared earlier today that the minister was content to take that position when he opted to prevent the Lord Advocate from coming to the chamber. His Government hides from scrutiny at every opportunity. However, I am sure that the Lord Advocate is more than capable of coming to this chamber, making a statement and answering questions before the Scottish Parliament.

It will surprise no one that, at the Parliamentary Bureau today, the SNP and Greens teamed up again to block a parliamentary statement from the Lord Advocate. My amendment corrects that.

Donald Cameron was right in saying that this might be the only chance to have that statement and to question the Lord Advocate. Therefore, I encourage members to be on the right side of this vote.

I move amendment S6M-05254.1, to insert:

“(za) the following revision to the programme of business for Thursday 30 June 2022—

after

12.00 pm First Minister's Questions

insert

followed by Statement by the Lord Advocate on Independence Referendum Legal Considerations”.

The Deputy Presiding Officer: I thank Mr Kerr for speaking to and moving amendment S6M-05254.1. However, as a matter of clarity, I advise members that I was in the chair at the time and I said that the sub judice rule was not engaged until a hearing date was set.

On the separate issue of the Lord Advocate making a statement, I simply said that that was a matter for the Parliamentary Bureau in the first instance. I thought that it would be useful to clarify what I said, which, of course, is a matter of record.

I call the Minister for Parliamentary Business, George Adam, to respond on behalf of the Parliamentary Bureau.

18:27

The Minister for Parliamentary Business (George Adam): I will make three very important, key points on that issue. First, the Lord Advocate's reasons for making the reference were explained clearly and fully by the First Minister in her statement yesterday.

Secondly, the substantive issues in the reference are now before the Supreme Court, regardless of the precise application of the standing orders. The court should be allowed to fulfil its function without political discussion of the merits.

Thirdly and finally, the Lord Advocate is not in a position to disclose the content of legal advice that is given to the Government.

The Deputy Presiding Officer: Thank you, minister.

The question is, that amendment S6M-05254.1, in the name of Stephen Kerr, which seeks to amend motion S6M-05254, in the name of George Adam, which sets out a business programme, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

18:29

Meeting suspended.

18:34

On resuming—

The Deputy Presiding Officer: The question is, that amendment S6M-05254.1, in the name of Stephen Kerr, which seeks to amend motion S6M-05254, in the name of George Adam, which sets

out a business programme, be agreed to. Members should cast their votes now.

The vote is now closed.

Jenni Minto (Argyll and Bute) (SNP): On a point of order, Presiding Officer. My app seemed to drop out. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Minto. In fact, your vote was recorded.

Paul McLennan (East Lothian) (SNP): On a point of order, Presiding Officer. Just the same, my app—*[Inaudible.]* I would have voted no.

The Deputy Presiding Officer: Thank you, Mr McLennan. Your vote was recorded.

For

Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)

Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division is: For 47, Against 63, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S6M-05254, in the name of George Adam, on behalf of the Parliamentary Bureau, which sets out a business programme, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The vote is closed.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): On a point of order, Presiding Officer. My app was not working. I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Callaghan. That will be recorded.

The Minister for Public Health, Women's Health and Sport (Maree Todd): On a point of order, Presiding Officer. I was unable to connect, and I would have voted yes.

The Deputy Presiding Officer: Thank you, Ms Todd. That will be recorded.

The Minister for Environment and Land Reform (Màiri McAllan): On a point of order, Presiding Officer. My app would not connect. I would have voted yes.

The Deputy Presiding Officer: Thank you Ms McAllan. Your vote was recorded.

For

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

Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Dowe, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Leonard, Richard (Central Scotland) (Lab)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 63, Against 47, Abstentions 0.

Motion agreed to.

Parliamentary Bureau Motion

18:39

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is consideration of Parliamentary Bureau motion S6M-05255, on the designation of a lead committee.

Motion moved,

That the Parliament agrees that the Health, Social Care and Sport Committee be designated as the lead committee, and that the Education, Children and Young People Committee and Local Government, Housing and Planning Committee be designated as secondary committees, in consideration of the National Care Service (Scotland) Bill at stage 1.—[George Adam]

The Deputy Presiding Officer: The question on the motion will be put at decision time.

