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Thursday 4 May 2023

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Scottish Parliament

Thursday 4 May 2023

[The Presiding Officer opened the meeting at 11:40]

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. Our first item of business is general question time. As ever, I would appreciate short and succinct questions and responses to match.

Health Outcomes (Data Gathering)

1. **Maurice Golden (North East Scotland) (Con):** To ask the Scottish Government how it is improving data gathering in relation to health outcomes. (S6O-02188)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Michael Matheson): The Scottish Government gathers or supports the gathering of data on health outcomes in a number of ways. We constantly strive to improve in that area, as is noted in our recently published data strategy for health and social care. We work closely with partners such as Public Health Scotland and wider stakeholders to continue to develop outcomes data, and we collect data directly through surveys such as the Scottish health survey and the health and care experience survey.

Recent examples of improvements include the better use of online data collection, better linkage and new analyses of outcomes data. In addition, most of our major programmes of work have dedicated data improvement strands, such as in adult social care and for drug deaths.

Maurice Golden: The Royal College of Physicians of Edinburgh has made it clear that there is “overwhelming”

“evidence that air pollution harms the health of ... school children”.

To properly protect children, we need better data, which is why I have spent more than six years in calling for air quality monitors to be installed in Scottish schools. I was pleased to see a similar call from the royal college in its recent submission to the Net Zero, Energy and Transport Committee for air quality monitors to be installed at all urban primary schools for a year, then extended to secondary schools. Will the cabinet secretary now listen to those experts, make that commitment and install those air quality monitors?

Michael Matheson: Maurice Golden will be aware that we have undertaken a range of work in

order to improve air quality—for example, through the introduction of low-emission zones, the first of which will be in force in Glasgow as of next month. We can already see the impact of that on air quality.

I recognise the direct impact that air quality can have on an individual’s health—in particular, on their respiratory and cardiovascular health—and I am always keen to explore more actions to address those issues. I am aware of the issues that have been raised by the Royal College of Physicians of Edinburgh, and I will certainly give consideration to whether we can take further measures in order to address those concerns.

Emma Harper (South Scotland) (SNP): On data gathering, will the cabinet secretary outline how the Scottish Government will ensure that the opportunities that are created by new technology, data and analytical services will be delivered by a sustainable, well-trained and supported workforce?

Michael Matheson: Data can play an important part in supporting not just the design but the delivery of services. That is why we have the health and social care data strategy, published in February, which sets out the actions that we will take over the coming years to improve data collection and the linkage between different parts of our health and social care system. Alongside that, data from the use of other forms of technology can play an important part in improving health outcomes.

Some of the work that we are taking forward through the strategy aims to ensure that we deploy technology and use the data from it to its absolute maximum, to improve the way in which services are delivered across the country.

Free School Meals (Secondary Schools Pilot)

2. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government whether it will provide an update on the plans for a pilot scheme to provide free school meals in secondary schools. (S6O-02189)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): In Scotland, all primary school pupils in primaries 1 to 5, children in funded early learning and childcare, and eligible pupils in primary 6 through to secondary 6 can already benefit from free meals. That is the most generous provision anywhere in the United Kingdom, and it saves parents £400 per eligible child per year.

We will go further. Our additional investment, which was announced on 15 December, will fund the continued expansion of free school meals to all primary 6 and 7 pupils who are in receipt of the Scottish child payment, and we remain committed

to delivering a pilot of free school meals in secondary schools and to continuing to work closely with key delivery partners on our free school meal expansion programme. I would be happy to provide an update once planning work has progressed further.

Fulton MacGregor: I say at the outset that I really welcome the initiative and think that it is making, and will continue to make, a huge difference across the country.

The minister will know that North Lanarkshire, which includes my Coatbridge and Chryston constituency, has high levels of deprivation. Would she consider making that council area part of the pilot scheme? Initiatives such as club 365, which has been run by North Lanarkshire Council, have shown that there is a real need for them and that they can help a lot of people.

Natalie Don: Absolutely. It is important that we undertake the planning work required for our free school meal expansion programme, and we will further consider which areas will be included in any pilot in due course. I am happy to keep Fulton MacGregor updated on that.

Stephen Kerr (Central Scotland) (Con): According to the Scottish Government's own reports, the take-up of school meals is down. Why?

Natalie Don: To begin with, Covid certainly did not help with that, but that is a matter for local authorities, whose responsibility it is to encourage the take-up of free school meals.

Pam Duncan-Glancy (Glasgow) (Lab): As the minister said, the budget provided for the programme's expansion to those children in primaries 6 and 7 and in receipt of the Scottish child payment. However, in the absence of the delivery of that, families are paying out more than one third of their benefit to bridge the gap. Does the minister accept that Government delay is costing families, and will she tell them when she will get it sorted out with the data from Social Security Scotland?

Natalie Don: As I mentioned, in Scotland, we have the most generous free school meal provision anywhere in the UK, with all primary school pupils in primaries 1 to 5, all pupils in special schools and additional support needs schools and eligible pupils in primary 6 through to S6 able to access a free meal. We are continuing that roll-out with children on the Scottish child payment, and I am happy to provide the member with more updates as that progresses.

Scottish Child Payment (Young Parents)

3. **Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government whether it will

introduce a Scottish child payment top-up for parents under the age of 25 who are in receipt of universal credit, as called for by the "End young parent poverty" campaign, in light of it reportedly being supported by more than 30 charities and civil society groups. (S6O-02190)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Universal credit is reserved to Westminster, and the United Kingdom Government has deliberately introduced age discrimination within it. We agree with campaigners that it should be paid at the same amount to everyone.

We already take action to protect people against the impact of UK Government policies, including the bedroom tax and the benefit cap, but we cannot mitigate every action on our fixed budget. The Scottish child payment was doubled in April 2022, to £20 per eligible child, and it increased again to £25 when we extended it to under-16s, in November. That is an increase of 150 per cent in less than eight months.

Monica Lennon: The campaign coalition is led by One Parent Family Scotland, but it now has 46 organisations, including Barnardo's Scotland, the Poverty Alliance, Oxfam Scotland, Scottish Women's Aid and many more. There are clear asks of both the UK and the Scottish Government. More than half of children in Scotland with a mother aged under 25 are living in poverty. I have offered to host a meeting with the campaigners. Will the cabinet secretary join us at that meeting as soon as possible?

Shirley-Anne Somerville: Given that I have just come into post, I am, of course, already due to meet stakeholders and I am setting up meetings with them. Clearly, I am happy to receive any invites for any other opportunities that are coming up.

I would just make it clear to Monica Lennon that we spend £777 million more on social security than we get through the UK Government block grant. That shows that we are determined to move forward and support families and others who are really suffering from the benefits that are given by Westminster. That includes spending £442 million on the Scottish child payment this year and other mitigations that we make to support against, for example, the bedroom tax. I say to Monica Lennon that it is very difficult to mitigate against everything that the UK Government is doing, because that it is a very long list.

National Health Service Dentistry

4. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government what action it will take to reverse the reported decline of NHS dentistry. (S6O-02191)

The Minister for Public Health and Women's Health (Jenni Minto): The new policy prospectus that the Scottish Government set out on 18 April commits us to providing sustained and improved equitable national access to national health service dentistry by 2026. That reaffirms our commitment to the sector and to patients in all parts of Scotland.

The previous Cabinet Secretary for Health and Social Care recently confirmed the continuation of the bridging payment until 31 October 2023, while we prepare for the implementation of payment reform. Payment reform will comprise a new modernised system that will provide NHS dental teams with greater clinical discretion and transparency for NHS patients.

Willie Rennie: Having to wait until 2026, which is a long time away, does not help people who are waiting to see a dentist right now.

A recent survey found that there has been an exodus of dentists from the NHS. Some 59 per cent of dentists say that, since lockdown, they have reduced the amount of NHS work that they undertake by an average of more than one fifth. For example, the Old Bank dental practice in Tayport in my constituency has shut altogether. The survey found that the situation is only going to get worse.

In a letter dated 20 March, the then Minister for Public Health, Women's Health and Sport, Maree Todd, said:

"we will confirm the negotiation period and new showcase date as soon as possible."

There is concern about further delay. When will the revised payment system for NHS dentistry be announced?

Jenni Minto: I thank Willie Rennie for his question and recognise the amount of work that he has done for his constituents with regard to dentistry services.

The timeline for reform of dentistry services has necessarily been slightly altered by the process that has been under way to replace the First Minister. We still intend to implement dentistry reform on the agreed date, which is 1 November 2023. We will confirm the negotiation period and new showcase date as soon as possible.

Sandesh Gulhane (Glasgow) (Con): With many people living to be older and, therefore, keeping their teeth for longer, many elderly patients who are housebound or in care homes are presenting with untreated tooth decay and advanced gum disease. In fact, recent studies suggest that periodontal disease and the resulting chronic inflammation are associated with the development of vascular dementia.

Will the minister explain how she plans to properly resource the declining domiciliary dental care service, as Shona Robison promised when she was Cabinet Secretary for Health and Social Care? At a meeting of the local dental committee, members of Scotland's dental profession told me that that is simply not happening.

Jenni Minto: I, too, was at the local dental committee meeting, at which—as Sandesh Gulhane will know—I faced some pretty probing questions. The Scottish Government is absolutely committed to ensuring that we provide a sustainable dental service. I am currently in discussions on how that will happen.

I take on board the points that Dr Gulhane made on care of older people. However, I ask him to note that the Scottish Government is moving on a pathway towards ensuring that everyone gets the right dental care at the right time and in the right place.

Stuart McMillan (Greenock and Inverclyde) (SNP): I continue to receive correspondence from constituents who find themselves unable to access non-emergency dental care because dental practices in Inverclyde remain closed to new NHS patients. Will the minister outline what is being done to support dental practices that currently offer NHS treatment to begin taking on such patients?

Jenni Minto: We are constantly in dialogue with dentists to ensure that we are doing that; my officials meet dentists regularly. We have introduced a number of processes—for example, funding dentists to the extent of £100,000 for additional practices, and providing additional funding of up to £25,000 for extra support in areas where there is greatest patient need.

Digital Prescribing and Dispensing

5. Rona Mackay (Strathkelvin and Bearsden) (SNP): To ask the Scottish Government whether it will provide an update on the digital prescribing and dispensing pathways programme. (S6O-02192)

The Minister for Public Health and Women's Health (Jenni Minto): I am sorry that I did not respond immediately, Presiding Officer; I did not hear the question.

The Presiding Officer: I ask Ms Mackay to repeat question 5.

Rona Mackay: To ask the Scottish Government whether it will provide an update on the digital prescribing and dispensing pathways programme.

Jenni Minto: I offer my sincere apologies, Presiding Officer.

The digital prescribing and dispensing pathways programme is on track to replace the current paper prescription system in Scotland, with a view to establishing a digital approach by the end of this parliamentary session.

The early focus is on in-hours fixed general practice prescribing and community pharmacy dispensing across Scotland. Initial user engagement is complete, and planning is under way for the design of an initial prototype approach. I expect to be able to provide more detail later this year, subject to on-going work on the business case.

Rona Mackay: I thank the minister for that answer.

Last week, I met a group of local general practitioners who told me about technical problems that they are having in using the electronic system, which have resulted in patients waiting for paper prescriptions that GPs need to print and sign. They also asked about potential expansion of the programme to secondary care patients, who need to wait for paper prescriptions from hospital doctors. Can the minister confirm whether the programme will be progressed in order to alleviate the burden on general practices and hospitals?

Jenni Minto: I heard that question; I thank Rona Mackay for her supplementary.

Digital prescribing is a strategic priority and the DPDP programme will focus on primary care and GPs. It will improve the user and patient experience while reducing use of paper prescriptions. We expect to commence implementation for in-practice GP prescribing and dispensing from 2024-25.

In secondary care, hospital electronic prescribing and medicines administration—HEPMA—is being rolled out across Scotland and has already been implemented in 13 NHS boards. [*Jenni Minto has corrected this contribution. See end of report.*]

Victims, Witnesses, and Justice Reform (Scotland) Bill (Victims Consultation)

6. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government which victims groups it has consulted with on its proposed Victims, Witnesses, and Justice Reform (Scotland) Bill. (S6O-02193)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The bill is directly informed by the work of the victims task force and the Lady Dorrian review and governance groups, all of which include representation from victims organisations. We have also engaged directly with a range of victims groups, as well as with victims,

survivors and their advocates and families, through two public consultations and the jury research engagement events that fed into the bill.

Ministers and officials regularly meet victims organisations and meet directly with individual victims and survivors to discuss a range of issues, many of which are relevant to the content of the bill.

Alexander Stewart: I thank the cabinet secretary for that answer.

The bill is a victims bill in name only. My colleague Jamie Greene has proposed a true victims law that would put the interests of victims at the heart of the justice system. In particular, it promises to implement Michelle's law, which would prevent criminals, when they are released on licence, from entering the local areas of victims. That measure was promised by Humza Yousaf when he was the Cabinet Secretary for Justice, but it does not appear in the bill. Why not?

Angela Constance: Let me reassure Mr Stewart that the bill, when it comes to advancing the rights of victims and witnesses, is one of the most significant pieces of legislation to be introduced in the history of this Parliament, and will represent transformational change that is informed by the very strongest of evidence and debate. Building on our engagement with victims and witnesses, we have a statutory automatic right to anonymity for victims of sexual offences, new specialist courts for sexual offences and the abolition of the not proven verdict.

With respect to Michelle's law, I again reassure Mr Stewart that the Parole Board for Scotland has already adjusted its rules in order to give appropriate consideration of the very important matter that he raises.

We are getting on with the job, representing the needs of victims and witnesses and ensuring that they are, indeed, at the very heart of our justice system.

Palliative Care (Hospice Funding)

7. Sharon Dowe (South Scotland) (Con): To ask the Scottish Government whether it will increase funding for hospices to ensure that they can manage any rising costs, in light of the reported increase in the number of people in need of palliative care. (S6O-02194)

The Minister for Public Health and Women's Health (Jenni Minto): We are considering the issues that the hospice sector raised at its meeting in March with the then Cabinet Secretary for Health and Social Care and the then Minister for Public Health, Women's Health and Sport, including funding and the long-term sustainability of the hospice sector.

We are aware of Scottish research that shows a rise in the number of people with palliative care need, and the Scottish Government is developing a new palliative and end-of-life care strategy to ensure that everyone who needs it can access seamless, timely and high-quality palliative care.

Sharon Dowey: Although I welcome the pay uplift for national health service staff under the agenda for change in Scotland, hospices are crying out for funding to help them to match that uplift and ensure that their salaries remain competitive with those of the NHS.

Considering that Ayrshire Hospice is facing the perfect storm of rising staff costs, increasing energy and running costs and a tough fundraising environment, what discussions have ministers had with the sector on a new model of funding to help hospices to retain staff? Will the minister commit to meeting the chief executive officer of Ayrshire Hospice, Tracy Flynn, to discuss its issues with funding and how its work impacts the people of Ayrshire?

Jenni Minto: I thank Sharon Dowey for her question. As I said, we have met and started discussions with the hospice sector. I would be happy to meet more to hear its concerns. We have to recognise the hospice sector and support it as best we can, given all the impacts on it.

The Presiding Officer: That concludes general questions.

First Minister's Question Time

12:00

Highly Protected Marine Areas

1. Douglas Ross (Highlands and Islands) (Con): Last night, the Scottish Conservatives led a debate and vote here in Parliament on Scottish National Party-Green plans to introduce highly protected marine areas. Those reckless proposals would ban fishing in large parts of Scotland's seas. They would risk thousands of jobs. They would be devastating to coastal communities. The First Minister has said that his Government will not impose highly protected marine areas on any community that is vehemently opposed to them. So, quite simply, can he define what he means in this case by "community" and say what level of opposition will be considered vehement?

The First Minister (Humza Yousaf): Before I respond to Douglas Ross, I want to recognise that today is international firefighters day. I take this opportunity to thank firefighters across Scotland for their selfless contribution to keeping us safe, and I pay tribute to those firefighters who have lost their lives serving our communities, including Barry Martin—I know that his bravery will serve as a constant and continual reminder of the courage that our firefighters demonstrate in the line of duty each and every day.

On the important question that Douglas Ross raises, let me just remind him that it was also a Scottish Conservative manifesto pledge to introduce highly protected marine areas. In fact, Douglas Ross stood on not one but two manifestos that pledged to introduce highly protected marine areas in some shape or form.

I had the misfortune of hearing Rachael Hamilton's interview on "Good Morning Scotland" a couple of days ago, in which she set out, I think, four different positions on HPMA's in around five minutes. What we have made absolutely clear is that this Government will not impose HPMA's on any community that vehemently opposes them.

We have done the consultation and we have had an enormous response to it—[*Interruption.*]

The Presiding Officer (Alison Johnstone): If I could have a moment, First Minister, I would like to say that I would be grateful if, when a member is speaking, other members were listening.

The First Minister: Thank you, Presiding Officer.

We have done the consultation and there has been a significant response. It is only right that we now analyse those responses. Of course, Màiri McAllan and I have committed to making sure that

we engage with our coastal and island communities that may well be affected by HPMAAs.

With regard to what consent mechanism we will use and how we will define “community” in terms of opposition or consent, that is something on which we will engage directly with the community. That is why we have done a consultation at early inception stage. It would be completely wrong of us to pre-empt a decision about what consent mechanism we will end up putting in place or to set the parameters here today, because, of course, that would risk excluding some voices that should be heard.

We will not apologise for taking the necessary action that we need to in order to protect our biodiversity. It is incumbent not only on the Government of the day but on all of us to ensure that we tackle the twin crises of the climate emergency and the loss of our biodiversity.

Douglas Ross: I begin by associating myself with the remarks of the First Minister on international firefighters day. My colleague Russell Findlay will speak in the members’ business debate on that very issue, which will take place immediately after First Minister’s question time. We all celebrate and recognise the bravery of our firefighters, who do tremendous work day in, day out, putting their lives at risk, which we saw so starkly with the sad loss of Barry Martin earlier this year.

The First Minister’s answer was long in length but short on detail. What would be completely wrong is to give reassurances to coastal communities that everything is fine because, if they are a community that is vehemently opposed to an HPMA, the HPMA will not be introduced, but then be completely unable to define what a community is. The First Minister is trying to give reassurances with no substance behind them.

Speaking about behind, the First Minister just needs to look behind him to Karen Adam, who said in Parliament two days ago:

“we need clarity on how those communities will be defined and how we will gauge their vehement opposition.—[*Official Report*, 2 May 2023; c 78.]

We do. I am saying that and even the SNP members are saying it. However, it is already crystal clear that those communities are vehemently opposed to the plans. The First Minister should just listen to what they are saying.

The Scottish Fishermen’s Federation said that the plans could have a “catastrophic” effect. A fisherman from the Outer Hebrides said that it will be

“absolutely devastating and you’ll see a loss of population in these areas akin to the Highland Clearances”.

The Tiree Community Development Trust said:

“It will be the end of our community.”

A development trust said that the SNP-Green plans will be

“the end of our community.”

Those are damning verdicts on the SNP Government’s proposals from the people who know the sector best. Therefore, why is the First Minister pressing ahead with a policy that will devastate coastal, rural and fishing communities?