Decision Time

18:40

The Deputy Presiding Officer (Annabelle Ewing): The first question is, that motion S6M-05222, in the name of Ben Macpherson, on the Social Security (Special Rules for End of Life) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the provisions of the Social Security (Special Rules for End of Life) Bill, introduced in the House of Lords on 11 May 2022, relating to Special Rules for Terminal Illness for accessing disability benefits, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Deputy Presiding Officer: I remind members that, if the amendment in the name of Donald Cameron is agreed to, the amendment in the name of Sarah Boyack will fall.

The next question is, that amendment S6M-05235.2, in the name of Donald Cameron, which seeks to amend motion S6M-05235, in the name of Angus Robertson, on the Northern Ireland Protocol Bill, be agreed to. Are we agreed?

Members: No

The Deputy Presiding Officer: There will be a division.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: The result of the division on amendment S6M-05235.2, in the name of Donald Cameron, is: For 25, Against 85, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that amendment S6M-05235.3, in the name of Sarah Boyack, which seeks to amend motion S6M-05235, in the name of Angus Robertson, on the Northern Ireland Protocol Bill, be agreed to. Are we agreed?

Members: No

The Deputy Presiding Officer: There will be a division.

The vote is now closed.

Russell Findlay (West Scotland) (Con): On a point of order, Presiding Officer. I had an app catastrophe and it appears not to have registered my vote, which would have been a no.

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

The Minister for Mental Wellbeing and Social Care (Kevin Stewart): On a point of order, Presiding Officer. My app seems to have frozen. I would have voted yes.

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

Gordon MacDonald (Edinburgh Pentlands) (SNP): On a point of order, Presiding Officer. My app says, "Connection lost", so I do not know whether my vote was recorded.

The Deputy Presiding Officer: Your vote was recorded, Mr MacDonald, as in fact was yours, Mr Stewart.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)

Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division on amendment S6M-05235.3, in the name of Sarah Boyack, is: For 85, Against 25, Abstentions 0.

Amendment agreed to.

The Deputy Presiding Officer: The question is, that motion S6M-05235, in the name of Angus Robertson, on the Northern Ireland Protocol Bill, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament agrees that it is fundamentally unacceptable for the UK Government to unilaterally disapply key parts of the EU-UK Withdrawal Agreement, the signing of which the Prime Minister hailed as a “fantastic moment”; further agrees that by proposing this course of action the UK Government is risking a disastrous trade dispute with the European Union, with damaging consequences for Scotland in the midst of a cost of living crisis and at a time when the UK is in danger of falling into recession; condemns that the Bill breaks international law and risks the integrity of the Good Friday Agreement, and calls, therefore, on the UK Government to withdraw the Northern Ireland Protocol Bill and restart negotiations with the EU immediately.

The Deputy Presiding Officer: The question is, that motion S6M-05154, in the name of Ash Regan, on the Fireworks and Pyrotechnic Articles (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse)
 (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)

Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Deputy Presiding Officer: That concludes decision time.

Abstentions

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 84, Against 0, Abstentions 25.

Motion agreed to,

That the Parliament agrees that the Fireworks and Pyrotechnic Articles (Scotland) Bill be passed.

The Deputy Presiding Officer: The question is, that motion S6M-05255, in the name of George Adam, on the designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Health, Social Care and Sport Committee be designated as the lead committee, and that the Education, Children and Young People Committee and Local Government, Housing and Planning Committee be designated as secondary committees, in consideration of the National Care Service (Scotland) Bill at stage 1.

Scotland's Companies

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-03994, in the name of John Mason, on Scotland's companies. The debate will be concluded without any question being put. I encourage members who wish to participate to press their request-to-speak button or place an R in the chat function. I also encourage members who are leaving the chamber to do so quietly and quickly.

Motion debated,

That the Parliament notes the reported probable loss of independent control and headquarter function of two major Scottish companies, namely Stagecoach and John Menzies; understands that Stagecoach, which was founded in 1980, agreed a merger with National Express late in 2021 but that a fund managed by Germany's DWS, which is part of Deutsche Bank, presented a near £600 million offer to take over the company; further understands that John Menzies, which was founded in 1883, has reached an agreement on a £571 million bid from Kuwait-based National Aviation Services; recognises what it sees as a further erosion of large thriving Scottish companies leaving the stock market, which it believes is detrimental to the nation's standing in the corporate world; further recognises what it sees as similar high-profile examples such as McVitie's in the Glasgow Shettleston constituency; notes the view that Scotland needs to do all that it can to encourage large Scottish companies to keep their independence, and further notes the hope that more Scottish companies see the value of keeping control of their operations in Scotland.