The First Minister: I remind Douglas Ross of the commitment in the Scottish Conservatives’ manifesto not that many years ago. It said:

“We will review the current Marine Protected Areas in Scottish waters, with a view to expanding their extent, and pilot the introduction of Highly Protected Marine Areas.”

The Conservatives are now saying that they are for pilots. Rachael Hamilton gave a very different articulation on the radio a few days ago. [*Interruption.*]

The Presiding Officer: Thank you, members.

The First Minister: We know that Douglas Ross is known for flip-flopping all over the place on any issue of the day. He is flip-flopping on the issue of highly protected marine areas.

Karen Adam was absolutely right, of course. We will not only define communities; we will define what consent or what opposition is. What I am saying to Douglas Ross very clearly is that we should analyse the huge number of consultation responses that we have had from those communities before we decide for them or impose on them or, indeed, exclude any of those communities from the discussion.

What we should all absolutely agree on is the fact that we have to take action to ensure that our marine environment is sustainable for the future. It will not help our fishing communities if that marine environment is not sustainable. We want to ensure that it is so that the future of our fishing industry can continue for many years. I am committed to doing that not to the communities involved but, I hope, with the communities involved. [*Applause.*]

Douglas Ross: There is muted applause from behind the First Minister. If only he could see the glum faces of SNP members—it is incredible.

It is not only coastal, fishing and rural communities—which the First Minister is seemingly happy to ignore—that are against the plans. Last night, in the chamber, three senior SNP MSPs—all former Government ministers—voted against their party on the fishing ban. Let us listen to what they had to say.

Fergus Ewing said:

“this issue will haunt the Scottish Government.”

Alasdair Allan said:

“I have never known my constituency to be ... so unanimously opposed to any single policy ... in all my time”

as an MSP. Kate Forbes said:

“if the proposals go ahead as planned, the rarest species in our coastal areas and islands will soon be people.”—*[Official Report, 2 May 2023; c 86, 81, 92.]*

Does Humza Yousaf realise that not only is he out of touch with coastal communities, he is out of touch with members of his own party?

The First Minister: Again, I remind Douglas Ross of the fact that the Parliament accepted an amended motion by a majority. Of course, we, too, accepted and voted for amendments from the Labour Party and the Liberal Democrats. A number of parties came together to propose amendments, which we accepted, and the majority of members agreed to the motion.

I say to Douglas Ross that there are good examples of where we have a no-take zone, including Lamlash Bay. The community campaigned for that. *[Interruption.]*

The Presiding Officer: Thank you, members.

The First Minister: The community wanted that in its local area. Based on the studies that have been co-ordinated by the community group, we have seen that, since that protection was put in place, commercially important species such as the king scallop and the European lobster have increased in size, age and density. That is a good example of where we have worked with a community in order for a no-take zone to be implemented.

We are not talking about imposition; we are talking about working with communities throughout the country. That is the right thing to do.

The trouble with the Conservatives is that they demand that we take action on the climate emergency and that we take action to reverse some of the negative impacts and effects of the loss of biodiversity but, whenever we propose action, they oppose it every single step of the way. That is not going to help our climate, and it certainly is not going to help our fishing industry or our marine environment in the future. *[Applause.]*

Douglas Ross: Gosh, it is getting worse. If I had another question, there might be no response from his own party to an answer from the First Minister. *[Interruption.]*

The Presiding Officer: Quiet, please. Thank you.

Douglas Ross: Humza Yousaf was speaking about the response from the Scottish Conservatives. He should be worried about the response from his own back benchers and the

rebellion that we have already seen. It took Nicola Sturgeon eight years to have her first major rebellion within the SNP ranks; it has taken Humza Yousaf less than eight weeks to achieve the same. He is clearly losing his grip on his party because he insists on pursuing these extreme policies, which are opposed by the very communities he wants to impose them on.

These reckless plans would ban fishing across much of our sea. They would put thousands of jobs at risk and devastate coastal, rural and fishing areas. Coastal communities, the fishing sector and even Humza Yousaf's own MSPs have all called for the SNP Government to ditch its anti-fishing plans, yet the First Minister is ploughing ahead with them regardless. Instead of arrogantly dismissing the many valid concerns, as he has done so far, will he now do the right thing and scrap the plans?

The First Minister: What we are doing—and what we have done from the very beginning of this process—is engage with our coastal and island communities. In total, we have had over 40 meetings with stakeholders and I have already stated that the cabinet secretary will continue that engagement.

For example, prior to the consultation even being launched, there were meetings with over 20 stakeholder groups, including some of those that Douglas Ross has mentioned, such as the Scottish Fishermen's Federation, the Scottish Creel Fishermen's Federation, aquaculture groups such as Salmon Scotland, important environmental non-governmental organisations such as Scottish Environment LINK and community representatives such as the Coastal Communities Network and the Convention of Scottish Local Authorities—*[Interruption.]*

The Presiding Officer: I appreciate that members are here because they have strong opinions on many issues, but I would be grateful if they could keep those opinions to themselves while other members are on their feet.

The First Minister: They are not willing to hear the facts and that is the problem, Presiding Officer, because the facts are that we have engaged, even prior to the consultation.

I have given an absolute commitment that we will continue to engage and I have given a commitment, time and time again, in public, that we will not impose HPMA's on any community that is vehemently opposed to them. For Douglas Ross to stand there and talk about losing grip of a party when he has been leader—*[Interruption.]* The Conservatives have had the longest attempted coup in Scottish political history. Why does Jamie Greene or Liam Kerr not just stand up and put Douglas Ross out of his misery? *[Interruption.]*

The Presiding Officer: Members!

The First Minister: It is hardly a surprise that Douglas Ross talks about losing grip on a political party. Even he has lost faith in his own political party: he spent the entire Easter recess urging his supporters to vote for the Scottish Labour Party, Presiding Officer.

Finally, Douglas Ross has got his finger on the pulse—[*Interruption.*]

The Presiding Officer: Members—quiet, please. Thank you.

The First Minister: Douglas Ross has finally caught up with Scottish public opinion. Even Douglas Ross has lost faith in his own leadership of the Scottish Conservative Party.

Domestic Abuse (Scotland) Act 2018 (Review)

2. **Anas Sarwar (Glasgow) (Lab):** First, I would like to join others in recognising international firefighters day and in paying tribute to all those who run towards danger in order to protect their fellow citizens. In particular, our thoughts are with the family of Barry Martin, who so tragically lost his life at just 38 years old.

This morning, the Criminal Justice Committee published its review of the Government's Domestic Abuse (Scotland) Act 2018. The act was passed by this Parliament in February 2018 to give greater protections to victims, particularly women and children, from coercion and abuse. However, today—five years on—the committee concludes that progress on implementing the changes has been far too slow. In the words of one expert who gave evidence, the experience of victims and survivors is still “unremittingly grim”.

When the 2018 act was introduced, the then justice secretary, Humza Yousaf, said that he hoped victims would be able to seek support with the confidence that the law was behind them. When so many women and children are still being failed, does the First Minister believe that his Government has lived up to that ambition?

The First Minister (Humza Yousaf): I believe that we have, but that there is always more that we can, and should, do. I welcome the publication of the Criminal Justice Committee's report on its post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018. We have taken action, not just as a Government—in fairness, there has been a collective effort by the Parliament to respond to the needs of the victims of domestic abuse. Of course, we will give careful consideration to the report's eight recommendations before responding formally. However, I will be clear that any form of abuse is unacceptable, and I am sure that there is collective agreement on that.

The new domestic abuse offence, which has been heralded as gold standard legislation, has given more powers to police and the courts to punish the perpetrators of abuse and protect people who are at risk. However, as the committee's report highlights, clearly, there is still more work to be done to improve the justice system's response to domestic abuse and for survivors of domestic abuse. We will work with justice agencies to consider the recommendations.

Anas Sarwar: The First Minister suggests that the ambition has been met. I suggest that he listens to and reads the testimony of victims on how they feel about the process. The act was marked as world leading but, as usual, the Scottish National Party Government is content to talk up change and settle for less. It is not just this legislation that has been neglected across our justice system: the Hate Crime and Public Order (Scotland) Act 2021 has never been enforced, there is a court backlog of more than 27,000 criminal cases and there are 816 fewer police officers since 2020.

When the First Minister was justice secretary, there was a damning review of the police complaints and disciplinary system, which reported evidence of misogyny, racism and serious discrimination issues within Police Scotland. In 2020, the then justice secretary, Humza Yousaf, told the chamber that the Government would “move at pace” in its response, and that there would be

“no dithering, nor will there be delay.”—[*Official Report*, 25 November 2020, c 37.]

However, “Newsnight” has spoken to women about the misogyny that they faced while they were working in our police force. They say that many women are too scared to speak out and that many have been forced to leave the police. Is that the decisive action that the First Minister was talking about?

The First Minister: Decisive action has led to those court backlogs falling. The reason why the court backlogs increased so much was because of the global pandemic, and I think that we can, and should, all recognise that. Since the SNP has been in Government, decisive action has led to the lowest crime figures on record. Our resolve to fund the police and our record of doing that, ensuring that more police officers are on the beat, are good. That is why we have more police officers per head than in England and Wales.

In terms of misogyny, we are taking decisive action on the back of an excellent report by Baroness Kennedy in relation to what more we can do legislatively and as a society to tackle that. On some of the concerns that have been raised about misogyny in the police force, I know from my

engagement with Chief Constable Iain Livingstone how seriously he takes that issue in policing, and I know that he has taken action to address it. The Government and the police take any concerns raised against police officers extremely seriously. When things go wrong, the police must be held to account. That is why I am pleased that some of the whistleblowing policies in relation to Police Scotland have been updated by the Scottish Police Authority, in direct response to the work that we commissioned from Dame Elish Angiolini in 2018—the review of police complaints handling, investigations and misconduct issues.

Those are the decisive actions that we have taken. Am I saying that everything is perfect? Of course not. There is more that we can do for those who serve in our police force as well as the public that we seek to serve. The Government has a good track record of tackling the issues that matter to people and keeping people safe, up and down Scotland.

Anas Sarwar: I am sorry, but that is a complacent answer from the First Minister. He seems to be in denial. The fact that female police officers feel compelled to speak to the media in order to inspire change from the Government is a record of failure, not one of success or progress. There is chaos across our criminal justice system. Courts are backlogged, prisons are overcrowded and the police force is being starved of resources.

Is not the problem with the First Minister that he likes to talk big, but consistently fails to deliver? This is an incompetent and dysfunctional SNP Government which, after 16 years, has left every Scottish institution weaker. We have a justice system that too often fails victims, a transport system that too often fails communities, an education system that too often fails our children and a health service that too often fails staff and patients. Is it any wonder that, every day, more and more people are losing trust and faith in this failing SNP Government?

The First Minister: Anas Sarwar talked about rhetoric, but I gave facts—facts that he cannot and should not avoid. In each and every department, we can look at the Government's achievements.

In health, we have record spending of more than £19 billion to invest in the national health service in this financial year. NHS staffing is up to historically high levels. Our accident and emergency services continue to be the best-performing such services anywhere in the UK.

In education, we have not just record investment but record high numbers of school leavers who have gone on to education, employment or training. On attaining one or more passes at Scottish credit and qualifications framework level 4 or better, we have the narrowest gap on record

between school leavers from the most deprived areas and school leavers from the least deprived areas.

As I said, crime is at the lowest level since 1974—the figure is down by 42 per cent under the SNP. We have the highest number of police officers at any time in comparison with when Labour was in power. We have more police officers per head than in England and Wales.

On the economy, unemployment is at record low levels. I could go on and on and on.

Although the SNP has—undoubtedly—had some of the most difficult and challenging weeks, we still enjoy incredible popular support, and Anas Sarwar is still in second place, which betrays his lack of ambition. *[Interruption.]*

The Presiding Officer: Thank you, members.

The First Minister: After wall-to-wall negative coverage of the SNP for five to six weeks, Anas Sarwar is happy to be in second place—that is his ambition for the Labour Party, and that is why the people of Scotland have not trusted Labour in the past 16 years to be in government.

Violence Against Young People (Government Action)

3. Russell Findlay (West Scotland) (Con): To ask the First Minister what action the Scottish Government plans to take in light of his declared support for the *Daily Record's* "Our Kids ... Our Future" campaign to tackle violence against young people. (S6F-02070)

The First Minister (Humza Yousaf): Like many others, I commend the *Daily Record* for drawing attention to an incredibly important issue. We must all confront the causes of violence, address its consequences, minimise future victimisation and stop violence from a young age. I call on anybody who experiences or witnesses violence or who sees it on social media, as highlighted by the campaign, to report it.

It is for all of us in society to confront the issue. We do not have power over social media platforms, but the UK Government does. Its Online Safety Bill, which is progressing through Westminster, could be a means to ensure that social media companies take more seriously their responsibility to contain violent content. I will write to the UK Government to make that case and I would welcome Mr Findlay's support.

Russell Findlay: When Abbie Jarvis was violently attacked by another teenager, every brutal moment was recorded and circulated on social media. The First Minister says that he backs the important campaign against such sickening attacks. Abbie lives in fear and cannot leave home by herself or return to school, and her mum,

Angela, struggles to explain why there has been no justice. Why are Abbie and other child victims paying the price? When there are no consequences for serious acts of violence, Angela asks this: what message does that send to the children of Scotland?

The First Minister: I am really grateful to Abbie and her mum, Angela, for speaking out; I have read their testimony in the *Daily Record* on a number of occasions. I am grateful to them and the other young people who have chosen to speak out after such horrific incidents.

We are keen to back the *Daily Record's* calls by working with our local authorities to ensure that there are safe places for teenagers to go. We also want to do more work with social media companies to prevent violent content from being shared, which is why I will write to the UK Government on that matter.

Another ask of the *Record's* campaign is that

“Every adult ... has a role to play—so take the lead in your community to help local children feel cared for and included”.

I do not think that the response to that is to lock up every under-18 who commits a violent act, throw away the key and forget about them and their future. We must understand the root cause of violent crime. A public health approach has been taken to that in Glasgow, which has worked well over many years.

Of course there should be consequences for violence, but that should not be about incarcerating young people; we should work with them to reduce violence and take a public health approach, which I am committed to doing.

The Presiding Officer: I call Michelle Thomson.

Michelle Thomson (Falkirk East) (SNP): I am sorry. My question is a constituency supplementary question rather than a supplementary question.

The Presiding Officer: I call Katy Clark.

Katy Clark (West Scotland) (Lab): The Scottish Government has a goal of ensuring that robust community justice interventions are available across Scotland, but the community justice budget is facing real-terms cuts over the next year. Given that the Scottish Government's stated intention is to increase use of community justice, will the First Minister look at that again?

The Presiding Officer: I think that there might be some misunderstanding. Is that a supplementary question with particular regard to question 3?

Katy Clark: Yes—that was my understanding, Presiding Officer.

The First Minister: I am happy to answer the question, because Katy Clark has raised a really important point. I am full square behind the aims that she speaks about in relation to investing more in community justice, which I believe is a better route than, for example, incarceration. We know that if we divert people to community justice alternatives, there is the ability to prevent reoffending, for example. Therefore, I am more than happy to continue to look at every budget line I can—in particular, that important budget line. We are operating within a fixed budget, which we have limited powers to increase, and that is why I spoke yesterday about making really tough choices. Whether we are in Government or Opposition, it is important that we all engage in that conversation in a grown-up fashion. It is very clear that Katy Clark is up for that conversation.

Anti-poverty Summit (Update)

4. Collette Stevenson (East Kilbride) (SNP): To ask the First Minister whether he will provide an update on the anti-poverty summit that took place on Wednesday 3 May. (S6F-02064)

The First Minister (Humza Yousaf): I am very grateful to the more than 80 people, including party leaders, who joined the anti-poverty summit. I hope that they will all agree with me that what we heard, particularly from people with direct experience of poverty, confirmed that poverty is the biggest challenge that we face, as a country. Although we have already acted to tackle the pressure on those who are most in need, of course more must be done.

We have fixed budgets and money is tight and needs to be stretched very far, so we must be hard-headed and realistic about the action that has to be taken. That means making some really tough choices that need to be bold. As we heard specifically, we have to be brave. All of us, including party leaders and me, as First Minister, were challenged to be brave by people with direct experience of poverty. The Government that I lead will be bold and will consider what we can do in relation to taxation, the tough decisions that have to be made and the targeted investments that we have to make.

Collette Stevenson: I thank the First Minister for that response. A wellbeing economy and a fair social security system are two key components in tackling poverty. Many experts agree that the United Kingdom Tory Government's policies, such as cutting universal credit, are worsening poverty. *[Interruption.]* Of course, the minimum wage, which was set by Westminster, is well below the living wage that would help people to meet the cost of living. Does the First Minister agree with me that, until this Parliament has full powers over the economy and social security, the UK

Government must step up to the plate and use its powers to support rather than to punish people? Can he outline the steps that the Scottish Government will take to build on its progressive record?

The First Minister: Whenever anybody talks about poverty, we always hear groans from the Conservative Party. Instead of groaning, they should face up to the reality that their actions—including more than a decade of austerity, the hard Brexit that has been imposed on us and a mini-budget that wreaked complete havoc on our economy—have pushed more people into poverty, and not just in Scotland but up and down the UK. Instead of groaning, they should face up to that fact and take some responsibility. [*Applause.*]

The Presiding Officer: Thank you, members.

The First Minister: The UK Government should match the ambition of the Scottish Government on tackling and reducing poverty, and that includes introducing the equivalent of the Scottish child payment by reinstating the universal credit uplift at £25 a week and extending support to other means-tested benefits. Were the UK Government to reverse key reforms that have been introduced since 2015, that would put £780 million into the pockets of Scottish households, and it would lift 70,000 people, including 30,000 children, out of poverty this year.

Let me make it clear: where I can work constructively with the UK Government on reducing poverty, I will do so. It was one of the first topics that I raised in my meeting with the Prime Minister recently. Where we have the power in this Parliament to go further, I give an absolute commitment that we will use powers to their absolute maximum effect. We must all make a collective effort in order to reduce poverty—particularly child poverty.

Paul O’Kane (West Scotland) (Lab): I noted the First Minister’s headline-grabbing announcement prior to the summit of £4.5 million for after-school clubs. Does he accept that that is a drop in the ocean compared with the £1 billion financial black hole that the Government created in local authority funding through its relentless slashing of council budgets? Does he also accept that it is time for the Scottish National Party to use every lever at its disposal to improve people’s lives?

During the summit, which we attended in good faith, we outlined a number of areas where the Government could take immediate action, including wiping out of school meals debt, improvement of debt support in communities, freezing of water charges and provision of a water rebate. The First Minister said that he is listening,

so when will he get on and take action in those areas to make a real difference right now?

The First Minister: The difficulty, of course, with all those policy proposals is that Paul O’Kane did not outline how on earth we would pay for them. That is the problem—we have a Labour Party that demands action but does not do the grown-up politics of putting forward how it would pay for measures. That is the reality of government. I know that the Labour Party has not been in government for more than 16 years, but it has to be able to say how it will pay for those measures—[*Interruption.*]

The Presiding Officer: Members, let us treat one another with courtesy and respect.

The First Minister: Labour shadow chancellor Rachel Reeves said that

“principles don’t change but the priorities and the policies must change according to the circumstances.”