18:51

John Mason (Glasgow Shettleston) (SNP): I am very grateful to have the chance to hold a members' business debate in my name today; it takes quite a lot of time to get people to agree with much that I say.

The debate is on a subject that has concerned me for quite some time. If we lose business headquarters and ownership from Scotland, does that have a negative effect on the Scottish economy? Does it mean that at a time of downturn, if there is apparent overcapacity, it is more likely that a Scottish branch of a business, which is perceived to be far away from the centre, will be closed down?

We have seen that happen quite recently with McVitie's in my constituency. It was floated as a public company many years ago, and it has suffered from a lack of investment and is now being closed. That is despite the fact that the Scottish food sector as a whole is doing well and people around the world are willing to pay a premium for Scottish products. Other biscuit companies such as Walker's Shortbread, Border Biscuits and Tunnock's appear to be doing very well. When I visited the Faroe Islands a few years

ago, even they had Tunnock's teacakes in the local shops.

However, the issue is much wider. Over the years, we have lost Stakis, Kwik-Fit, Scottish & Newcastle and Bank of Scotland, and we no longer even have the name of Clydesdale Bank on the high street. To bring members right up to date, I note that we have seen Stagecoach almost taken over by National Express. Although it was called a merger, the company would have been 75 per cent National Express, with the headquarters down south. It now looks like Stagecoach will be owned by the German investment company DWS Infrastructure, which would at least mean that some HQ functions would stay in Scotland.

Then again, there is the situation with Capricorn, previously known as Cairn Energy, which is looking at being taken over by Tullow Oil. Simon Thomson, who was chief executive of Capricorn, was asked about having a London HQ. He said:

"This is all about creating value for shareholders."

It is reckoned that, if the takeover goes ahead, redundancies will be expected as part of \$50 million annual cost savings. In addition, FirstGroup is currently rejecting a bid from I Squared Capital.

I understand that the Competition and Markets Authority was looking into the National Express-Stagecoach deal. The CMA is a reserved body, and we would need to consider an equivalent body in the event of independence. However, I note that its focus seems to be on competition concerns, with an assumption that mergers and takeovers should go ahead unless there are serious reasons for them not to do so. I am just floating some ideas today, but I wonder whether we should be reversing that thinking—for example, by assuming that takeovers or mergers should not go ahead unless there are compelling reasons why they should, such as a declining market or strong foreign competition.

Daniel Johnson (Edinburgh Southern) (Lab):

One of the interesting aspects of the point that the member has just raised is that a lot of academic work and theory shows that mergers very often decrease, rather than add, value. Does he think that we should give more thought to that?

John Mason: Yes—I was going to refer to that point later, although I may not get that far. In general, a merger or takeover does not increase value; rather, it often shifts value away from the staff and employees towards shareholders. Of course, shareholders are vital, and they should always have a way out when they want or need to sell their shares. However, other European countries seem to be better than the United Kingdom at keeping more local control of their important businesses. We have seen that especially with the Dutch national railways, which

are effectively running our railways too. Why should that be a good thing?

Going further back, Scottish Power was taken over by Iberdrola in 2007, with no benefit that I can see to Scottish workers or energy users. I should probably declare an interest here, as my father spent his whole working life with Scottish Power, or SSEB—South of Scotland Electricity Board—as it previously was. As far as I could see, that was a successful company. Why did it need to be taken over?

Of course, electricity should never have been privatised in the first place. Once you float a business on the stock exchange, you lose control. Anyone can then buy and sell it, so you are at the mercy of those who want to make a quick buck. As a general rule, we know that the short term overrules the long term.

I am not saying that public ownership is always a success. British Airways was not that successful while it was nationalised; neither was British Rail, nor, in the car industry, British Leyland. However, Scottish Power, Scottish Water, Lothian Buses and others have, broadly, been good organisations in public ownership. I realised only recently that the water and sewerage systems are in public ownership in every country in the world except England and Wales.

Of course, there are other models of ownership. There are family businesses such as Scottish Leather Group, which is one of the top leather businesses in the world. The Scottish Family Business Association pushes for the continuation of family-owned businesses or models other than flotation. Employee ownership is another model—for example, John Lewis Partnership, and now WEST Brewery again in my constituency. Social enterprises and co-operatives are other options—I note that Paul Sweeney has lodged a motion on co-op fortnight, and I was happy to put my name to it.