I agree with her. We have to ensure that every single penny that we spend is targeted at those who need it most. I am more than happy to engage with Paul O’Kane constructively on issues that he has raised today, but we absolutely must be realistic. It is not just about coming up with potential solutions and proposals; we have to say how on earth we are going to pay for them. I make no apology whatsoever when I say that I believe in progressive taxation. I hope that that is a call that Labour can back, too.

Forestry Grants (Peatlands)

5. Brian Whittle (South Scotland) (Con): To ask the First Minister what the Scottish Government’s response is to a recent report suggesting that current forestry grant funding rules are supporting projects that are harmful to peatlands, and which, as a result, generate more CO₂ than they sequester. (S6F-02067)

The First Minister (Humza Yousaf): We do not agree that our woodland creation is harmful for peatlands. No Government is doing more in these islands to ensure that woodlands and forestry help to tackle climate change.

Scotland’s forests remove more than 7 million tonnes of CO₂ a year from the atmosphere—about 14 per cent of all Scotland’s gross emissions. All grant-funded planting must comply with the United Kingdom forestry standard to maximise CO₂ removals and minimise emissions.

Planting on deep peat is, of course, banned. Guidance on ground preparation was strengthened in 2021, and we will continue to use the best available science and evidence to protect our environment, sequester carbon and get Scotland to net zero.

Brian Whittle: Even the Government's own scientists, including those in Forest Research, are suggesting that even 10cm of deep peat might be worth protecting, and certainly that 30cm of deep peat should be protected.

The report highlights that trees have been planted using the wrong techniques, which dries up peatlands and sends organic matter down our rivers, which acidifies them, thereby killing salmon, and causes more flooding. To keep carbon in the ground, the report says that we need to keep peatlands wet. Will the First Minister tighten up the regulations for forestry and peatlands and ensure that the right trees are planted in the right place at the right time?

The First Minister: I make the point again to Brian Whittle that we have a very ambitious peatland restoration programme. The new policy prospectus that I announced just a couple of weeks ago promises to deliver up to 110,000 hectares of restored peatland by 2026, and Brian Whittle knows that our target in relation to 2030 is to restore 250,000 hectares. That is something that we are keen to do to build capacity, because we know that we need to go faster than we are currently going.

We are looking very closely at the report that Brian Whittle referenced, but Forest Research recently carried out quite a comprehensive study on CO₂ uptake achieved through creation of different types of woodland. The key finding of the Forest Research study is that all types of woodland, including conifer, broadleaf and natural recolonisation woodland, have important roles to play

We will listen to any experts in that regard, and we are looking at the report that Brian Whittle referenced in his question.

Jackie Dunbar (Aberdeen Donside) (SNP): As is to be expected, there is a range of opinions on the subject, but Scotland's forests are an important carbon sink. The strategy of having the right tree in the right place is crucial, but does the First Minister share my view that expanding, restoring and improving forests and woodlands has a key role to play in achieving our net zero targets and restoring Scotland's natural environment?

The First Minister: Yes, absolutely. Currently more than 75 per cent of woodland creation across the UK is in Scotland. Scotland's forests and forestry sector are making a vital contribution to our reaching our climate change targets. We have set out bold plans in the climate change plan to increase woodland cover to 21 per cent by 2032, by planting than 18,000 hectares a year, including 4,000 hectares of native woodland. We have also taken steps to further protect and

restore our iconic Atlantic rainforest and Caledonian pine woods. Our package of measures will deliver towards net zero and restore the biodiversity that underpins our economy and, importantly, the wellbeing of our planet and of local communities.

Deaf People (Communication Needs)

6. Karen Adam (Banffshire and Buchan Coast) (SNP): Presiding Officer, for the record, I will ask my question first in spoken English and then in signed and spoken British Sign Language, to raise awareness.

To ask the First Minister, in light of this being deaf awareness week, what work the Scottish Government is undertaking to ensure that deaf people have their communication needs met. (S6F-02068)

I will now ask the question in BSL.

The First Minister (Humza Yousaf): I thank Karen Adam for the question and recognise the incredible work that she has done to raise awareness of the issues of deaf people. A number of weeks ago, I had the great pleasure of meeting her father, who has also been an advocate and a champion for raising issues around deaf awareness and BSL, and for the use of BSL in particular.

I also wish all those who are marking deaf awareness week all the very best for the awareness-raising activity and events that I know are planned.

Since 2014, we have provided over £5.5 million to promote the implementation of the see hear strategy. A refreshed strategy for 2024 will be designed collaboratively with stakeholders and, importantly and crucially, with people who have lived experience. It will be focused on living a good life with sensory loss. Of course, communication plays a key and vital role in that.

For BSL users, the Scottish Government funds Contact Scotland BSL, which enables deaf and deafblind British Sign Language users to telephone any number, via video relay interpreters, 24 hours a day, 365 days a year.

We are investing in two technological solutions to improve communication for deaf people through our CivTech programme: a centralised booking system for BSL/English interpreters, and, crucially, an online concierge service that enables access to public services.

Karen Adam: I am a CODA, which is a child of a deaf adult, and I grew up learning BSL alongside English. The importance of the right to be understood in one's own language cannot be understated. The deaf community deserves to feel included, but BSL provision across Scotland can

be a postcode lottery. In Scotland, we pride ourselves on being a progressive nation. On BSL, however, we must go further and faster.

Will the First Minister commit to providing a space where stakeholders and I can highlight to the Scottish Government what we must do to protect the future of our precious minority language in Scotland?

The First Minister: Yes, I can absolutely commit to that. Once again, I thank Karen Adam for the incredible work that she has done in her time in Parliament and before that to raise issues that are affecting our deaf community in Scotland.

We have established a short-life working group for the development of the British Sign Language national plan for 2023 to 2029, which is due to be published in October. The national plan will provide a real opportunity to advance our approach to BSL. We will also establish an implementation governance group, for when the national plan has been published, to ensure that we can deliver on those commitments.

I am clear that I expect stakeholders to be fully involved in this work, particularly those with direct lived experience. The Cabinet Secretary for Education and Skills will be happy to meet Karen Adam to explore those issues in more detail.

The Presiding Officer: We move to constituency and general supplementaries.

Sudan

Kaukab Stewart (Glasgow Kelvin) (SNP): The situation in Sudan is worsening by the day. The sister-in-law of one my Glasgow Kelvin constituents is currently trapped in Khartoum as violence worsens across the region. I understand that the Eritrean police and security services are actively rounding up those attempting to flee. I also gather that at least three people have died while being transported from Khartoum to Shagarab refugee camp and that many more people have been kidnapped while they are trying to leave the capital city. Does the First Minister agree that that underlines the need for safe and legal routes to seek asylum within the United Kingdom? Can he provide assurances that Scotland will do all that it can within its devolved competencies to support victims caught up in this awful nightmare?

The First Minister (Humza Yousaf): I thank Kaukab Stewart for raising this important issue in our Parliament. I agree with all that the member has said. The Scottish Government has consistently sought and advocated for safe and legal routes to enable people to seek safety under the refugee convention—a convention that the UK was the first to sign. The majority in this Parliament made that clear in a debate on

Tuesday, as well. Without such routes, people will continue to be forced into dangerous journeys that put their lives at further risk. The member has just mentioned countries where we can see that scenario taking place.

What we need is a humane asylum system in which people's cases are dealt with swiftly and fairly, not the UK Government's Illegal Migration Bill, which I believe that Douglas Ross voted for in earlier stages in the House of Commons. That is not fit for purpose; it is a complete abdication of international responsibility and a complete abdication of our moral responsibility. We will be engaging with the UK Government urgently, pleading with it to do the right thing. If we can do the right thing for those seeking to flee from war in Ukraine—as we absolutely should; it is the right thing to do—we should make sure that we are doing that for everybody who is fleeing war right across the world, regardless of which continent they are fleeing from, their colour of skin or their religion.

NHS Forth Valley (Complaints)

Alexander Stewart (Mid Scotland and Fife) (Con): NHS Forth Valley continues to struggle, even under special measures. Complaints are going up and performance targets are falling short. Between April 2022 and January 2023, 1,704 complaints were received, which is an increase of 30 per cent compared with the same period the year before. Patients are clearly still not receiving the care that they deserve. What further action can be taken to ensure that the upturn in complaints is rectified as a matter of urgency?

The First Minister (Humza Yousaf): Alexander Stewart is right to raise the issue, which he has, of course, raised before with me. That is one of the reasons why, when I was health secretary, I took the action to escalate NHS Forth Valley to the second-highest level of escalation. Part of the reason for that was the complaints handling, the culture and the performance in NHS Forth Valley. As health secretary at the time, I offered a meeting between Alexander Stewart and Christine McLaughlin, who is heading the oversight group. I do not know whether that meeting has taken place. If not, I am more than happy to facilitate that from my office.

There is an improvement plan in place. I think that we all recognise that, given the nature of the challenges that NHS Forth Valley is facing, the improvement plan will take time to embed. However, I am assured that improvement is being made and I will get the latest update from the Cabinet Secretary for NHS Recovery, Health and Social Care after First Minister's question time. If Alexander Stewart wishes to meet the cabinet

secretary to get a further update, we will make that happen.

Buffer Zones (Legislation)

Gillian Mackay (Central Scotland) (Green): Now that the work of the short-life working group on buffer zones has concluded, does the First Minister agree that all of our collective focus should be on delivering national legislation as the most robust way to put buffer zones in place in Scotland, and that our collective aim should be to bring forward the final proposal for my member's bill before summer recess?

The First Minister (Humza Yousaf): I absolutely and fully agree with that and I extend my thanks to the members of the working group for helping us to get to this point. Gillian Mackay is right that the focus should now be on that national approach. I can give an absolute commitment—I know that Gillian Mackay knows this—that we will work closely with her on her member's bill, which is of incredible importance. It is vital to ensure that women get safe access to health care and I and the Government are fully supportive of those safe access zones.

I know that my officials have been working at pace with Gillian Mackay in relation to the development of the legislation and I am pleased to hear her ambition around its introduction before summer recess. I look forward to engaging with her personally as well as with the cabinet secretary and the ministers who are involved.

Rapes and Sexual Assaults in Hospitals (Data Recording)

Pam Gosal (West Scotland) (Con): More than 6,500 rapes and sexual assaults were reported to have taken place in hospitals in England and Wales between 2019 and 2022. However, Police Scotland does not record such data and, therefore, we do not know the scale of the problem in Scottish hospital wards.

A constituent has written to me and said that she was—rightly—unsettled by that alarming oversight. What action will the Government take to ensure that appropriate and accurate data is collected to identify the scale of the problem?

The First Minister (Humza Yousaf): Pam Gosal raises a very important matter. I do not have the detail in front of me in relation to the data that is, or is not, collected. However, I promise Pam Gosal that I will request, as she has asked me to do, the data that is collected in that regard. I will ask and explore whether we and Police Scotland can do more in relation to recording that data and will write to the member with further detail.

The Presiding Officer: That concludes First Minister's questions. There will be a short

suspension to allow members to leave the chamber and for people to leave the public gallery.

12:46

Meeting suspended.

12:47

On resuming—

Firefighters Memorial Day 2023

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-08571, in the name of Bill Kidd, on firefighters memorial day 2023. The debate will be concluded without any questions being put.

I invite members who wish to participate to press their request-to-speak buttons now or as soon as possible. I call Bill Kidd to open the debate. You have around seven minutes, Mr Kidd.

Motion debated,

That the Parliament recognises 4 May as International Firefighters' Day (IFFD), which is also known as Firefighters' Memorial Day, and is an annual observance to honour the sacrifice of firefighters who have lost their lives in the line of duty; thanks firefighters serving communities across Scotland, including the crew at Knightswood Fire Station in Glasgow Anniesland, for their tremendous contribution in ensuring people's safety; acknowledges the courage and dedication of generations of firefighters; understands that the Scottish Fire and Rescue Service is the fourth largest serving firefighting force in the world; remembers and honours the firefighters who have sacrificed their lives in the line of duty; understands that a minute's silence will take place at 12 noon on 4 May 2023, on the forecourts of fire stations and other fire and rescue workplaces; notes the work of the Fire Brigades Union in its Red Plaque project and DECON campaign; further notes the view that all fire stations should have safe work practices, including full decontamination facilities, to ensure that firefighters and their families are not exposed to harmful particles; notes the classification by the World Health Organization's International Agency for Research on Cancer, in July 2022, of the occupational exposure of firefighters as carcinogenic to humans, which increases the likelihood of cancer, and notes the view that this classification has made health and safety measures even more important.

12:48

Bill Kidd (Glasgow Anniesland) (SNP): It is a privilege to lead today's debate recognising firefighters memorial day 2023 as a day that is dedicated to the sacrifice of firefighters who have lost their lives in the line of duty, both here and internationally. The day is also known as international firefighters day, when the world community can recognise and honour the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible.

International firefighters day began after a tragic incident in Linton in Australia on 2 December 1998. On that day, five volunteers, who were part of a strike team that was called in to assist in tackling wildfires, headed out from the fire that they were tackling to refill their tanker when a

sudden violent wind change engulfed the truck in flames. Tragically, all five members of the strike team were killed.

In response, lieutenant firefighter and fellow volunteer J J Edmondson resolved to work with international colleagues to establish an internationally recognised symbol of support and respect for all firefighters. Internationally, 4 May was chosen to coincide with the day of St Florian, the patron saint of firefighters, who was the first known commander of a firefighting squad in the Roman empire. He lost his life, as did his colleagues, protecting the same humane ideals that firefighters around the world share today.

Since the inaugural firefighters memorial day, support for the initiative has grown until it has become truly global, with events and services being held around the world to mark the day. Here in the Scottish Parliament, the overwhelming support for the motion from members across the chamber has been remarkable. It sends out a clear message of the huge respect that we all share for those who risk their lives every day to protect our communities. I thank the members who supported the motion and all those who are here in the chamber to speak. I look forward to listening to their contributions.

We all know the risks that are involved for firefighters. We were recently given a tragic reminder of those risks when, sadly, firefighter Barry Martin was fatally injured when tackling the horrendous blaze at the Jenners building in Edinburgh. In addition, two of his colleagues were taken to hospital for smoke inhalation treatment.

We were all incredibly moved by the solidarity of and support from his colleagues when, to pay their respects, crews lined up across the country and thousands lined the Royal Mile, including outside the Scottish Parliament, as the procession passed by. It was a poignant reminder that, only 15 years earlier in Edinburgh, firefighters performed the same sad duty for their colleague Ewan Williamson, who tragically died while attending a fire at the Balmoral bar. Today, we pay our respects to all those who have lost their lives in the line of duty.

Although praise must be given for the steps that have been taken to improve safety, the banner that hangs in the head office in Scotland of the Fire Brigades Union, which lists the names of almost 2,500 firefighters who have lost their lives, is a testament to the facts that one life lost is one too many, that we cannot be complacent and that, as the work of firefighters evolves, safety measures must evolve, too. Indeed, the risks that have been created by changes to construction methods and materials such as composite cladding, and new risks that result from firefighters' involvement in non-traditional work

such as water and rope rescue, not to mention the effects of climate change, make that imperative. I support the calls from the FBU for politicians, chief fire officers and firefighters to work together to ensure that, as practices evolve, safety and legislation evolve to reflect the new reality.

The new reality includes hidden risks. As has recently been acknowledged by the World Health Organization, there is an increased number of instances of firefighters dying from cancers and other diseases that are attributed to firefighting as an occupation. That is why I also support and commend the FBU's recent decon campaign to help firefighters to protect themselves and others from harmful contaminants. The campaign calls for annual monitoring to exposure; occupation to be recorded on health records, death certificates and other related records; decon training and policy to be introduced across the United Kingdom; facilities and contracts for personal protective equipment and workwear cleaning; and legislation to ensure proper compensation and protection for affected firefighters. I hope that campaigns such as that, and other measures, can form the basis for discussions on the future shape of our rescue services.

I commend the FBU for its red plaques project, which creates memorials for firefighters who have lost their life in the line of duty, with each red plaque commemorating a moment in local history and offering a place of reflection for the community. Each red plaque is funded by the hugely worthy Firefighters 100 Lottery. Since its commencement, that lottery has funded the establishment and presentation of red plaques to remember more than 50 firefighters across the UK. Unfortunately, some of those are in notable locations in my city of Glasgow.

The quote on the medal that is handed out by the FBU to long-standing activists states:

"Remember the dead, fight for the living".

We all agree with that, I think. We were elected to do just that. Firefighters protect our lives, and we must do everything that we can to protect theirs.

12:55

Russell Findlay (West Scotland) (Con): I thank Bill Kidd for bringing the debate to mark firefighters memorial day. As fellow citizens of Glasgow, he and I are familiar with its long and tragic history of high-profile and often deadly infernos, some of which have earned it the label of "tinderbox city".

We do not have to look far to see the legacy of incidents in which gallant firefighters and others lost their lives. The firefighters heritage trail comprises 12 memorial plaques in places around

the city where firefighters died on duty. One of those relates to the Cheapside Street fire disaster of 28 March 1960, when 14 firefighters and five salvage corps officers lost their lives following a massive explosion at a whisky bond. I used to live nearby, on James Watt Street, where 22 members of the public were killed in 1968. There are plans to extend the trail, and I hope that that tragedy will be among those that are included.

The ferocity and scale of such horrors seems unimaginable—almost a sepia-tinted history. Fire safety has become central to our lives, in our homes and workplaces, with decades of improvements making us safer than ever before. During a recent trip to Paisley fire station, I saw some of the incredible equipment that is now used. Today, I watched a video about new technologies, which promise so much. In the future, firefighters will almost certainly be supported by augmented reality. They will be able to see on their visors vital digital information, superimposed on the physical world in front of them, about distances and layouts in smoke-filled buildings, and about the location of exits and of their colleagues.

However, technology and human endeavour cannot fully end the risk that is posed by fire and smoke. Despite our many advances, tragedies still occur, as in January, when firefighters were called to the former Jenners department store here in Edinburgh. Five of those who entered the building required hospital treatment, including 38-year-old Barry Martin, who tragically succumbed to his injuries days later.

Such a painful loss serves to remind us why days like today are so important. We have a duty to pay tribute to those on the front line who risk their safety and their lives every day to keep us safe, and to remember those such as Barry, who have paid with their lives.

While firefighters merit our respect and remembrance, they want and deserve our support. New research that was commissioned by the Fire Brigades Union found that Scottish firefighters are significantly more likely to die from cancer, heart attack, stroke and some other diseases. The union's decon campaign is working hard to minimise that risk. The Scottish Government must do more to ensure proper facilities for our firefighters. It is clear that more can be done—and can be done more quickly—to protect firefighters from exposure to toxic and cancer-causing substances.

According to the Scottish Fire and Rescue Service, years of underfunding mean that around £0.5 billion is needed to bring its infrastructure up to scratch. Frankly, many fire stations are outdated and dilapidated, and lack adequate facilities. We would not be expected to work in such conditions,

so why should firefighters be expected to do so? Today, while we remember the firefighters who have been lost and thank those who serve, let us also collectively vow to continue striving to improve the safety of all those on whom we rely.

12:59

Ruth Maguire (Cunninghame South) (SNP): I thank Bill Kidd for bringing this important debate to the Scottish Parliament chamber, allowing each of us to recognise the selfless acts of firefighters across Scotland and the world and to give them our thanks and the recognition that they deserve.

Few jobs are more selfless than firefighting. Imagine what it takes for someone to throw on their protective equipment, override every human instinct and run towards danger, knowing that they might not survive, to tackle flames that never want to die and searing heat that no one should experience. We have seen it time and again at tragedies such as Grenfell tower in London and the twin towers in New York and, most recently, with the loss of Barry Martin while he was tackling a blaze at the Jenners store here in our capital. Those men and women whom we remember and those who continue to come to our aid and protect our communities would probably tell us that they were just doing their job.

I am talking about men such as Tom Brown. He was 53 when he lost his life having had 28 years of experience in the service. He joined Strathclyde Fire Brigade in February 1979 and served for 20 years at Johnstone in Renfrewshire before moving to Kilwinning fire station. On Tuesday, 1 May 2007, Tom attended a fire in an unoccupied property on Bank Street in Irvine. He was one of four firefighters who entered the house that morning. All were wearing breathing apparatus. Just seconds after getting the fire under control and leaving the house, Tom collapsed. Colleagues from his green watch division based at Kilwinning fire station did what they could to save him but, sadly, he had suffered a heart attack, and passed away at Crosshouse hospital the following afternoon, Wednesday, 2 May 2007. He left behind his partner, Natalie, and stepdaughters, Natasha and Jessica.

Tom was described as a popular member of staff and a very able firefighter. His final act was protecting our community by tackling one of the many house fires that he would have faced throughout his time in the service.

Today, while remembering those firefighters such as Tom who lost their lives, our thoughts should also be with the families of those who have died in service. I pay tribute to the parents, siblings, partners and children who are heroes themselves.

On the day that we gather to remember, we should also pledge to support firefighters in whatever meaningful way we can. Risk of death should not be the norm. The report from the University of Central Lancashire, which was commissioned by the Fire Brigades Union, found that there are serious health risks to UK firefighters following exposure to toxic fire effluents. It revealed that firefighters such as Tom Brown are dying from heart attacks at five times the rate of the general public, almost three times the rate are dying from stroke, and firefighters are significantly more likely to suffer from cancer.

Understanding the effects of those harmful contaminants is vital to creating a better working environment for our brave firefighters. I am pleased that the Fire Brigades Union continued its research with an extra 100 firefighters last month, and I welcome the additional £10 million funding uplift and the continued engagement between the Scottish Government and the fire service on providing better resources and to discuss current and future actions to protect firefighters.

Today we are honouring and remembering extraordinary public servants. I say to the families who have lost loved ones that we know that our words will never replace them but, today and every day, we offer them our eternal gratitude.

13:03

Richard Leonard (Central Scotland) (Lab): Deputy Presiding Officer, I thank Bill Kidd for initiating this debate and welcome the new minister to her post.

Last week, we marked international workers memorial day, where we pledged to remember the dead and to fight for the living. This week, we mark international firefighters memorial day, where we honour those working people who have paid the ultimate price, sacrificing their lives while saving the lives of others. It is worth reminding ourselves that both are international memorial days, because our horizons must never be narrowed by geography but must be widened by our common bonds and by those universal principles of solidarity, of equality and of justice.

That is the abiding belief of the FBU as well. The very opening lines of the union's rule book spell it out. Listen to them:

"The Fire Brigades Union recognises that workers, however employed, can only improve their lot by their own endeavours and organisation. A richer and fuller life can be achieved only by similar means.

To this end the Fire Brigades Union is part of the working class movement and, linking itself with the international Trade Union and Labour movement, has as its ultimate aim the bringing about of the socialist system of society."

Today we come together in Parliament to commemorate those firefighters who went out on a shift but who did not come home: workers like Barry Martin, who tragically died at the tender age of 38 while doing his job, in this city, just this year, whose grieving family we think of especially on this day but whose family we know think of Barry every single day.

We also commemorate those firefighters who have been exposed to killer diseases at work. That is why we must all redouble our efforts to get behind the Fire Brigades Union's vital decon campaign. The campaign is built on evidence gathered by Professor Anna Stec, whose findings are shocking.

Compared with the general population, firefighters in Scotland are almost twice as likely to die from urinary cancers; two and a half times more likely to die from cancer of the oesophagus; more than three and a half times more likely to die from acute myeloid leukaemia; and nearly four times more likely to die from prostate cancer.

The decon campaign is about saving the lives of those who have saved the lives of others, but it is also a recognition of how the class system fuels gross inequalities in health, mortality rates and life expectancy. As the FBU says,

"We don't just fight fire, we fight injustice too."

Back on 19 January, when we debated Professor Stec's groundbreaking report, the minister's predecessor told Parliament that

"The safety, health and wellbeing of all SFRS staff ... are a key priority".—[*Official Report*, 19 January 2023; c 48.]

More than once we were told that, in the Scottish Fire and Rescue Service, decontamination was something to be—I quote—"pursued vigorously". I hope that, more than 100 days on, the new minister will update us on what progress she has made on the vigorous pursuit of tackling that injustice.

Finally, on a personal note, I want to recall the life of a very special firefighter: my late friend and comrade Enoch Humphries, a former national president of the Fire Brigades Union. He was a man of principle born of experience and forged in fire, and he taught me so much. He never got used to injustice and inequality, against which he battled all his life. Enoch Humphries never looked away and never forgot. It is the task of those who follow in his footsteps—those in the union, and those of us elected to the Scottish Parliament for which he campaigned so tirelessly—to keep the red flame of courage alive, to keep those socialist principles burning brightly and to rekindle our faith that we can build the better future that humanity richly deserves.

13:08

Keith Brown (Clackmannanshire and Dunblane) (SNP): I very much welcome the opportunity to contribute to the debate. I also congratulate my colleague Bill Kidd on securing a debate on such an important topic.

As we have heard, today is international firefighters day, or firefighters memorial day. It is an annual observance that allows us the opportunity to recognise the immensely important role that firefighters play in our society and to honour the memory of those who have lost their lives in the line of duty.

Scotland has an important place in the development of firefighting. The city of Edinburgh—our capital—is believed to have had the first municipal fire service, which was formed in 1824, and the Scottish Fire and Rescue Service is now the world's fourth-largest fire and rescue service.

Just last week, like other members, I attended a wreath-laying ceremony in Alloa as part of international workers memorial day. The ceremony was, rightly so, in memory of all those who have been killed at work. However, it is also right that we should have a special day to mark the particular sacrifice of those men and women in our Fire and Rescue Service.

As we have heard, firefighters memorial day has a particular poignancy in Scotland so soon after the death of firefighter Barry Martin as a result of injuries sustained while tackling a blaze in the former Jenners department store here in Edinburgh. Firefighter deaths have, mercifully, become more infrequent in recent years. Barry Martin was the first firefighter to be killed in the line of duty since 2009. Indeed, he was the first since the Scottish Fire and Rescue Service was formed. I hope that it will be a very long time indeed before there is another, but of course the nature of the job is such that danger is ever present.

Bill Kidd's motion understandably acknowledges the crew at his local fire station at Knightswood, and I take the opportunity to mention the firefighters, whole-time and retained, who protect the communities of my constituency from the fire stations in Alloa, Tillicoultry, Bridge of Allan and Dunblane.

Firefighters are a special breed. They willingly and deliberately put themselves into situations that are incredibly dangerous in order to protect us, the public. They are the ones who run towards danger when others are fleeing. At any time on their shift or when they are on call, the bell could ring, and off they go, ready to face whatever danger awaits.

I am also pleased that the motion highlights the red plaque project. As has been outlined, that

important endeavour seeks to recognise and remember the contribution and sacrifice of those firefighters who have been killed in the line of duty through the placing of a distinctive plaque as near as possible to the location where they died, commemorating an important moment in a community's history and offering a place for reflection for family, friends, colleagues and those from the wider community who have been affected by the events around the loss of the firefighter. The project, which has been creating memorials since 2017, is funded by the firefighters 100 lottery—a charitable initiative that is run by the Fire Brigades Union.

One such plaque in my constituency commemorates John Noble, who lost his life in the line of duty on 23 January 2008. I actually met John at an event about a week before his death. His red plaque was presented on the anniversary of his death on 23 January 2019. A watch manager at Alloa fire station, John was on his way to a call-out at Strathdevon primary school in Dollar—which all three of my children went to, and which one of them was at on the day in question—when the fire engine that he was in was involved in a fatal accident. With more than 20 years of experience in the fire service, the 46-year-old left behind his wife, Lorraine, and two children.

The fire engine had a crew of five and they were responding to a smoke alarm that had activated at the primary school when the driver attempted to turn into a bend between Tillicoultry and Dollar—the place is called the Dollar bends, and those who know it will know that it has a lot of sharp bends in it. The fire engine left the road near Tillicoultry and collided with a tree, killing John and injuring four of his colleagues, one seriously. The call was later found to be a false alarm.

That story underlines the random nature of the threat to life that firefighters face on a daily basis as they go about their work of protecting the public. It also highlights the sad fact that even a false alarm can result in the death of a firefighter. It is right that we take the time to remember and honour the memory of John Noble and all those firefighters who have been killed in the line of duty.

13:13

Mark Griffin (Central Scotland) (Lab): I, too, congratulate Bill Kidd on bringing this debate to the chamber to allow us to mark firefighters memorial day 2023. I echo what I think all speakers have said: this debate is particularly poignant as we remember Barry Martin.

I want to thank, as the motion does, the firefighters who serve communities across Scotland, and to recognise their courage and dedication. I fully agree that, as the motion says,

“all fire stations should have safe work practices”.

Russell Findlay detailed some of the work that the FBU has done to look into the conditions in stations up and down the country, and it is incredibly alarming. As we look to recognise the bravery and sacrifice of firefighters, we must also look at the conditions that we are asking them to work in every single day.

In my region, 60 per cent of stations, including Bellshill, Motherwell, Kilsyth and Coatbridge, are considered to be in bad or poor condition. In Cumbernauld, the station requires remedial action, is considered in bad condition and has scaffolding supporting the structure. Crucially, however, it lacks the single occupancy showers that are absolutely vital to proper decontamination. The FBU has raised concerns that firefighters are being unnecessarily exposed to carcinogenic fire particles for long periods of time, which means that those decontamination facilities are absolutely crucial. Firefighters, who work hard to ensure the safety of people in our communities, need to be well equipped, well resourced, well protected and well paid. We owe that to them and their memory, but that includes giving them the facilities that they need to properly decontaminate.

On Friday, when we marked international workers memorial day—a day to remember the dead and fight for the living—the FBU, along with the Scottish Trades Union Congress and the wider labour movement—came out in support of my proposed Scottish employment injuries advisory council bill. I want to put on record how grateful I am for the support of the FBU, because it is its work that is making the case for a devolved employment injuries benefit that works for its members and can bring that system into the 21st century.

Thanks to Maggie Chapman and others who took part, we have previously debated the work that the FBU has done through its decon campaign, with the help of Professor Anna Stec from the University of Central Lancashire. That work has been absolutely groundbreaking. Not commissioned by any Government, it confirms the World Health Organization's finding that firefighting is a cancer-causing occupation and it identifies an epidemiological case for including cancers in firefighters in Scotland in the new employment injuries assistance benefit. Those involved in the campaign have been using Scottish firefighters' death certificates, and I think that it makes a case that the Government absolutely cannot ignore.

It is a principle of fair work that workers have an effective voice in Government. Having an advisory council where firefighters have a direct role advising Government on what the benefits to support them should look like is fundamental to

that idea, and they can do that only through an independent statutory council that operates without fear or favour of Government, which is, ultimately, their boss.

Firefighters know their workplaces and they know how the lack of decontamination facilities is giving them cancer. We must give them a voice and enable them to get justice through the employment injuries benefits system and to take their place on a council advising Government.

13:17

Stephanie Callaghan (Uddingston and Bellshill) (SNP): Like others, I thank Bill Kidd for bringing this debate on firefighters memorial day to the chamber.

It is always a tragedy when a professional loses their life in the line of duty, so I stand today in solidarity to remember those who have made the ultimate sacrifice and to recognise the dedication and courage of each of Scotland's 3,531 whole-time operational firefighters. I also thank the FBU for sending us a briefing for today's debate, and for its endless work in advocating for firefighters' rights.

Firefighters are at the heart of our communities. During 2021-22, the Scottish Fire and Rescue Service attended 95,709 incidents. Firefighters provide a lifeline to our communities when they face danger, and they dedicate time in our local communities to educate us and fit smoke alarms on behalf of those who cannot. If firefighters undertake a variety of roles, they share the same goal: all of them prioritise the safety of our communities.

This year marks the 60th anniversary of the deaths of local firefighters Stanley McIntosh MBE and Joseph Calderwood, who lost their lives in a tragic blaze in Holytown, in my constituency. Earlier this year, in honour of their sacrifice, a red plaque from the FBU was placed at Motherwell fire station to ensure that everyone in Lanarkshire remembers their names and to remind local people of their selfless dedication to protecting our community.

In response to firefighters memorial day, I want to raise awareness of all the other everyday sacrifices that firefighters make, because their sacrifice does not stop at the fire station.

As we have heard, the invaluable decon campaign is informed by ground-breaking research by the University of Central Lancashire. It plays a vital role in raising awareness, and it highlights the need for firefighters to protect themselves, their family and others from toxic contaminants.

No one should have their health worsen just from going to work. However, firefighters are routinely faced with traumatic and high-stress environments and exposed to toxic and carcinogenic contaminants. It is harrowing that firefighters are at increased risk of cancer, as we have heard, and that they are often diagnosed only once they have reached the terminal stage. They die up to 20 years earlier than the general public from rare cancers.

In addition, exposure to toxic contaminants is causing higher rates of mental health issues. Findings from the 2023 UK firefighter contamination survey revealed that those who remained in contaminated PPE for over four hours after incidents were twice as likely as their peers to report mental health disorders. Those findings are an evident call for further investigation of health monitoring and PPE management for firefighters, as reducing exposure to contaminants is pertinent to protecting the health and wellbeing of our firefighters and their families.

Sacrifices are made not only by the firefighter; they are made by every partner and family member who patiently waits for their loved one to return home. Being a firefighter means prioritising the safety of our communities, often at the expense of sacred family time—it means missing big occasions, such as birthdays and weddings, and other moments that the rest of us often take for granted. The experience of being married to a firefighter was generously shared by Amber, who wrote:

"The truth is, being a fire wife is rarely glamorous. It's extremely lonely nights, followed by long days."

However, Amber would not change that for the world, because she knows that being a firefighter is her husband's calling, not just his job.

On firefighters memorial day, let us share our gratitude to the firefighters who are currently serving our communities, the families who support them and all those who have fallen. We are honouring extraordinary individuals today. They include the firefighters Stanley McIntosh and Joseph Calderwood and, more recently, Barry Martin and Ewan Williamson, as well as every other firefighter who nobly made the ultimate sacrifice—more than 2,500 in total. I say to all the firefighters out there: thank you for keeping us safe.

The Deputy Presiding Officer: A number of members still wish to participate in the debate. To allow all of them to do so, I am minded to accept a motion without notice under rule 8.14.3 of standing orders to extend the debate by up to 30 minutes. I invite Bill Kidd to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Bill Kidd*]

Motion agreed to.

13:22

Maggie Chapman (North East Scotland) (Green): I thank Bill Kidd for lodging the motion so that we can—as we should—mark firefighters memorial day today. I welcome firefighters and FBU members to the gallery.

This year's firefighters memorial day is perhaps especially poignant because of the tragic death of firefighter Barry Martin in Edinburgh in January. I give my sincere condolences to Barry's family, friends and colleagues.

As the motion highlights, the Fire Brigades Union has created the red plaque scheme, which seeks to mark, with the placing of a red plaque, where or close to where firefighters have lost their lives in the course of their duties. A few weeks ago, I was privileged to attend the red plaque unveiling ceremony at Blackness Road fire station in Dundee. Two plaques were installed on the wall of the station—one to honour John Buist, who died after being trapped by burning jute bales in a warehouse in April 1962, and one to honour William Carnegie, who was killed in a fall while attending a fire on Mains Road, also in 1962. We remember them today, just as we remember Barry Martin and each of the firefighters who have lost their lives in Scotland, the rest of the UK and beyond.

I turn to the FBU's decon campaign. Over the past couple of years, it has become increasingly plain that firefighters are exposed to toxins and other conditions that have negative impacts on their health. Professor Anna Stec's excellent work on Scottish firefighters occupational cancer and disease mortality rates highlights the extent of the impact that the work of firefighting has on our firefighters.

The international agency for research on cancer, which is part of the World Health Organization, has assessed firefighting to be a carcinogenic occupation. That is why the FBU has developed its decon campaign. Bill Kidd highlighted the campaign's key asks: regular health screening and monitoring; clear recording of occupational information, including on death certificates; legislation that enables compensation; and, of course, investment in personnel, in training and in the facilities and infrastructure that are needed in order to decontaminate effectively after incidents and to limit exposure in the first place.

Recently, I was pleased to visit a fire station with FBU colleagues to better understand how things

work on the ground in relation to safety and decontamination. Improvements are clearly under way in several areas, and firefighters are supporting one another with the culture change that is required.

One of the FBU's posters calls on firefighters to "shower within the hour"—to shower as soon as possible after an incident in order to remove as many contaminants as possible. We know that some stations do not have running water, so firefighters have to go home to shower, taking contaminants home to their families. We must address that.

Where showers are available, some do not have soap or other detergents. Sometimes, contaminated personnel need to walk past other colleagues through carpeted areas to get to shower facilities. We need to rethink the provision of soap and other basic things to ensure that they are as close as possible to arrival points in order to limit the spread of contaminants through stations. Clear policies and procedures for limiting exposure and prioritising decontamination must become ingrained in the culture and practices across the service.

The FBU's decon campaign is a call for us all to act: for the Government to plan the investment and implement that investment appropriately; for the Scottish Fire and Rescue Service to ensure that policies and procedures are appropriate and adequate and that training meets the needs of the evolving service; and for firefighters to be aware of what they need to do to keep themselves, their colleagues and their families safe.

The campaign is vital for the long-term sustainability of the service. Firefighting must be a profession that people want to join, and stay in, without facing additional disproportionate risks of stroke, cancer, heart attack and early death.

We rely on firefighters at some of the worst moments of our lives. At those moments, we expect firefighters to be there, equipped as best they can be to save our lives, our families and our communities. It is only right that we recognise and respect that, in order for them to be there to do that, they need our support now.

Just a week on from international workers memorial day, we must remember the dead and fight for the living. I pledge to continue to work with the FBU to do just that.

13:28

Gordon MacDonald (Edinburgh Pentlands) (SNP): I, too, thank Bill Kidd for bringing this important debate to the chamber.

We observe the annual international firefighters day to honour and pay tribute to the firefighters

past and present who put their lives at risk while working tirelessly to protect the life and property of people and to prevent the damage that is caused by fires. In the past 100 years, more than 40 firefighters have died while serving in Scotland. Today, we remember them and their comrades around the world who have given their lives in the service of their communities.

In recent times, tragically, two of that number were members of the Scottish Fire and Rescue Service who served in Edinburgh. They paid the ultimate price, and lost their lives as a result of firefighting in this city. As Bill Kidd mentioned, in July 2009, firefighter Ewan Williamson died while fighting a blaze in the Balmoral bar in the city's Dalry Road. Much more recently, we saw the tragic death of firefighter Barry Martin, who died as a result of injuries that he sustained while firefighting in the vacant Jenners store on Princes Street in January this year.