Does it really matter who owns a business and where the HQ is? Some would say that profitability, productivity and efficiency are the only things that matter, yet the HQ function means that the highest paid jobs, and the taxes that those in them pay, will be in the home country. Auditors, lawyers, consultants and other suppliers tend to be there too, and there are usually spin-off benefits for local hotels and restaurants. We see that with the Scottish Parliament, as many of us use Edinburgh hotels, restaurants, and pubs during the week.

I will finish with a few points and quotes from academic and newspaper articles over a number of years. In *The Herald* on 2 June, Scott Wright talked about the loss of headquarters representing a loss of

“prestige and the global reputation of”

Scotland

“as a place where businesses of significant size can be built and, crucially, remain.”

However, he said that, arguably, not a lot can be done to stop a takeover, as boards

“have to maximise shareholder value”.

Again in *The Herald*, on 17 June, Colin McLean writes about how

“change of corporate control in the UK”

is

“easier than in other European countries.”

He notes that, while there is

“potential ... for headquarters to move or activity to be relocated ... too often takeover promises have later been set aside.”

He points out that both

“Ireland and Denmark ... have major listed companies on a scale well beyond Scotland’s sector”,

and he says that

“the takeover trend is concerning.”

To finish on a more positive note, I highlight that it was good to see that Inverness-based Carlton Bingo, with 209 staff, is becoming Scotland’s largest employee-owned firm—I say well done to them.

Maybe I am raising more questions than giving answers today. However, as I said, this subject has concerned me for a while, and we, as a Parliament, should look at it going forward.

18:58

Liz Smith (Mid Scotland and Fife) (Con): I thank John Mason for bringing what is an important debate to the chamber. It should go without saying that all of us in this place, irrespective of our political views, are rightly very proud of our Scottish companies and their Scottish heritage. Mr Mason has spoken about several key companies that have a very distinguished and long-standing Scottish heritage, and whose names are renowned around the world.

Sometimes there are sound economic reasons, which are often related to economies of scale, as to why some Scottish companies may wish to give up some control of their assets. However, there are clear trends in which companies in Scotland are giving up significant control of their businesses to foreign firms, and I understand why Mr Mason has concerns about that. It is, therefore, of the utmost important importance that we in the chamber work together to provide support where it is needed and to ensure that as many companies

as possible are able to remain independently competitive.

In my 15 years as an MSP, I have worked closely on a range of issues with companies such as Stagecoach in my Perth region. Most of my interactions with Stagecoach representatives have been entirely productive, and their willingness to engage constructively with me and other representatives, and with my constituents, has always been greatly appreciated.

Moreover, I was relieved to hear that—as Mr Mason mentioned—the new deal between DWS and Stagecoach means that the headquarters will now remain in Perth, which would not have been the case if the previous National Express merger had taken place. Many of the services that Stagecoach runs across Mid Scotland and Fife are absolute lifelines for elderly constituents attending medical appointments, for example, and for students attending their educational establishments. It is important, therefore, that we continue to support a company like Stagecoach through that transition so that those lifeline services continue to operate as frequently as possible.

Similarly, I commend the work of John Menzies most especially, as it has had to deal with the exigencies of the pandemic. Around the world, the aviation sector bore the brunt of Government policies—I am speaking of all Governments, not any specific Government—to stop the spread of the virus. It is obviously very worrying, although somewhat unsurprising, that companies in that sector will have to make significant compromises that would not have been the case in normal circumstances.

A year ago, I was one of the members of this Parliament—some of the others are in the chamber this evening—who stood outside the Parliament when various representatives from the aviation sector came to tell us exactly what their plight involved. It was not funny to listen to some of their stories about their experiences, and I was not surprised when the news came through of the full takeover of the business by Kuwait's National Aviation Services.

Although it should go without saying that the examples of the loss of independent control of Scottish businesses are disappointing and, in some cases, very worrying, we have to ask ourselves—Mr Mason asked us to ask these questions—why it is that Scottish businesses feel the need to relocate and, in some cases, to forfeit considerable control to foreign investors.

Like other colleagues, I have had many meetings with business leaders throughout the Covid-19 pandemic, and I have attended several round-table events with key businesses, including

one just this morning. It is clear that business confidence in many sectors is weak: some businesses even feel that policymakers do not see them as a priority, and they worry about the future of the Scottish economy.