In recognising the ultimate tragedy of that loss of life, we should never forget that, across the country, firefighters can and do sustain injuries, which are sometimes life changing, while protecting the public from harm. In acknowledging the deaths of firefighters Williamson, Martin and others across the world, we should also remember those who sustain injuries. Four of firefighter Barry Martin's colleagues were also hospitalised as a result of the Jenners incident, but thankfully their injuries were such that they were discharged from hospital relatively soon after.

It is important that we acknowledge the annual firefighters memorial day, but I would also like to recognise the work of the Fire Brigades Union in its support for the red plaque scheme, which recognises and honours as many fallen firefighters as possible for their selfless commitment to protecting others. The red plaque scheme is funded by the firefighters 100 lottery, which was born out of plans to mark the centenary of the Fire Brigades Union. It is run independently, and was set up to commemorate the bravery and sacrifice of firefighters killed and injured in the line of duty, and to establish a fund for the future benefit of firefighters, their bereaved families and the firefighting profession. So far, the scheme has seen a number of plaques installed in Scotland: in Aberdeen, Dundee, Inveraray, Dollar, Paisley, Motherwell, Glasgow and Edinburgh—on Dalry Road, to commemorate the death of firefighter Ewan Williamson; in time there will be at least one more to mark the death of Barry Martin.

The list of towns and cities that I have just shared shows that, right across Scotland, our firefighters put themselves in harm's way—sometimes at the cost of their lives—while they protect the public. We know that other workers tragically lose their lives at work, and they are

remembered on international workers memorial day, but it is right and proper that firefighters are acknowledged separately, because while others evacuate or flee from danger, firefighters head towards it to render their three main aims: to save lives, protect property and provide humanitarian services. For that, we are eternally grateful. On this day, especially, but also on every other day, we thank them and their families for the work that they do on our behalf and we remember those who gave their lives doing so.

13:32

Katy Clark (West Scotland) (Lab): I congratulate Bill Kidd on securing this debate and thank him for lodging the motion. As he pointed out, this is an international day, and the issues raised when firefighters put themselves in danger in the interest of others are also international. I associate myself with all of the tributes that have been made to firefighters who have lost their lives.

Firefighters memorial day is a day of solidarity and one on which to remember all firefighters and fire and rescue services workers who have lost their lives. As has been said, more than 2,500 have lost their lives serving their communities and many thousands more have been injured. The health risks to firefighters are now very clear, with higher death rates, higher rates of heart attacks, higher cancer and leukaemia rates and excess cancer mortality rates linked to different exposures and fire toxins.

My office recently submitted freedom of information requests to the Scottish Fire and Rescue Service about the conditions in our fire stations. In total, 75 per cent of Scotland's fire stations are assessed as being of bad or poor suitability. Around 45 per cent of fire stations are assessed as being in either bad or poor condition. In total, around 30 per cent of Scotland's fire stations do not have dedicated female toilets and about 33 per cent of Scotland's fire stations do not have dedicated male toilets. Around 40 per cent of Scotland's fire stations do not have dedicated female showers and around 26 per cent of Scotland's fire stations do not have drying facilities.

At the Criminal Justice Committee, interim chief, Ross Haggart, estimated that £138 million is needed to address that issue, but he also cited a £630 million backlog in the fire service's capital budget. Despite strong representations being made, the Scottish Government is cutting the budget in real terms over the next year. We also know that between 2012 and 2021 almost 1,100 firefighter jobs were lost across Scotland, which is around 15 per cent of the workforce.

Last Friday was workers memorial day. The message then and now must be that we must remember the dead and fight for the living. In reality, that means that we in the chamber must put our actions where our words are, and we must commit resources to ensure that firefighters in this country are provided with safe systems of work.

13:36

The Minister for Victims and Community Safety (Siobhian Brown): I thank Bill Kidd for raising this important issue and bringing it to the wider attention of the Parliament. It is fitting that we gather to remember firefighters across the world who gave their lives to protect others and that we honour the memory of those exceptional and very brave people.

That has been brought into sharp focus for us all in Scotland this year with the very sad death of firefighter Barry Martin in January. Today, we have also heard about Tom Brown in Irvine, John Noble in Alloa and Stanley McIntosh and Joseph Calderwood, just to name a few; my deepest condolences go out to their families, friends, loved ones and colleagues at this time. The SFRS continues to mark the tragedies that took place at Cheapside Street and Kilbirnie Street in Glasgow in the 1960s and 1970s to ensure that the firefighters who lost their lives are never forgotten.

It is often said that firefighters are those who run towards danger while everyone else runs away. Of course, they train and prepare so that they can do that as safely and as effectively as possible, but whenever there is a loss it is a clear reminder of the courage that our firefighters demonstrate every day of their working lives.

Although firefighters face known risks when they attend an emergency, it is right that we also support and protect them from lesser known and more silent risks. In that respect, I thank and acknowledge the significant work of the Fire Brigades Union in commissioning its important research with the University of Central Lancashire and in the production of the report that was discussed at an earlier debate in January this year. I also welcome members of the FBU to the gallery.

The safety, health and wellbeing of our firefighting staff who work so hard to protect communities in some of the most challenging environments is of utmost importance to the Scottish Government and the Scottish Fire and Rescue Service. The FBU's campaign, research and any subsequent conclusions are primarily a matter for the Scottish Fire and Rescue Service, as the employer of firefighters in Scotland. The SFRS has engaged with that work for a number of years, and has met with Professor Anna Stec of

the University of Central Lancashire on several occasions to achieve a deeper understanding of the important research that she is doing, and to offer SFRS's co-operation and support to identify the actions that are needed to minimise harm to firefighters.

Katy Clark: I hear what the minister says, but I understand that 14 fire stations in Scotland do not have running water. Does she agree that that is unacceptable and needs to be addressed urgently?

Siobhian Brown: I met with the SFRS earlier this week, and it raised that point with me. I totally agree with the member, and I know that there are plans in place to rectify the situation as a matter of urgency.

I am aware that as a result of the debate in January, the previous Minister for Community Safety swiftly engaged with the SFRS and the FBU. Meetings took place in February between the previous minister and the SFRS senior leadership team at SFRS headquarters at Cambuslang. The minister also met with the FBU and Professor Stec in February this year, and wider health monitoring for firefighters was among the issues that were discussed. I will meet the FBU next week.

I am pleased to say that since those discussions the SFRS has been working closely with Professor Stec and the FBU on developing further research and analysis on health monitoring, and will make progress on detailed proposals over the next 12 months. I understand that the FBU has welcomed that development.

The decon campaign also raises the need for recognition of the occupational risks of firefighting in relation to Department for Work and Pensions benefits and pensions and in terms of public record keeping. I am pleased to be able to say that officials have been progressing positive discussions with the other devolved nations and Westminster on issues such as the industrial injuries disablement benefit.

Mark Griffin: The industrial injuries disablement benefit is now fully devolved, and it is entirely within the gift of the Scottish Government to set out the entitlement. Will the minister commit to looking at the particular cancers that are affecting firefighters and consider prescribing those for the purposes of employment injuries assistance, as it is called now that it is fully devolved to the Scottish Government?

The Deputy Presiding Officer: Minister, I can give you the time back for the intervention.

Siobhian Brown: Thank you. Yes, I will be happy to look into that on the member's behalf.

I fully recognise the risk that contaminants can pose to firefighters, and I want Scotland to be at the forefront of moves to tackle that threat. SFRS has a long-established management of contaminants working group that looks at technical, procedural and cultural solutions to mitigate the risk of SFRS personnel—and any others who may be affected by the actions of SFRS personnel—being exposed to contaminants. The group includes representation from the Fire Brigades Union, has links to external specialists and is supported by the highest levels of SFRS staff.

Richard Leonard asked for progress in his speech. However, SFRS has already made significant practical changes in procedures, equipment and facilities to reduce firefighter contact with equipment that could contain contaminants that are harmful to health, and that important work will continue.

Practical examples of such changes include ensuring that firefighting equipment is properly cleaned and stored and encouraging crews to shower as quickly as possible upon their return to the station grounds. All SFRS buildings have been audited and reviewed to minimise the risk of contamination, and procedures have been developed to ensure that firefighters in some rural fire stations that lack showering facilities have appropriate decontamination solutions in place. A number of steps have also been taken to mitigate risks, including supplying specialist decontamination wipes and the trial of station zoning systems to limit any potential spread.

The Scottish Government has continued the commitment to support SFRS service delivery and reform with a further uplift of £14.4 million budget cover for 2023-24. However, I must reiterate that decisions on how to spend its budget, including its capital allocation of £32.5 million is a matter for the Scottish Fire and Rescue Service board.

Difficult decisions have to be taken on budgets, particularly for capital investment, but we have maintained the £32.5 million capital budget for SFRS in 2023-24 to invest in buildings, fleet and equipment.

I will touch on a few speeches made by members, but I thank all members for their very moving and passionate contributions to today's debate.

Keith Brown's speech highlighted the threat to life that firefighters face every day and the fact that that risk is not always from fire—John Noble died in a road accident in the line of duty. I also take the time to thank Keith Brown for all his work as cabinet secretary—[*Inaudible.*]

The Deputy Presiding Officer: Minister, please turn to the microphone.

Siobhian Brown: In closing, I again thank Bill Kidd for the opportunity to mark firefighters memorial day and to discuss the wider issues around the FBU decon campaign. I will continue to discuss the issues of decontamination and the wider health of firefighters with the FBU and the SFRS through my regular meetings with them to ensure that progress continues to be made on this important issue.

The Deputy Presiding Officer: Thank you, minister. That concludes the debate.

13:44

Meeting suspended.

14:30

On resuming—

Moveable Transactions (Scotland) Bill: Stage 3

15:00

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is stage 3 proceedings on the Moveable Transactions (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP Bill 15A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter RTS in the chat function as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments. Group 1 is on content of documents. Amendment 1, in the name of the minister, is grouped with amendments 2, 16, 17, 25 and 26.

Section 1—Assignment of claims: general

The Minister for Community Wealth and Public Finance (Tom Arthur): At stage 2, the committee agreed to a number of amendments that were lodged by Jeremy Balfour that were intended to replicate a provision that was made in section 2(4) of the bill. That provision enables a condition that has to be specified to be specified by “reference ... to another document”. The amendments that were made at stage 2 were designed to add comparable provision in respect of requirements to identify a claim, encumbered property and a secured obligation in certain documents.

I said at stage 2 that, although I did not think that those amendments were strictly necessary because the context was different, we had no objection to making the changes if stakeholders considered that such clarification would be helpful. There were, however, some technical deficiencies with the amendments, and I indicated that they would need to be adjusted at stage 3. Amendments 1, 2, 16, 17, 25 and 26 correct the technical deficiencies that we identified.

Amendments 1 and 2 address the unintended consequence that was created at stage 2 that

meant that section 1(2) of the bill suggested that an assignation document “must” include “reference ... to another document”. That was never the intention, and amendments 1 and 2 will ensure that it is not compulsory to refer to another document. Instead, the provision will simply permit reference to be made to another document.

Amendments 17 and 26 seek to remove the references to data that were inserted at stage 2. Such references are unnecessary, due to the default definition of a document that is contained in the Interpretation and Legislative Reform (Scotland) Act 2010. Under that act,

“‘document’ means anything in which information is recorded in any form”.

Therefore, the reference to data is redundant. It is also confusing to mention it in some places and not in others, and it could lead to other references to “document” in the bill being construed more narrowly.

Amendments 16 and 25 simply update some cross-references in the relevant sections, which, as a result of another amendment that was made at stage 2, are no longer correct.

I move amendment 1.

Jeremy Balfour (Lothian) (Con): We will support all the amendments in this group. I put on record my thanks to the minister for taking what I was looking to do at stage 2 and ensuring that it will work in practice. I am grateful for his and his officials’ work around those points and look forward to supporting the amendments in due course.

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

Tom Arthur: I thank Mr Balfour for his constructive engagement throughout the process.

Amendment 1 agreed to.

Amendment 2 moved—[Tom Arthur]—and agreed to.

Section 4—Assignment of claims: insolvency

The Deputy Presiding Officer: We move to group 2, which is on insolvency. Amendment 3, in the name of the minister, is grouped with amendments 4 to 7 and 19 to 23.

Tom Arthur: At stage 2, Jeremy Balfour also lodged a number of amendments that changed the definition of insolvency for the purpose of the bill. Those amendments were agreed to. At the time, I set out my concerns about them.

In short, I was concerned that some were unnecessary and that they did not appear to take a cohesive approach. Given the complexities in

this area of law, I was therefore keen not to rush into any changes but to instead take the time that was needed and available to consult with relevant academics and the Accountant in Bankruptcy, safe in the knowledge that we would be able to adjust the definition at a later stage, if it was agreed that any changes were appropriate. Having taken the opportunity to consult further following stage 2, that view has only been reinforced.

I can give members a flavour of the views that were expressed about the amended definition of insolvency. The Accountant in Bankruptcy's office advised that, although the Bankruptcy and Debt Advice (Scotland) Act 2014 repealed discharge on composition in bankruptcy, it did not abolish composition more generally. One of the academics who were consulted noted that composition at common law is still possible.

Concerns were expressed that the amendments that were made at stage 2 did not take account of international private law. A contract can provide that Scots law is to apply, even where a party is not Scottish. The provisions as originally drafted cover situations that take account of cross-border issues by using non-technical language with ordinary meaning. Removing the terminology of composition was therefore considered to leave an undesirable gap.

In relation to the stage 2 amendments that limited company voluntary arrangements to those that included the claim or property, we received advice from other insolvency academics that CVAs do not necessarily operate in that way. They are principally focused on debt and do not have to specifically involve the debtor's property. However, it was also clear from our initial consultation, in the limited time that was available, that the issues, especially in respect of protected trust deeds, are not simply issues of technicalities or semantics. They raise substantive policy issues, too. That is why we intend, using the time that is available to us over the course of the next year and the powers in the bill, which are there for this very reason, to consult properly on the issues and lodge informed amendments, where necessary.

Amendments 3 and 19 reverse the amendments that were made at stage 2 in relation to the definition of insolvency for individuals. Amendments 4 and 21 remove the provision that a company voluntary arrangement constitutes the insolvency of an assignor or provider for the purposes of those provisions in the bill only if it includes the claim or the encumbered property in question.

Jeremy Balfour: Will Tom Arthur take an intervention?

Tom Arthur: One moment, please.

If further consultation suggests that any further finessing of the provisions is required, we will of course be open to that, but these amendments respond now to the advice that we received from the Accountant in Bankruptcy and a number of specialist insolvency academics.

Jeremy Balfour: Does the minister agree that concerns about that have been raised, both by the Law Society of Scotland and by practitioners? I welcome the further review, but will the Scottish Government commit to consulting not only academics but those who are practising in this area of law day in, day out?

Tom Arthur: Yes, I am happy to give that undertaking. I will touch on some of that further on in my remarks. I recognise that there is a complexity to this and a range of views, which is why it is important that we take the opportunity over the next year to consult further. With the regulation-making provisions in the bill, we can act on the outcome of that consultation and engagement, if necessary.

In relation to the stage 2 amendments that added to the definition of insolvency the making of an order sanctioning a restructuring plan under part 26A of the Companies Act 2006, the consensus is that they might be worth retaining, at least in the meantime and possibly permanently.

Part 26A of the Companies Act 2006 enables companies to apply to the court for an order sanctioning an arrangement or reconstruction that is agreed with the majority of members or creditors, should they find themselves in financial difficulty. That issue has been discussed previously, and the view that was taken was that the provisions under part 26A mainly refer to companies in difficulty, as opposed to those that are actually insolvent. We were minded towards the view that the amendment in question could therefore be too broad. Having consulted further, we agree that relevant financial difficulties might, in practice, mean that the company is technically insolvent, in that the position is comparable to certain arrangements that are already listed in sections 4 and 47, which also do not require actual insolvency.

Although we are therefore content to retain the amendment, it was erroneously inserted into the definition of when an individual is insolvent, when it is actually about a company restructuring plan. Amendments 20 and 23 therefore correct the stage 2 amendment so that it applies to company insolvency provisions.

In the course of consultation with the academic experts, a couple of other issues were identified. First, the matter that is dealt with by amendments 4 and 21 in relation to company voluntary arrangements also applies to arrangements under

part 26A of the 2006 act. Amendments 6 and 23 address that.

Secondly, from the perspective of international private law, it made sense to replicate the provisions in sections 4(6)(a)(vi) and 47(3)(a)(vi). Those sections include analogous arrangements worldwide in the list of circumstances for which an individual is deemed insolvent. Amendments 7 and 23 therefore make comparable provision for corporate persons.

Amendments 5 and 22 simply fix the places in which conjunctions appear as a result of the stage 2 changes.

I hope that members will appreciate that the amendments in this group have been based on consultation with experts in the time available. However, that is not the end of the story, and I reiterate my remarks to Jeremy Balfour: we intend to explore the matter further to ensure that the right result is reached. I ask members to support these amendments.

I move amendment 3.

Amendment 3 agreed to.

Amendments 4 to 7 moved—[Tom Arthur]—and agreed to.

Section 13A—Report on waiver of defence

The Deputy Presiding Officer: Group 3 is on a review of the act. Amendment 8, in the name of the minister, is grouped with amendment 34.

Tom Arthur: At stage 2, four non-Government amendments were lodged that would have placed a duty on the Scottish ministers to review and report on the impact of the legislation. Two of those were agreed. The first requires us to prepare and publish a report that sets out the impact of the waiver of defence clause in section 13(1). The second requires us to undertake a review of the act as a whole, with particular reference to the impact on sole traders and small businesses, and report on that review after the end of the review period.

I was not in favour of either amendment at stage 2. They seemed to be very inflexible. In particular, a formal review of the waiver of defence clause after a prescribed period seemed unnecessary, given the lack of any indication of current or future problems; that it involves dictating now the use of future resources, when there may never be any issues with the provision; and that attention may be better used elsewhere.

Both the Government and the Parliament have the ability to carry out a review at any time that it becomes apparent that such a review is appropriate. That facility, combined with a commitment to engaging regularly with

stakeholders on any issues to do with how the legislation operates in practice, seemed to me to be a more proportionate and responsive approach. However, I recognise that the general review amendment, at least, reflected a recommendation of the stage 1 report.

Rather than seek to reverse those amendments, I have lodged amendments to make them work more reasonably. My amendments combine the review duties. If there is a requirement to review the act as a whole, that can include a review of the operation of the waiver of defence clause. There is no need for a separate review. In addition, combining the duties into one review will be more economical for the public purse. However, amendment 34 ensures that the review will cover that issue.

Most important, unlike in section 113A at present, the revised review period will be pegged to the point at which the main provisions of the bill come into force, as opposed to the point at which it receives royal assent. We already know that the bill will not come into force until well into 2024, because the registers need to be available, the various regulations need to be in place and the section 104 order to bring financial instruments within the scope of the provisions needs to be agreed. If we stick with the royal assent formula for the clock to start ticking, there will be more than a year within the review window in which the legislation will not even have come into force. That simply does not make sense.

15:15

Amendment 34 will also extend the review period from three to five years. The original recommendation of the committee was ambivalent on that point, recommending three to five years. We think that the latter is more sensible. We need consider only the past three years to realise that the disruption caused to business by the pandemic would likely have rendered any review premature, because many relevant business activities would have been different from normal for a substantial period of the review period. The change to five years builds in some flexibility to what is otherwise a prescriptive approach and it should, I hope, ensure that there is sufficient time for the legislation to bed in properly before the review takes place.

I move amendment 8.

Carol Mochan (South Scotland) (Lab): I thank the minister for his engagement on the issue. As he knows, I moved some of those amendments at stage 2.

As he outlined, amendment 8 removes the requirement on the Government to report on the waiver of defence. The minister knows that I

argued strongly at stage 2 that such a requirement was appropriate. There was some suggestion that that may cause difficulties, but we do not know. I felt that it was important to have in place a sound reporting mechanism to ensure that the impact of the waiver of defence clause is given consideration and, indeed, that steps are in place to ensure that MSPs can question Government about the impact of that should any negative impacts be identified that require mitigation.

The minister indicated that there are options for review, and I note his comments in relation to the overall review. However, in my view, having reporting expectations on that aspect set out in the bill removes the challenges that we as MSPs may face further down the line.

Again, as the minister outlined, amendment 34 makes alterations to reporting. It removes the requirement for the Scottish Government to report on the effectiveness of the legislation and its impact on sole traders and individuals within three years of royal assent. As he said, that requirement is replaced with a duty to report within five years from the point at which sections 1 and 40 of the legislation come into effect. That is disappointing, as we believe and argued that three-year reporting offered a good balance between embedding the legislation and giving good protection from any difficulties with it.

For those reasons, we will vote against the amendments.

Jeremy Balfour: We will support the Scottish Government. Amendment 34 is a backstop and the safety that we require. If we look back over the past 20-plus years of the Scottish Parliament, it is fair to say that, collectively, we have not been good at post-legislative scrutiny. Often legislation that we think will work well does not do so in practice.

The reason that amendment 34 is important is that although in theory we might think that MSPs and committees will look at legislation, review it and take evidence on it, in practice, sadly, that often does not happen. We therefore need a more formal basis for that. I am persuaded by the minister's argument with regard to extending that to a five-year period because of how things will work in practice.

Given the other amendments on protection for individuals, I am more relaxed than I was at stage 1. With the guarantees that the minister has given, we will support the two amendments.

Daniel Johnson (Edinburgh Southern) (Lab): First of all, I would like to very much agree with my colleague Carol Mochan. I would also like to reflect on an important point that Jeremy Balfour raised, which is that one of the key functions of this Parliament is to review legislation. That was

one of the arguments for bringing the Scottish Parliament into being, because there was, frankly, a lack of time to do that in Westminster. It is therefore always disappointing when we hear from ministers that we do not have time to do that or that it is unnecessary to put review sections in legislation.

I welcome the fact that the minister is maintaining the review, but I would ask whether there is a need to think about how the Government reviews things more systematically, because a review should be incorporated in legislation as a matter of course.

Critically, though, I also want to push the minister on this point: why is it a problem to name-check specific issues that have already been highlighted throughout the legislative scrutiny process? What is specified in legislation—both in the bill and more generally—is not prescriptive about how much work needs to go into such a review nor about the length of the required reporting period. It simply says that a review of those topics will occur. Amendment 34 is not prescriptive. All that is required is for the review to contain those topics.

The Deputy Presiding Officer (Liam McArthur): I invite the minister to wind up

Tom Arthur: I thank members for their comments. In particular, I thank Mr Balfour for his support.

I have listened to both Carol Mochan and Daniel Johnson. I will just clarify what amendment 34 says and what it proposes to insert:

“(1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—

- (a) undertake a review of the operation of this Act, and
- (b) prepare a report on that review.

(2) The report must, in particular, set out—

- (a) an assessment of—

(i) the impact of allowing the debtor to waive the right to assert defences as provided for in section 13(1), and

(ii) how well the provisions regarding statutory pledges are working in relation to sole traders and small businesses, and

(b) the steps (if any) that the Scottish Ministers propose to take as a result of the findings of the review.”

Therefore, amendment 34 does exactly what the Scottish Labour Party seeks: it takes the two reviewing requirements that were inserted at stage 2, combines them so that a single review can be undertaken more efficiently and extends the review period to five years.

As matters stand, the clock starts with royal assent. If we assume that Parliament passes the bill this afternoon, that would be at some point in

summer. By then, we will already be one year into a three-year review period, even though the legislation is still not in operation. The standing amendments from stage 2 are therefore technically deficient, whereas amendment 34 offers a far better solution.

I ask the Scottish Labour Party to reconsider its opposition to amendment 34. It delivers exactly what it wants: it specifically prescribes the requirements for waiver of defence and the impact on sole traders, which was the intention of Ms Mochan's amendment at stage 2. It also allows the review period to operate in such a way that we would not have a year in which the legislation is not in force but it is still being counted as part of that review period.

I ask Scottish Labour members to support amendment 8. It is proportionate and it delivers what was agreed to at stage 2 but in a much more effective and economical way.

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

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

15:22

Meeting suspended.

15:28

On resuming—

The Deputy Presiding Officer: We will proceed with the division on amendment 8.

The vote is now closed.

The Minister for Drugs and Alcohol Policy (Elena Whitham): On a point of order, Presiding Officer.

My app is saying "Vote failed. Could not connect." I would have voted yes.

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

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Doney, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)

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)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 89, Against 21, Abstentions 0.

Amendment 8 agreed to.

Section 14—Right to withhold performance until information as to assignation is provided

15:30

The Deputy Presiding Officer: Group 4 includes minor and technical amendments—*[Interruption.]* If that was a point of order from Jackie Baillie, I am afraid that she is too late.

Amendment 9, in the name of the minister, is grouped with amendments 10, 15, 27, 32 and 33.

Tom Arthur: Amendments 9 and 10 are of a minor and technical nature, and they correct an oversight. At stage 2, amendments were agreed to section 14 of the bill regarding the right to withhold performance until certain information about an assignation is provided. Those amendments made provision for how the rules in that section apply to co-debtors. The amendments should also have been applied to the case where the request relates to any condition attached to the assignation. That is achieved by these amendments, which means that there will be consistency across section 14 that a co-debtor can withhold performance only when awaiting a response to a request that they have made.

On amendments 15 and 32, two amendments were agreed at stage 2 that had the effect of adding trustees and agents to the definitions of secured creditor and assignee. At the time, I set out my concerns about those amendments being both unnecessary and confusing. The general law of agency already applies without agents needing to be expressly mentioned, but, in any event, there is also provision made about representatives in section 116(2) of the bill, which explicitly provides that someone who is required to do something can have someone else do it for them.

I have considered whether we can reasonably maintain the provisions as amended at stage 2 if they could be said to be unnecessary but harmless. However, we feel that, although they are well intentioned, they are, in fact, actively problematic. Legislation does not normally deal expressly with trustees and agents, since the general law deals with that suitably, and it would be cumbersome to always have to mention every possible representative capacity in which a person could act. Mentioning trustees and agents here, in the way that has been done, could have unhelpful consequences for other legislation.

More directly, those stage 2 amendments mention agents in relation to assignees but not assignors, suggesting that an assignor could not appoint an agent, which is not the intention. The same issue arises in relation to providers, where the change that has been made implies that they could not appoint an agent. Further problems could also arise, such as that an agent may be authorised to undertake one task but not another, yet the amendment includes them wholesale, which risks empowering an agent to act beyond the authority that the person appointing them has authorised.

Amendments 15 and 32, therefore, reverse the amendments that were made at stage 2 by removing the references to “trustee or agent” from the respective definitions of secured creditor and assignee. However, I emphasise that that does not mean that trustees or agents will be unable to act. The former Scottish law commissioner responsible for the bill has confirmed that he agrees with our approach on the issue.

On amendment 27, section 76 sets out the circumstances in which a secured creditor must make an application for the removal of an entry from the statutory pledges record. One of the circumstances is a situation in which diligence has been executed against the encumbered property of the statutory pledge. In the course of consulting further with the Scottish Law Commission’s working group, as promised in respect of a non-Government amendment that was lodged with regard to this section at stage 2, it was flagged that execution of diligence is the starting point and

is not the same as the realisation of the property as a result of the diligence. Amendment 27, therefore, replaces the reference to execution with enforcement in section 76, on the basis that it is arguably premature to tie the commencement of diligence to the making of an application for the mandatory removal of an entry from the statutory pledges record, because, often, diligence is executed but realisation of a property never happens, for one reason or another.

Finally, we have identified a discrepancy between parts 1 and 2 of the bill. In part 1, it is stated that, where two or more persons are co-assignors or co-assignees in relation to a claim, a reference to an assignor or assignee is to be read as meaning all of them. The equivalent interpretation section for part 2 of the bill does not include comparable provisions. Amendment 33 will rectify the position so that the same rule is applied to co-providers and co-secured creditors of a statutory pledge.

I move amendment 9.

The Deputy Presiding Officer: As no other member has asked to speak, I invite the minister to make any further comments in winding up.

Tom Arthur: I have nothing further to add.

Amendment 9 agreed to.

Amendment 10 moved—[Tom Arthur]—and agreed to.

Section 31—Searching the assignments record

The Deputy Presiding Officer: Group 5 is on fees. Amendment 11, in the name of the minister, is grouped with amendment 29.

Tom Arthur: The Delegated Powers and Law Reform Committee's stage 1 report recommended that not-for-profit money advisers be exempted from the fee structure that will apply to searches of the assignment record and the statutory pledges record in cases in which those advisers do not charge individuals for their services. Amendments that were intended to achieve that aim were agreed to at stage 2. I did not support the amendments, on the basis that the fees that will apply for registration events and searches in the two new registers will be the subject of consultation before the fee structure is established in regulations under the bill. In my view, that consultation remains the best vehicle for a proper examination of all the issues.

On a practical level, at stage 2, individuals acting as consumers were removed from being able to grant a statutory pledge under part 2 of the bill. It is unclear to me why, if that change is made, not-for-profit money advisers would be routinely

searching the register of statutory pledges on behalf of individual consumers.

There is also some doubt about whether searches of the register of assignments would be of much assistance to not-for-profit money advisers. Where debts have been assigned in a bulk assignment transaction, it is highly unlikely that the debtor's name will appear anywhere on the register, and, in any event, the register can be searched only by reference to the assignor of the debt, not the debtor.

In addition, the system has been designed so that the debtor is not expected to search the register. That is why the bill provides that a simple failure to search the register does not mean that the debtor is acting in bad faith if they make payment to the original creditor.

Having said all of that, I appreciate the spirit behind the intention of the amendments that were made at stage 2, and I accept that, as likely usage will be de minimis, there is no real harm in them. Registers of Scotland has raised some valid logistical issues about how eligibility for an examination would work in practice, but they should be capable of being addressed outwith the bill. Therefore, I am not seeking to overturn those amendments, but I want to address a potential unintended consequence.

As the bill stands, the exemptions can be read as applying to searches made by not-for-profit money advisers who do not charge individuals for services, regardless of whether the search in question is being carried out for an individual or a corporate body. My amendments would clarify that the exemption would apply only where the search in question is being carried out by a not-for-profit money adviser on behalf of an individual who is receiving their services pro bono.

I move amendment 11.

The Deputy Presiding Officer: Thank you, minister. You have left colleagues speechless once again. I do not know whether there is anything that you want to add in winding up.

Tom Arthur: I have nothing further to add.

Amendment 11 agreed to.

Section 33—Extracts and their evidential status

The Deputy Presiding Officer: Group 6 is on extracts. Amendment 12, in the name of the minister, is grouped with amendments 13, 30 and 31.

Tom Arthur: The Land Registration etc (Scotland) Act 2012 makes provision that enables a request for an extract from the land register to be limited to a specified point in time. In turn, the

keeper has a duty to meet such a request, but only where it is “reasonably practicable to do so”. At the suggestion of Registers of Scotland, amendments 12 and 30 make equivalent provision in respect of the two registers that are provided for in the bill. That is a sensible and proportionate measure.

Amendments 13 and 31 are consequential amendments that take account of the fact that an extract will therefore no longer always be evidence of the contents of the register at the time that it is issued. It might instead be evidence of the contents at a specified point in time.

I move amendment 12.

Amendment 12 agreed to.

Amendment 13 moved—[Tom Arthur]—and agreed to.

Section 34—Assignee’s duty to respond to request for information

The Deputy Presiding Officer: Group 7 is on assignation: information rights. Amendment 14, in the name of the minister, is the only amendment in the group.

Tom Arthur: Section 34 requires a registered assignee to provide information about certain matters to specified people with a relevant interest. A concern was raised by a member of the Scottish Law Commission working group that the bill does not hold the registered assignee liable for failure to provide relevant information that is not expressly covered by the duty in section 34. We have therefore looked again at what information we require the registered assignee to provide. We do not think that it would be reasonable to hold the registered assignee liable unless there is a clear requirement to provide information on a particular matter and it is information that is within their knowledge.

The example that was raised as a particular concern was whether the claim had been further assigned by the registered assignee. Amendment 14 therefore adds a further subsection to section 34(1) so that a registered assignee is required to answer a query as to whether a further assignation document has been granted by them. As that information will always be within their knowledge and as it is relevant to the question whether that person continues to hold a claim, we consider it reasonable that that information should be provided in the limited circumstances covered by section 34.

I move amendment 14.

Amendment 14 agreed to.

Section 39—Interpretation of Part 1

Amendment 15 moved—[Tom Arthur]—and agreed to.

Section 43—Constitutive document

Amendments 16 and 17 moved—[Tom Arthur]—and agreed to.

Section 43A—Competence of individual acting as provider of a statutory pledge

The Deputy Presiding Officer: Group 8 is entitled “Pledge: sole traders etc”. Amendment 18, in the name of the minister, is the only amendment in the group.

Tom Arthur: When the principles of the bill were debated in this chamber at stage 1, I gave an undertaking to remove the ability of individual consumers to grant a statutory pledge. That was in response to the concerns that had been expressed by Citizens Advice Scotland and the money and debt agencies about the possibility that predatory lenders would abuse the new statutory pledge by offering loans to vulnerable consumers using ordinary household goods as collateral. Those concerns were echoed by the Delegated Powers and Law Reform Committee in its stage 1 report.

However, there was also consensus that, in changing that provision for individuals, sole traders should not be stripped of the ability to benefit from using the statutory pledge. The promised amendments to exclude individual consumers were passed at stage 2. As such, an individual can now grant a statutory pledge only if acting in the course of their business or the activities of a charity or unincorporated association. In such a case, the assets also have to be permitted assets. The most crucial part of that role is that it means that, for sole traders, the asset has to be a business asset—one used wholly or mainly for the purposes of their business.

To ensure that we would fully protect ordinary household assets from being pledged, we also imposed a minimum monetary value. That provides an added protection for sole traders in respect of assets that are used for a dual purpose—for example, assets that are used primarily for business purposes but occasionally for personal purposes. We set that threshold at £3,000, which was significantly higher than the comparable threshold of £1,000 that the bill as introduced included for individual consumers. Importantly, there is also a power to amend the threshold at any time.

15:45

An amendment was passed at stage 2 that provided that the monetary limits for the value of property to be pledged should be subject to annual update in line with the retail price index. At the time, I said that, although that was well intentioned, we think that it is unnecessary to make provision in that way. Notwithstanding the recent cost crisis, inflation in the past few years has been relatively low and the current figure is expected to fall. The threshold that was introduced at stage 2 is significantly higher than the comparable £1,000 threshold that applied to individual consumers at introduction. That new threshold is set at £3,000 and there is a power allowing the threshold to be increased further, as and when appropriate. Crucially, that threshold is not the primary means of protecting ordinary household items from being pledged. That is achieved by excluding individual consumers altogether and by allowing only sole traders to pledge business assets. Therefore, the situation is now very different from the one that the committee commented on its stage 1 report.

To amend the figure in the bill annually would mean that affirmative regulations would have to be brought before the Parliament. Since the rise would often be of a negligible order, we did not believe that that would be the best use of parliamentary time. Any approach that tied the figure exactly to an inflationary calculation would also lead to unmemorable figures such as £3,277.63, rather than the clarity and simplicity of having a threshold such as £3,000 or £3,500, and so on. For those reasons, I thought that it was not necessary or appropriate for there to be a requirement for the annual uprating of the threshold, as opposed to simply an ability to adjust the figure.

I have other concerns about the amendment that was made at stage 2. Importantly, it did not provide for the threshold in the bill to be changed. We believe that that would lead to significant confusion, which could not even be avoided by ministers using the separate powers that exist to change the figure in the bill. The way that the provision works means that any new figure that is inserted under that power would have to be read as if it were further increased by inflation. Therefore, there would be double counting, and people still being told by the bill that the threshold was a figure that was not actually the threshold. I do not think that that is an acceptable outcome, although I appreciate the good intentions behind the provision.

Even though the threshold is not the primary means of preventing ordinary household goods from being able to be pledged, it is right that it keeps pace with inflation over time. However, we

already have a mechanism to ensure that that happens. I remain strongly of the view that it would be more efficient to simply update the figure as and when it is required, taking into account the level of inflation at the time. Depending on the rate of inflation, the figure in the bill may have to be amended more often if inflation is higher, but less often if inflation is lower. That is altogether a more flexible and responsive approach, which also avoids all the significant technical difficulties with the detail of the amendment that was made at stage 2.

In short, the threshold should rise over time. However, we are best to do that using the existing power in the bill, rather than through an annual formula-driven approach, especially one that people are left to work out for themselves. We have a common aim, but a different means of achieving it. For all those reasons, amendment 18 reverses the changes that were made at stage 2 and removes the provision that the threshold should be read as subject to annual update in line with the retail price index. I ask members to support it.

I move amendment 18.

Carol Mochan: I acknowledge the protections on household goods that were brought into place at stage 2 and I thank the minister for the discussions that have been had on the matter.

As the minister said, amendment 18 removes the changes introduced by my stage 2 amendment, which was about annual uprating. I have listened closely to what the minister has said. As he acknowledged, the bill is quite technical, and so in some ways, a lot of what he has done so far in the debate has been to tidy up amendments. I am wondering whether he could have tidied up some of the detail, because I believe that the committee report made recommendations about the reference to the retail price index. There was agreement across the parties at stage 1, and quite broad agreement at stage 2, that that would be helpful. Including in the bill an automatic annual uprating of the figure, with reference to the retail price index, would ensure that the figure can be increased. There could also be a power to round the figure up, if that was what the minister was suggesting was needed.

We must ensure that the Scottish Government sets a date by which it must look again at the figure—that was the point of linking it to the retail price index. I appreciate that the minister sees that as overkill, but I believe that it would be helpful to say in the bill that Parliament must regularly update the figure, and it seems sensible to link that to the retail price index.

Overall, I find my stage 2 amendment justified and think that the bill could have been tidied up to

make it work, but I thank the minister for his remarks on the matter.

Jeremy Balfour: Of all the areas in the bill, this was probably the most controversial one that we looked at while taking evidence and in our stage 1 report.

I supported the stage 2 amendment that the minister now seeks to overturn because I, and everyone on the committee, felt that there had to be a mechanism to allow the figure to increase as time went on. Having listened to the minister today, I am persuaded by his debating skills to support amendment 18, which Conservative members will do.