Like me, Mr Mason and Daniel Johnson sit on the Finance and Public Administration Committee, and we know only too well what the in-depth analysis of the main forecasters is showing. It is not a happy picture—let us be honest about that. Businesses are facing rising costs, serious recruitment issues and rising debt, but there are also longer-term structural problems in the labour market, serious productivity issues and skills shortages. Businesses want as much stability and certainty as possible, as the Cabinet Secretary for Finance and the Economy herself said two budgets ago. At the moment, however, they have neither, and they now have another referendum threat, with the turmoil that that will create.

None of those things is helpful to Scottish business in enabling it to retain not only its discrete heritage, as we all want to see, but its economic viability. We should worry about that.

19:03

Paul McLennan (East Lothian) (SNP): I thank John Mason for bringing this debate to the chamber. I share his concern that the headquarters functions of Stagecoach and John Menzies may be lost. Those companies are well known in Scotland and have had a strong presence for many a year.

I worked for Bank of Scotland for 20 years, from 1990 to 2010, and I was working there at the time of the so-called merger with the Halifax, when the company became HBOS and then became part of Lloyds Banking Group. Decision making was changed overnight, and I mean literally overnight—that was very noticeable. It is very sad to see that the Mound building now operates only as a museum and corporate meeting venue.

According to *Scottish Business Insider* magazine, in April this year, the top 10 companies in Scotland included SSE, Scottish Power, Bank of Scotland, Aviva Insurance, Royal Bank of Scotland, Virgin Money, Arnold Clark, Weir Group and Chivas Brothers. Other notable companies include Scottish Widows, FirstGroup and ABRDN. Those are all companies that started in Scotland. How many of them are still headquartered in Scotland and, more importantly, where are investment decisions made?

How do we in Scotland compare with countries that have a similar population? We can look at two of our neighbours: Denmark and Ireland. They have roughly the same population as Scotland, and, notably, both are still in the European Union.

The top six companies in Denmark are Maersk Group, Danske Bank, Novo Nordisk, Ørsted, Carlsberg Group and Vestas Wind Systems. The market capitalisation of those companies is \$285 billion, with assets under control of \$882 billion. The top 10 companies in Denmark make a combined profit of \$16.3 billion.

In Ireland, the assets under control of the 10 top companies total \$482 billion, with market capitalisation of \$452 billion. The top 10 companies in Ireland have a combined profit of \$19.6 billion. Irish Companies include Allied Irish, Ryanair and Townlink Construction.

Why is all that important? The Danish corporation tax rate is 22 per cent—that is a boost of \$3.6 billion to the Danish treasury alone from the top 10 companies. The Irish corporation tax rate is 12.5 per cent, which is a boost of \$2.5 billion, again from only the 10 top companies.

That is the prize Scotland could have. So, what do we need in Scotland in order to retain business headquarters in Scotland and attract further investment into the country? We need all the levers of an independent country such as Denmark or Ireland—we need macroeconomic powers and we need to be back in the EU.

What are those powers? The ability to set interest rates, the ability to set corporation tax rates, tax relief for investors, borrowing powers to support infrastructure, and, crucially, investment in research and development.

Do we have the ability to attract investment into Scotland? In an Ernst & Young survey on foreign direct investment relative to other parts of the UK and to countries elsewhere in Europe, which was published a few weeks ago, Scotland significantly outpaced UK-wide progress. Ernst & Young declared that Scotland had made “great strides” as a destination for FDI in 2021, and its survey revealed that the nation’s attractiveness rating from potential future investors had hit a record. It stated:

“Our findings suggest the outlook for Scotland’s FDI is exceptionally bright.”

Scotland achieved a 14 per cent rise in the number of inward investment projects, to 122, which really puts the 1.8 per cent increase for the UK and the 5.4 per cent increase in Europe in the shade. The increase in inward investment projects that were won by Scotland last year was the fourth consecutive annual rise. Ernst & Young stated:

“The past year has seen Scotland continue to make great strides as a destination for FDI, meaning it can look to the future with even greater confidence. Scotland’s record levels of attractiveness”

are

“underpinned by investors’ rising perceptions.”

The importance of such investment should not be underestimated: FDI often brings with it very high value jobs. Some projects are R and D led and can involve collaborations with Scottish universities.

The UK stewardship of the economy and its control of macroeconomic levels hinder Scotland in attracting companies to headquarter in Scotland. Scotland needs to be like Denmark and Ireland and have the macroeconomic levers to attract investment and to attract business to headquarter in Scotland. Denmark and Ireland do it successfully; why can Scotland not?

19:07

Daniel Johnson (Edinburgh Southern) (Lab):

I am really pleased that John Mason secured this debate, because it asks the important questions that we need to ask, including the ones that Mr Mason himself posed.

It matters where our business and industry are owned. In part, there is a sentimental reason, to which Mr Mason alluded. It is sad when we see companies such as John Menzies—my mother always told me to pronounce it Mingiss—and others go into foreign ownership.

However, there are other important reasons why it matters. When the investment decisions of those companies are being made in another place by other people, I feel, intuitively, that there are more likely to be reasons why they will not invest in the place where their acquired business rests, although they might do.

I agree with a lot of what Mr McLennan said. There are questions about the macroeconomic policies, but his contribution also hit on one of the tensions. While he was juxtaposing those downsides, he contrasted them with foreign direct investment. I gently point out the “F” bit of FDI . We are in a global marketplace and, regardless of our different views on the constitution, at the heart of the matter is how we strike the balance between indigenous growth—I am sure that we all agree that we must have an environment that allows businesses to be created and grown here—and acknowledging that there is a global economy, whether we like it or not.

The Labour benches are not full at the moment, but there are members who might be alarmed at some of what I am saying. We cannot undo the global economy, we cannot go back to the 1970s, and we cannot put up walls.

The example that I like to think about is that of Wolfson Microelectronics. It was founded in the 1980s and was very successful. Every time I pass its office building, I wonder whether it had to be the case that it got bought by Cirrus; however, if

we think about it, there are still 300 people who are employed by the company in Edinburgh. On its jobs site, there are senior semiconductor engineers jobs being advertised. Therefore, there is a balance to be struck.

Ultimately, we need to question what we need to do to retain more businesses that are owned in Scotland. As part of that, we need to examine company law. We make it too easy. In 2004, France blocked the acquisition of Danone, a yogurt manufacturer, on the basis that it was of strategic interest to France. That is not the sort of thing that we see happening here, and we need to question that.

I highlight the fact that mergers do not tend to create value. We need to adhere to the market, so I do not think that we can just block mergers and so on outright, but there is an issue there.

We also need to look at our own policies. Do we always use the right vehicles? Could we use golden shares when we are doing our co-investment through Scottish Enterprise and the Scottish National Investment Bank? Could we use joint venture structures so that we attract outside capital while actually building something here? That approach is used in other countries, and I wonder whether there are possibilities for us to use joint venture structures to build infrastructure in a way that means that we retain ownership at least in part in Scotland.

We also need to look at our wider policy landscape. When I talk to businesses, I hear that there are concerns that we are not necessarily retaining businesses in areas such as the life sciences; there is active concern about that. The issues there are not the big ones that Mr McLennan was pointing to but things such as planning and skills policy, which are absolutely within our control.

Some really good questions have been raised, some of which are outwith the competence of the Scottish Parliament but, ultimately, we are talking about growing businesses, growing jobs and growing wages. Although economic policy is complicated, it boils down to those simple things.

19:11

The Minister for Business, Trade, Tourism and Enterprise (Ivan McKee): It is a real pleasure to take part in this debate. It is perhaps a shame that more members do not want to take part in it, but the contributions have been excellent, by and large, and I thank John Mason for bringing the debate to the Parliament and for pursuing it in such a constructive manner.

I will start off by being clear that the Scottish Government's objective is to strengthen our

domestic economy. Our recently published national strategy for economic transformation is absolutely focused on action to make the Scottish economy and Scottish businesses more prosperous, more productive, and internationally competitive. The Scottish Government, alongside our enterprise agencies and partners, is prioritising the creation of a business environment in which home-grown businesses in key sectors can grow, develop, and compete for global market share. To do that, we have to create an environment in which businesses can thrive.

We recognise that investment in company growth and scaling can be difficult and limited in a small Scottish market that has few players, and Scottish companies often access international investment to support their growth ambitions. We are therefore working hard to create the economic conditions in which Scottish companies can realise the benefits of keeping control of their operations in Scotland.

Scottish Government-backed investment funds are designed to fill key gaps in the continuum of growth capital to enable Scottish companies to scale up. At the same time, that creates a busy ecosystem of private investors in Scotland that affords Scottish businesses more opportunities for growth here in Scotland. The strategic direction behind that and the policy action that we are taking is well articulated in our global capital investment plan.