I am sure that if Scottish ministers do not increase the figure as time goes on, there will be pressure from outside groups, third parties and the Opposition for the figure to increase. We can therefore be assured that the amount of money will go up. At the same time, I take the point that how the figure will change will not be written in the bill, so people will not have absolute clarity. I also understand that we might end up with some really strange numbers, depending on what the inflation rate is.

Taking all those considerations into account, the Conservatives will support the Government's amendment 18.

Paul Sweeney (Glasgow) (Lab): I proposed at the Delegated Powers and Law Reform Committee that an automatic inflator should be included in the bill. It is disappointing that the minister has not been more innovative in his response and that he has simply extracted a measure that is, as he has admitted, well intentioned. I am glad that he at least recognises that, but he must also recognise other Government practices, such as the fact that most benefits in the social security system are uprated every April in line with the consumer price index. That was the spirit in which this measure was introduced.

If the minister does not think that the stage 2 amendment was well drafted, perhaps he could give a commitment that the Government will undertake a review of the threshold figure every financial year by statutory instrument and that it will be uprated accordingly. It is true that an automatic formula might produce odd figures, but that could be adjusted by saying that the figure will be rounded to the nearest £100, in order to simplify the procedure.

Perhaps that could be an alternative mechanism to achieve the outcome that we agree is needed as a safeguard. Some sort of double lock could be created by committing to a statutory instrument to review the figure every financial year, so that it can

be inflation proofed, as is done with social security benefits.

Daniel Johnson: I reiterate the points made by my colleagues Carol Mochan and Paul Sweeney.

I say to the minister that an inflation rate of even 2 per cent, which is the Bank of England's target rate, would in effect mean a figure being worth 10 per cent less after five years because of the effect of compound interest.

Although I accept that what will be in the bill will give ministers the ability to increase the figure, it does not mean that they must or that they will. The minister understandably objects to some elements on the grounds that they would be time consuming or because he does not want to overcomplicate things, but having an automatic mechanism to deal with the matter would make life simpler for the Government.

In the spirit of what Paul Sweeney said, and although I understand that there may be technical problems with what was in the bill after stage 2, it would have been better to tidy up the provision to create a simple, straightforward mechanism to ensure that uprating does happen, not just that it can happen.

Stuart McMillan (Greenock and Inverclyde) (SNP): For me, the key point about this amendment is the starting point. When the committee looked at this and extrapolated the figures to show where inflation would have taken the initial sum, it went from £1,000 to about £1,300, and it is fair to say that everyone in the committee was surprised by such a low threshold. The starting point, which we have already agreed, is now to be £3,000. That is extremely important for safeguarding all of our constituents and consumers.

Paul Sweeney: Will the member take an intervention?

Stuart McMillan: I will take it in a few seconds.

I am quite content now to have that starting point, and the minister has said already that the figure can be amended on an annual basis, which would be very useful.

Paul Sweeney: The committee convener makes the important point that the threshold has been increased substantially, and we should welcome the Government's response to that. I am not, in any measure, trying to make an intervention on that in bad faith, but we all want to achieve the same aim, which is efficient legislation. Section 43(2A) is a measure to ensure that the depreciation of the real value of the threshold is not eroded over time. We know that there are many instances in which Government is just busy and neglects to keep things up to date, and that provision is just a way of making sure that the

figure is automatically adjusted so that we do not get into a situation, 10 years down the line, in which the threshold has been forgotten about, and people have their possessions taken as a result of neglect to keep the legislation up to date. If there was a mechanism by which the Government was compelled every financial year to uprate it through statutory instruments, that would be a satisfactory remedy, if the proposed amendment is not effective.

Stuart McMillan: I genuinely accept Paul Sweeney's point, and we had a fairly large debate about that in committee. The minister has already put comments about the issue on the record today, and I like to think that all five members of the Delegated Powers and Law Reform Committee will ensure that we keep it very much to the fore in the years to come, particularly in this parliamentary session, while we are all still here.

The Deputy Presiding Officer: I call the minister to wind up the debate on this group.

Tom Arthur: I thank all members for their comments and contributions today and for their constructive engagement throughout the process. I welcome the support of Mr Balfour and his party, and I recognise the amendments from Ms Mochan and the inception of the idea from Mr Sweeney as well intentioned. I recognise that, within our various strategy frameworks, we have automatic uprating mechanisms but, equally, there are areas where we are able to uprate only through Scottish statutory instruments or, in the case of UK legislation, SIs. There are a number of places where that can occur, such as council tax reductions or earnings arrestment thresholds under diligence legislation. It is important to recognise—and this makes it slightly separate and not quite as directly comparable to the other areas—that the £3,000 threshold was part of a suite of measures to protect individuals. The first and most significant measure, of course, was the removal of individuals acting in their capacity as a consumer from the scope of the legislation with regard to statutory pledges. I think that Mr Balfour made reference to perhaps the most contentious issue overall when the bill was introduced.

The second element is the protections that exist for those individuals acting in their capacity as sole traders or as businesses, namely, that goods can be pledged only if they are wholly or mainly for the purpose of business use. In itself, that would, in the main, exclude household goods. Notwithstanding that, we have increased the threshold to £3,000, which is significant. Of course, we retain powers through the legislation, subject to the agreement of Parliament, that will allow for uprating to take place.

I recognise Paul Sweeney's suggestion that, over a period, there is a risk that the legislation will

be neglected and uprating will not take place. However, Parliament has agreed amendments to ensure that a review of the legislation will take place within five years of its coming into effect and, notwithstanding that, nothing precludes Parliament from conducting post-legislative reviews into the legislation.

I am satisfied that the measures that we have in place will safeguard individuals acting in their capacity as sole traders or as businesses. I am satisfied that we have been able to reach a balanced approach through the changes that we have made to the legislation, which remove individuals acting in their capacity as consumers but allow for sole traders to benefit from the provisions around statutory pledges, with additional protections that recognise the concerns that were raised.

It is a matter that we will keep under review, and we have the power to respond should it be required in the near, medium or long term and to uprate the £3,000 threshold. I ask members to support the amendment.

16:00

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

Members: No.

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

The vote is closed.

Carol Mochan: On a point of order, Presiding Officer. My phone did not seem to connect. I do apologise. I would have voted no.

The Deputy Presiding Officer: Thank you, Ms Mochan. I confirm that your vote was already cast.

The Minister for Public Health and Women's Health (Jenni Minto): On a point of order, Presiding Officer. My phone did not connect either. I would have voted yes.

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

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)

Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 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)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Deputy Presiding Officer: The result of the division is: For 90, Against 22, Abstentions 0.

Amendment 18 agreed to.

Section 47—Creation of statutory pledge: insolvency

Amendments 19 to 23 moved—[Tom Arthur]—and agreed to.

Section 56—Amendment of statutory pledge

The Deputy Presiding Officer: Group 9 is on pledge: amendment of pledge. Amendment 24, in the name of the minister, is grouped with amendment 28.

Tom Arthur: Amendment 28 arises from the concern expressed by Registers of Scotland that there was an inconsistency between section 56(5), which deals with when amendments to a statutory pledge take effect, and section 86, which deals with when an amendment to a statutory pledge can be registered.

Section 56 is a stand-alone rule about when the change to increase a statutory pledge takes effect in certain circumstances. It does not introduce any overriding stipulation about what can be registered. The intention behind section 86 is to restrict registration of amendment documents to those cases in which an amendment document requires to be registered in order to take effect. Where the secured obligation is being increased, registration is required only if the current extent of

the obligation is clear from the face of the register, and people would therefore be misled if that was left unchanged. However, it is clear that the lack of symmetry between the two sections is potentially confusing.

Amendment 28 is intended to make the interpretation of section 86 clearer by instead cross-referencing to section 56. Importantly, it has not changed the result in policy terms.

In looking at all this, we came to the view that section 56(5) was not as clear as it could be about when things take effect where the amended document does more than one thing.

To take one example, let us say that an amendment document removes property A from the pledge and replaces it with property B. The removal of property A would not ordinarily need to be registered to take effect, but the addition of property B would. We think that the bill should be clear about whether the rule about the amendment applies only when registration covers the removal of property A too, or whether it just covers adding property B. We would not want to leave a gap meaning that the creditor has no security over anything for the short period. We understand that this situation will happen rarely, as there are established drafting techniques to capture the addition of future property.

Amendment 24 closes any potential gap. It provides that the default position should be that the two things take place at the same time, but it allows the parties to contract out of that if they so wish.

The ability to contract at will, of course, is confined to the extra element of the amendment, which, if it were being done in a separate document, would not require registration to take effect. It will therefore always be the case that adding property or increasing the secured obligation, to the extent that this is clear from the register, will require effective registration.

I move amendment 24.

The Deputy Presiding Officer: Thank you, minister. No other members are seeking to speak. Is there anything that you wish to add to wind up?

Tom Arthur: I have nothing further.

Amendment 24 agreed to.

The Deputy Presiding Officer: I call amendments 25 to 34, all in the name of the minister and all previously debated. I invite the minister to move the amendments and ask whether any member objects to a single question being put.

Martin Whitfield (South Scotland) (Lab): For clarification, was amendment 34 excluded from that bloc?

The Deputy Presiding Officer: It was not, but if that is your preference, I have no objection to—

Martin Whitfield: I wish to exclude amendment 34 from the bloc question.

The Deputy Presiding Officer: Thank you, Mr Whitfield. Does any member have an objection to a single question being put on amendments 25 to 33? There is no objection.

Amendments 25 and 26 moved—[Tom Arthur]—and agreed to.

Section 76—Mandatory application for removal of an entry from the statutory pledges record

Amendment 27 moved—[Tom Arthur]—agreed to.

Section 86—Application for registration of amendment

Amendment 28 moved—[Tom Arthur]—agreed to.

Section 102—Searching the statutory pledges record

Amendment 29 moved—[Tom Arthur]—agreed to.

Section 104—Extracts and their evidential status

Amendments 30 and 31 moved—[Tom Arthur]—agreed to.

Section 111—Interpretation of Part 2

Amendments 32 and 33 moved—[Tom Arthur]—agreed to.

Section 113A—Review of the Act

Amendment 34 moved—[Tom Arthur].

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

Members: No.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 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)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

The Deputy Presiding Officer: The result of the division is: For 88, Against 21, Abstentions 0.

Amendment 34 agreed to.

The Deputy Presiding Officer: That ends the consideration of amendments.

As members will be aware, at this point in proceedings, the Presiding Officer is required under standing orders to decide whether, in her view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish Parliament elections. In her view, no provision of the Moveable Transactions (Scotland) Bill relates to such a subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

Moveable Transactions (Scotland) Bill

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-08810, in the name of Tom Arthur, on the Moveable Transactions (Scotland) Bill. I invite any members wishing to participate in the debate to press their request-to-speak buttons, and I invite members who are leaving the chamber to do so quickly and quietly.

16:10

The Minister for Community Wealth and Public Finance (Tom Arthur): I begin by thanking the members of the Delegated Powers and Law Reform Committee for their helpful and careful consideration of the bill. I have very much welcomed the committee's thorough scrutiny of the bill. It is clear that members have appreciated the importance of getting things right, but they have also appreciated that the process is not always straightforward.

I also thank the committee clerks for all their hard work, and the stakeholders who contributed views and opinions as part of the parliamentary scrutiny of the bill.

The bill is a Scottish Law Commission bill, and I therefore also thank the commission for the considerable work that went into this law reform project. In particular, I thank Professor Andrew Steven and the members of the Scottish Law Commission's working group on the project. Even though Professor Steven is no longer a commissioner, he and his colleagues have given very generously of their time, insight and expertise throughout the process, which has been much appreciated.

I also put on record my sincere thanks to the Scottish Government officials in the bill team for their sterling work on the bill.

The Scottish Government has also had some very useful engagement with stakeholders across a range of perspectives. I met the Federation of Small Businesses and twice met representatives of the consumer advice and money advice sectors. Their practical experience was important in helping me to reach policy decisions on the content of the bill.

There were mixed, but some strong, views on the inclusion of individual consumers in the bill. We listened carefully to those views and to the views of the committee, and the bill was amended as a result. Despite any concerns about individuals, it was clear that there was consensus that the law in Scotland on moveable transactions is outdated and that the changes proposed in the

bill would make a significant and positive difference for businesses in Scotland.

The bill is a product of extensive consultation and consideration by both the Scottish Law Commission and the Scottish Government over the past decade or so. At its heart is the aim of modernising the law of Scotland relating to moveable property transactions, which is vital to the economy of any country with a developed legal system.

I will briefly remind members about some of the key provisions in the bill and what they are intended to achieve. Part 1 of the bill reforms the law in relation to the assignation of debt. It will introduce a new register of assignations, which will provide an alternative to intimation as a means for assigning debt. That should be of considerable benefit to businesses.

The Federation of Small Businesses in Scotland has indicated that 3,500 small businesses in Scotland fail each year, not because the businesses are unsustainable but because they cannot get their customers to pay invoices that are due.

Daniel Johnson (Edinburgh Southern) (Lab): Will the member take an intervention?

Tom Arthur: Just one moment, please.

The Late Payment of Commercial Debts (Interest) Act 1998 was introduced to give small and medium-sized enterprises the right to claim interest on late payments. It is, however, understood that 80 per cent of small businesses do not do so, for fear of jeopardising business relationships with customers, who often have greater bargaining power. That information was set out in the policy memorandum to the bill, but it bears repeating today.

Daniel Johnson: Notwithstanding the issues that have been highlighted through the amendment stage, it strikes me that the registers are the most important area. For the legislation to work and be effective in delivering what everyone wants, we need the registers to be efficient and to operate in the way that is intended. That is very much about oversight of the delivery. Will the minister set out whether he agrees with that insight and what steps will be taken to ensure that the registers are efficient and effective?

Tom Arthur: There will be regulations forthcoming. The ambition is to have the registers up and running by summer of next year. Of course, Registers of Scotland, as a non-ministerial office, is directly accountable to Parliament on this issue and on all its other functions.

Members of the committee have had the opportunity, as have I, to see a demonstration of the alpha and beta versions of the software for the

registers. I think that it will be a very efficient system and straightforward to use. I have no doubt, given the outstanding work that Registers of Scotland does in delivering across a range of areas, that it will have that continued engagement with stakeholders to ensure that the registers deliver on the intended outcomes that are set out in statute.

I know that Parliament will maintain a keen interest in how the registers actually function, and we will have the review period, as agreed through amendments, to consider not just the operation of the bill and the specific provisions highlighted in the bill, on sole traders and waiver of defence, for example, but more widely how the registers are operating in practice.

I will go back to the comments from the FSB. In its written evidence, it provided a worrying update on the figures to which I referred earlier, stating that it believed that the issue is “becoming more acute”. It stated:

“Over one in ten Scottish firms ... say late payment is now threatening the viability of their business.”

The ability of a business to assign the debts that are owed to it is a vital way of improving its cash flow, which is the lifeblood of many businesses—especially micro and small businesses and new start-ups. The present system is cumbersome, expensive and often impractical, and it does not work in respect of future claims.

Once again, I will quote from the written evidence to the committee at stage 1 from the Federation of Small Businesses, because small businesses are a key sector of the economy that the legislation will help. The FSB stated:

“The need for Scotland’s small businesses to be able to access such finance options is plain. There is a maxim that it is not a lack of profitability that kills businesses, but a lack of cash. And small firms’ cashflow is often interrupted by the late payment of sums owed to them.”

The provisions in part 1 of the bill are intended to address the current problems that businesses face.

Part 2 of the bill will deal with security over moveable property. In Scotland, there is no such thing as a mortgage over moveable—as opposed to heritable—property, in the way that there is in England. Instead, businesses here are faced with adopting difficult alternative arrangements, which are often impractical and invariably more costly.

For example, the current system of pledge requires the delivery of the property to the creditor. However, businesses require possession of the assets, such as vehicles, plant and machinery, in order to trade. It is understood that at least one major financial institution will not lend on plant and machinery in Scotland because of the current state of the law on moveable transactions. Others

will lend, but at a higher rate of interest, due to the complex workarounds. That situation is simply not good enough; it needs to change and the bill will change it.

In its submission for stage 1, UK Finance wrote:

“In terms of lending against wider assets, the Register of Statutory Pledges will be an important step-forward. Large (including global) businesses seeking to borrow on the strength of extremely valuable stock that is subject to Scots law are, again, generally only able to do so on the basis of floating charge at present. The most obvious example of this would be whisky stock. The new regime would allow specific fixed security to be taken against such assets, facilitating new lines of finance.”

In UK Finance’s view,

“the absence of first charge security attracts greater risk and thus a higher cost of funding for the lender which will inevitably need to be passed on to the customer business either in whole or in part. Introducing the possibility of having specific security over a range of wider assets—through the Register of Assignations and the Register of Statutory Pledges—would help close that gap for smaller businesses, in particular.”

I am convinced that the provisions in the bill will result in reforms to the law that will be of benefit to businesses across Scotland and improve the lending environment to facilitate business growth.

I move,

That the Parliament agrees that the Moveable Transactions (Scotland) Bill be passed.

16:17

Jeremy Balfour (Lothian) (Con): I thank the Scottish Government for introducing the bill. It is an important bill for business and the commercial sector in Scotland and, as the minister outlined in his opening speech, one that will allow people to trade more quickly, easily and efficiently.

For far too long, we have been reliant on English law. Evidence that the Delegated Powers and Law Reform Committee took at stage 1 showed that people were having to use contracts that were not really fit for Scots law as a workaround. The changes that the bill introduces will really help.

The committee has had a good working relationship with the Scottish Law Commission and the Scottish Government, which shows that Parliament can work together to bring forward changes that will benefit business in Scotland. There needs to be wider consideration both by the Scottish Government and Parliament about how we look at Scottish Law Commission reports and bills.

The legislation has been a long time coming. Many other bills are in the pipeline, waiting to come through—I appreciate that another one is already before the committee—that will not bring

great political excitement but that will radically change how people can work and live in Scotland. I hope that the Government will keep introducing those bills over the next few years so that we can deal with some of the backlog that has built up over a number of years.

When we considered the evidence at stage 1, there were two areas that raised concern among committee members. The first was in regard to ensuring that we did not, through the back door, include individuals in the legislation. Clearly, we want sole traders and partnerships to be able to enjoy the benefits of the bill, but we do not want people to misuse the law and pull individuals into that. There have been amendments from different parties on that issue and, on balance, we have just about reached the right level with it. I hope that individuals will not be drawn into it; I think that, with the £3,000 figure and the removal of household goods from the bill, we have protected individuals in that regard, while allowing sole traders and partnerships to benefit.

The second area of concern—the minister will think that I am a broken record about this—is financial instruments. I still think that that could have been in the bill, but I did not want to lodge amendments at stage 3 in case that caused legal problems. However, financial instruments are one of the big areas that the legislation has to cover. I appreciate that there is on-going work between the minister and the United Kingdom Government. I hope that, once the bill becomes an act and as work continues over the coming year, things can be progressed quickly on both sides in that regard.

I was pleased that, at stage 2, the minister gave the assurance that he is committed to that and that he and his officials will work with the Westminster Government to achieve it. However, it would be helpful if the minister, in closing the debate, would re-emphasise that assurance. He can be assured that I will lobby my colleagues at Westminster to ensure that there is no delay there.