Through our enterprise agencies, we provide a wide range of funding and support for Scottish businesses, including research and development grants, the Scottish co-investment fund, and the Scottish loans scheme. That provides domestic companies with an opportunity to achieve their growth ambitions in Scotland, as well as to increase productivity and enhance efficiency. However, funding growth should be appropriate to the type of business; it is not one size fits all. Such funding can come from a variety of sources—private and public, and domestic and international. It is important that business gets the right investment and support that it needs while we build an open and effective economy.

When they are right for the business, acquisitions give companies access to global technology, talent and markets, and support their growth ambitions. Just because a company is acquired does not mean that there is no longer a focus on Scottish operations. Often, it can mean that the acquired business is afforded the opportunity to flourish.

In fact, Scotland outperforms other countries on measures of business performance after acquisition, and there is little difference in the inward investment acquisition rates of Scotland and other small European nations. For example,

Clyde Space was a Scottish start-up that kick-started the space sector in Scotland and that was acquired by a Swedish company, AAC, in 2019. The acquisition has seen continued investment in Scotland, which has provided AAC Clyde Space with access to new investment, skills and global markets. That investment was a catalyst for growing the talent base in the space sector in Scotland.

Another example that John Mason will be familiar with is Soapworks in my constituency. That business struggled for many years and had many difficulties operating as a private company. It was acquired by the Columbian Daabon Group two or three years ago, and it has since gone from strength to strength with further investment and access to new markets through Daabon's global networks. It is a much more competitive business, which has saved more than 100 jobs as a consequence.

The Clyde Space example in particular illustrates the indirect effects that acquisitions can have on our economy. International investment can deliver a wide range of benefits, including improving Scotland's reputation in certain key sectors, such as the space and life sciences sectors, among many others. It also helps to secure investment into supply chains in Scotland and unlocks learning and experience for business leaders on how to grow their businesses. It is worth noting the substantial financial contribution that mergers and acquisitions make to the Scottish economy. In 2021 alone, \$2.8 billion in capital was raised from external investors.

It is also worth pointing out that it is a two-way street: Scottish companies that look to grow their businesses abroad can do so. In order for them to grow at an international scale, they often acquire companies in target markets internationally. Earlier this year, the Macfarlane Group, which is a Glasgow-based packaging distributor, acquired PackMann, which is a German business, as part of its growth strategy. That will help the Scotland-based firm to expand into European markets. That illustrates the importance of truly international economies.

Wood and the Weir Group, both of which are substantial Scottish businesses, have made significant acquisitions internationally over the years. Stagecoach, which has been mentioned several times in this debate, made acquisitions in Canada, the US and, indeed, Poland through the course of its growth trajectory. It is very important to recognise that there is a two-way street.

Our current approach to creating an open, outward-looking and internationally facing economy requires balance. Daniel Johnson made that point very well. The best investment ecosystems contain a diverse range of sources of

capital, and mergers and acquisitions provide a key form of investment for fast-growing Scottish companies. Daniel Johnson also made a well-made point about joint ventures, which have a key role to play in many scenarios.

Members will be aware that the power to regulate corporate transactions, including the ability to restrict changes in ownership where it is in the public interest to do so, is reserved to UK Government entities, such as the Department for Business, Energy and Industrial Strategy and the Competition and Markets Authority, which I met recently to discuss those issues. The Scottish Government has, of course, no legal power to intercede in scenarios in which decisions are made that do not align with Scottish policy priorities. In Scotland, as part of the UK, the Scottish ministers have limited ability to protect, encourage, maintain and grow our desired wellbeing economy. Additional constitutional powers would enable us to make decisions that are tailored to Scottish business needs. In an independent Scotland, we would have more levers and resources at our disposal to support Scottish businesses and the Scottish economy. Paul McLennan made that point very well.

Through the delivery of our national strategy for economic transformation, the Scottish Government is working hard to ensure that Scottish businesses have access to the right support, including capital, to grow. We are focusing on the actions that can be taken within the current constitutional arrangements to transform Scotland's economy, and we will continue to support our businesses and individuals in upskilling, as well as in utilising new digital technologies. Through creating a world-class entrepreneurial nation that is productive and innovative, Scotland's businesses will have the best possible environment in which to thrive and grow, here in Scotland.

Meeting closed at 19:19.

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