Overall, I think that the bill is good. It is a better bill due to the scrutiny of the committee. I look forward to it working in practice as soon as possible.

16:22

Daniel Johnson (Edinburgh Southern) (Lab): Not having sat on the committee or put in the hard yards, I must apologise to the members who did put in the hard yards for being something of an interloper.

The bill is an important piece of legislation. It might seem dry and technical to people on the outside, but, having run a small business, I can tell them that it is really important.

I welcome the words of the minister when he reflected the comments from the FSB, which were absolutely right. Many small businesses find getting up and running—or just staying running—incredibly difficult because of their inability to finance. The simple reality is that, for many small business owners, they might be set up as a limited liability company, but the only way in which they can gain finance is by putting up their house as collateral. If the bill, in some small way, eases that situation, frees them up and provides more options, it is welcome.

It is right that we bring the law up to date. I found it surprising to learn that assignments were not possible. Those are important for things such as invoice finance, which is critical for small businesses, many of which transact with large corporate entities that force them on to terms that might not reflect the reality of their cash flow. On that corporate note, assignments are also a critical part of a broad range of corporate transactions, and the fact that those are not possible makes doing business in Scotland more difficult. Making it easier to set up and run small businesses is a good thing, and facilitating business full stop in Scotland is also a good thing.

A number of concerns were raised throughout the passage of the bill, and I am pleased that, in broad terms, those have been addressed. The concern that was raised by Mike Dailly of the Govan Law Centre and others about the possibility of reintroducing warrant sales through the back door was a serious one. The £3,000 threshold, the making explicit that the arrangement does not cover private individuals and the emphasis on the primary business use of the assets are all welcome.

I would have preferred an automatic mechanism for uprating. We all know that inflation can undermine the value of things over time and, indeed, oversight could mean that that threshold—which, as Stuart McMillan was right to say, is fundamentally important—could be undermined through neglect. I note the Government's commitment at least to a review after five years, but a mechanism would have been better.

Likewise, although I heard what the minister said, I regret that Carol Mochan's amendments on the specifics of the review were not agreed to.

On the more technical points, I urge that we have continued interest in and oversight of the registers. It is all well and good to have beta testing of software but, fundamentally, for the registers to work once they are up and running, its operation will be critical.

Likewise, we need to ensure that the review takes account of all the key concerns and issues

that have been flagged. It was good to hear that on the record from the minister today.

I will end with some broader reflections. There is a need to set out in a more standardised way what good practice is when it comes to legislative review. With every piece of legislation that we consider in this Parliament, we have the same arguments. We say that it is important that we have a review period. The Government then says, "Oh, actually, that would be onerous and cumbersome. Just trust us to get on with things." We might need to reflect on that and come up with a standard form of how reviews should take place that does not overburden the Government but ensures that we keep a watch on things. We can all agree that we are much better off if we proactively look at such things rather than fall back. I am pleased with the time period in the bill, but we do not always manage that through the passage of legislation.

My final point was raised by Jeremy Balfour and is critical. The Scottish Law Commission does excellent work. It performs that on-going tidying up and reviewing of law that is so critical to our law functioning well. However, I note that 34 of its reports remain outstanding and unactioned. That represents 15 per cent of all the work that it has done since its inception. We need to look carefully at how those reports are actioned, not just because of things such as compulsory owners associations in tenements, which I would like to see when it comes to ensuring common repairs, but because of a broad range of other important things. Again, the Government needs to commit to ensuring that there is parliamentary time to consider important bits of tidying-up legislation.

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

16:28

Stuart McMillan (Greenock and Inverclyde) (SNP): Today, I speak not as the convener of the Delegated Powers and Law Reform Committee but as a Scottish National Party member. However, I put on the record my regards and thanks to committee colleagues for the way in which we have conducted ourselves and for the level of scrutiny of the bill throughout the process.

I will use some of my time to highlight aspects of the committee's work on the bill and the positive impact that I believe the committee to have had. I also acknowledge the positive way in which the Scottish Government has engaged with the committee and its willingness to take on board many of the concerns that the committee raised during the process.

Points about the Scottish Law Commission have been touched on. As we know, SLC bills tend to

be non-party political and non-partisan. They are more technical, which Daniel Johnson alluded to. The fact that the committee has looked at a number of such bills has highlighted the positive impact of the extension of its remit, because that has provided the space for some SLC bills to be scrutinised and then implemented. However, I accept the point that Daniel Johnson has just made about the number of bill proposals that are still sitting with the SLC. A large amount of work is still to be done to update Scots law in a wide variety of areas.

It is very unusual for someone to say to me, "You're one of the people from the Delegated Powers and Law Reform Committee. I want to talk to you about a bill." However, when I was at an event here in Parliament a number of months ago, the very first person I spoke to said, "This moveable transactions bill that you are looking at is a hugely important piece of legislation." I said, "Well, it's just come to the committee. We are starting to process it and we are very much enjoying what we are doing with the scrutiny of it." The individual then said, "As soon as the bill is implemented, we will be using it from day 1." That touches on the points that were made by Daniel Johnson and Jeremy Balfour. Jeremy Balfour touched on the workarounds that have been utilised so far and the use of English law. The bill will ensure that more money is spent in Scotland and in the Scottish economy, which can only be a good thing.

From the outset, the committee was clear that the bill proposes important reforms that could benefit individuals and businesses across Scotland in relation to access to credit and finance. However, the committee's scrutiny raised a number of issues with the bill as introduced. I am pleased that some of the recommendations have been taken forward, such as removing the ability of individuals to grant a statutory pledge, taking into account the concerns about the potential for the bill to open up a further high-cost credit market, so we consider that that will protect consumers.

In addition, the value threshold for statutory pledge items has been raised from £1,000 to £3,000. That will certainly further reduce the risk of household items being taken, which is a good thing. There is also the provision relating to only a simple electronic signature being required, which will make it easier to conduct business.

I believe that it is important that the two registers established by the bill are extended to include financial instruments. Throughout its scrutiny of the bill, the committee sought regular progress updates from the UK and Scottish Governments on a section 104 order, which Jeremy Balfour touched on. In one of his final comments earlier,

he said that the bill is “good” and that he will be delighted to see it implemented “as soon as possible.”

That takes me back to the point about the section 104 order.

The Presiding Officer: Please conclude.

Stuart McMillan: Sure.

If the Scottish Government had had that in the bill and it had been challenged at some point, that would have hampered the bill’s implementation. The process that has happened is right so that the bill can be implemented. I absolutely agree that we would like to get an update on the section 104 discussions between the Scottish Government and the UK Government, but I am certainly happy to support the bill today.

16:32

Carol Mochan (South Scotland) (Lab): I thank all the members across the chamber who are debating this very technical bill. As a latecomer to the committee, I recognised that quite early on.

At all stages, Scottish Labour has supported the modernisation of the legislation and recognised the positive impact that it is likely to have on access to credit and finance for many different groups and individuals. My colleague Daniel Johnson laid that out well.

We have worked hard, alongside consumer and money advice organisations, to get this right. I am satisfied that, for the most part, we have achieved that. As I said, I was a latecomer to the committee. Having come into the committee at that late stage, it is important for me to recognise the work that it did on the report and to say thank you to the minister, the members of the committee I came in to work with, and the clerks for all the support that they gave on it. Some of the technicalities were quite difficult to work through, but everybody took the time to support each other and to make sure that we got it right because it was seen as such an important piece of legislation.

I would of course have liked some of the Labour amendments to have reached the final stages of the bill. We lodged them, at stage 2 in particular, in order to genuinely improve the functioning of the bill. The minister has recognised that we did that in good faith.

When the legislation was announced, concerns about its potential unintended consequences were raised by various stakeholders. Those were a priority for me and Labour colleagues. I asked a question in the chamber early on and the minister and I had a discussion about that. The concerns were associated with the drafting of the bill and how it might negatively affect people.

From today’s debate it can be seen that we have worked hard on those issues, as is now reflected in the bill.

As other members stated earlier, Scottish Labour agrees that the bill should pass. We look forward to its introduction because it will remove a key competitive disadvantage for Scotland’s businesses in comparison with their friends in England. I trust that the process has moved forward with the concerns of small businesses and sole traders in mind and that any unintended consequences have been removed. I applaud the co-operation among all parties that has brought us to this point.

As I am sure the minister will recognise, Scottish Labour members will continue to scrutinise the operation of the bill to ensure that the commitments that he made in the chamber today are kept. I look forward to doing so.

16:35

Maggie Chapman (North East Scotland) (Green): I thank everyone who has been involved in discussions and debate on, and scrutiny of, the bill in the past few months.

In particular, I thank the Scottish Law Commission for its report on moveable transactions, which was published back in 2017 and which contained 203 recommendations for change. Our current laws relating to moveable transactions are older than many countries in the world, so I am grateful to the commission for all its work to update our legislation on the subject. I am pleased that, today, we will modernise Scots law on moveable property transactions.

The Law Society of Scotland has also provided on-going and useful information and views on different components of the bill, and I am grateful to it for its insight.

As several of my colleagues have said, the bill is a technical one. I thank the Delegated Powers and Law Reform Committee for its forensic scrutiny at previous stages. I also thank Tom Arthur for his engagement with me over the past few months. I have not been involved in the development or formal scrutiny of the bill, so learning about the committee’s work and having conversations with the minister have been invaluable for my better understanding of its various elements

As we have heard, the bill seeks to modernise our laws on transactions involving corporeal and incorporeal moveable property. Put simply, it will make it easier for businesses to raise finance by using their moveable property such as vehicles, equipment, intellectual property and future invoices. Such legislation is vital for the efficient and effective operation of businesses. It will

enable them to raise finance by using assets, selling debt owed to them or granting security over moveable property, all of which will be valuable tools for managing their cash flow and potential financial pressures. Making such transactions more efficient, less expensive and less complicated than they currently are is certainly to be welcomed.

As the ministers and others stated so plainly earlier, businesses—especially smaller ones, perhaps—that find themselves having to fold often do so not because of lack of profitability but because of lack of cash flow. As we have heard from the whisky industry among others, the introduction of the statutory pledge, along with a straightforward online registration system, will improve the lending environment for them, and so will better support those important components of our economy. With the passage of the bill, so-called idle commodities can be made an active part of a business's operations.

On one of the areas of dispute—the automatic uprating of the £3,000 threshold—I appreciate the concerns that Carol Mochan and her colleagues expressed, and the view that an automatic uprating would be beneficial. It is certainly true that such matters could slip through the cracks. I will join with Carol Mochan and others to ensure that we will not let that happen in the future. I know that she and her colleagues will keep at the Government to ensure that that is the case in future years.

Finally, I again place on record my thanks for all the work that Citizens Advice Scotland, StepChange and other consumer and money advice groups have done, over many months, to ensure that consumers were excluded from the scope of the bill. Especially now, at a time when we have an unprecedented cost of living crisis, including them would have caused harm, however unintentional that might have been.

Scottish Greens will be pleased to vote in favour of the bill at decision time.

16:39

Bill Kidd (Glasgow Anniesland) (SNP): I, too, thank the DPLR Committee clerks and the legal team, who have helped us through all of this.

In short, the Moveable Transactions (Scotland) Bill will support smaller businesses to raise finance, helping them to maintain income and address rising business costs. It will do so by modernising and simplifying the law on borrowing against moveable physical and intellectual property. Overall, that will lead to greater access to finance for businesses in Scotland.

Our economic growth and prosperity over many decades have been the result of entrepreneurial, talented and motivated workers in every sector, geography and demography working in a culture that rewards and celebrates innovation and initiative. The economic strategy recognises that and the challenges that Scotland faces over the next 10 years in what has been described as a decisive decade. In that decisive decade, growing and providing the seeds for success for small and medium-sized businesses will be pivotal to meeting our aspirations, and the bill forms part of the steps that we need to take to meet those aspirations.

The bill will give small and medium-sized enterprises and other businesses new opportunities, allowing them to raise finance by securing funds against largely untapped assets such as vehicles, plant, machinery or even whisky stores.

At the moment, Scots law on moveable transactions is a long way behind international standards, which makes some transactions difficult or even impossible to execute here, necessitating the use of cumbersome, complicated and therefore expensive workarounds or indeed the use of English law, which takes longer and is more expensive for companies in Scotland. We need to support the passing of the bill because, if it is not progressed, Scotland will fall even further behind those established international standards.

I believe that the Scottish Government has worked constructively and effectively with the committee and heard the views of the many organisations that gave evidence. The Scottish Government's amendments to the bill at stage 2 got the balance right in protecting individual consumers while not denying small businesses and sole traders the opportunity to use the provisions in the legislation.

Committee members from across the political spectrum expressed their support for the principles of the bill and I believe that the stage 2 process should have cemented that support.

For those reasons, I urge members to support the passing of this important bill, which will help Scotland's businesses and our economy and help us to meet our aspirations to deliver economic prosperity for all of Scotland's people and places.

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

16:42

Michael Marra (North East Scotland) (Lab): The legislation that we have been considering today, although overdue, is welcome. Indeed, as we have heard this afternoon, it has been

welcomed across the chamber. If the bill passes this afternoon, as we expect it to do, it will bring us up to date with our English and Welsh counterparts, which I am sure we will all welcome.

Behind the technical terminology that is used to discuss and debate some of the matters that are covered in the bill, there are real people whose lives and livelihoods will be impacted if the bill passes today. I thought that the minister spoke eloquently to the need for the bill and the difference that it can make. In that regard, we can consider the sole trader who is hoping to get their business up and running and the small business owner who wants to raise funds without fear of losing their home. Those people have the potential to contribute to our economy and our society in valuable ways.

In our society, we all too often see wealth accrue to the already wealthy. Those with significant heritable property and significant assets are much more able to secure ready credit, while those without are locked out. That is not the kind of economy that many of us in this chamber want to see, and the more we can do to change that, the better.

As a country, we are facing severe economic challenges, with soaring interest rates, stubbornly high inflation and eye-watering energy prices. The financial fairness tracker report that was commissioned by abrdn Financial Fairness Trust and published in February this year found that one household in five is currently living in serious financial difficulty. That is equivalent to half a million Scottish households and, unfortunately, those headwinds show no sign of abating just yet. Research that the Resolution Foundation published in January 2023 estimated that Britain was only at the midpoint of a two-year income squeeze. It is vital that we recognise the particular context that we find ourselves in and the additional pressures on households and the businesses that we are discussing today.

I want to place on record my thanks to my Scottish Labour colleagues Paul Sweeney and Carol Mochan for their work on the bill at stages 1 and 2, and, indeed, to all members who participated in the committee process and the debate today.

The scrutiny of the bill—particularly in relation to my fellow Labour members' concerns for sole traders and individual consumers, which fed into discussions with the minister—has resulted in amendments that have enhanced the bill. Raising the minimum threshold for an asset to £3,000, in line with the recommendation of the Delegated Powers and Law Reform Committee, will afford greater protection to consumers and sole traders alike.

It is disappointing that, as outlined by Daniel Johnson and others, the Government has reversed an amendment that was made by Scottish Labour at stage 2, when the committee agreed that the minimum threshold of £3,000 be updated annually in line with inflation. I remain unconvinced by the minister's arguments in that regard. We have heard about the backlog of Law Commission bills that was highlighted by various members. That speaks to some of the challenges that we often hear about from ministers around finding the necessary time in committee and in the chamber to make good on some of the promises of work that is required.

Transparency appears to have become the word of the moment in this place—I cannot imagine why. In that regard, I urge the Government to consider its timeframe for reporting on the impact of the legislation, in order to ensure that we have transparency and that we protect sole traders and individuals. I am sure that none of us wants the rights of individuals to be negatively impacted, and a timely review would certainly help with that.

The Government can rest assured that Labour members will continue to scrutinise the operation of the legislation when it comes into effect. We are happy to support it, and I hope that it has the support of Parliament today.

16:46

Jeremy Balfour: Presiding Officer, I suspect that, like me, you are a bit of a Ronan Keating fan. As he put it,

“You say it best when you say nothing at all.”

I have to say that I am slightly tempted to say that we have almost said enough in relation to this bill, but, as a politician, I feel that I have to say a few more words.

Members: Aw.

Jeremy Balfour: Thank you.

I want to thank, in particular, those who have made the bill possible, starting with the Law Commission. More than 30 years ago, just up the road, I sat and listened to lectures given by Professor George Gretton, and found that understanding every fourth word was a real challenge. I have to confess that, when he came to give evidence to the committee at stage 1, I am not sure that I understood much more than I did when I was in those second-year law lectures. However, the Law Commission put in an immense amount of work. As I said in my opening remarks, we need to look at the pipeline of legislation with regard to how we prepare ourselves to deal with it.

My thanks also go to Scottish Government officials for producing the bill, to the minister for taking it through Parliament, to all those who gave evidence to the committee, to my fellow committee members and to the clerks and the team here in Parliament, who make our work as easy as possible.

I want to reflect on the point that Daniel Johnson picked up on in his speech, which reflects something that I mentioned earlier. I think that, across the chamber, we need to consider the issue of post-legislative scrutiny. I think that, with regard to a number of bills that were passed with good intentions in previous sessions of Parliament, it would be a good idea to go back and see how they are working for individuals, communities, charities, companies and so on, because I think that the honest answer is that they are not working well for them.

Daniel Johnson: Does the member think that we could come up with some sort of pro forma review stipulation that we could put into legislation in order to make post-legislative scrutiny more straightforward? Does he agree that we should have some principles that we could agree on as regards timeframes and the content of reviews, so that we do not get into a negotiation bill by bill?

Jeremy Balfour: We should consider that. There are committees that could do that and bring forward recommendations involving either standing orders or some form of pro forma text that could be put into legislation.

Often, the issue is caused by the fact that, as parliamentarians, once a bill is passed, we move on and forget about it. In addition, obviously, each new session brings in new MSPs who are not aware of the history of what has gone on before.

I will finish on a positive note: I think that the bill will help business in Scotland. We can all support it, and I look forward to it passing in a few minutes' time.

16:49

Tom Arthur: I thank everyone who has contributed this afternoon. I recognise Mr Balfour's point that the reality of politics is that the debate is not over when everything is said, but is over only once everyone has said it. However, we have had a very useful debate and the opportunity to explore a range of issues.

The bill is indeed sizeable and, to some—as was noted earlier—it might seem to be dry and technical. There is also some complexity, not least in respect of the insolvency provisions that we considered earlier. However, a detailed and methodological approach is needed to address the

particular challenges of reforming law that is outdated and no longer fit for purpose.

I hope that it is clear that we listened carefully to what stakeholders, the committee and other MSPs said at stages 1 and 2, and I hope that it is clear that the bill matters. It matters to the estimated 360,910 private sector businesses operating in Scotland as at March 2022. The vast majority of those businesses—98.3 per cent of them—are small, with 49 or fewer employees.

It is clear that cheaper and less risky access to finance will provide a boost to those businesses, not just in terms of survival and making ends meet, but in terms of development and growth, by improving the facility and the ability for businesses to innovate and expand. Anything that can be done to improve the environment in which business in Scotland operates should be welcomed. Although the bill is legal and specialist, it is intended to deliver real and practical help on the ground to businesses throughout Scotland.

I was happy to lodge amendments at stage 2 to implement some of the committee's thoughtful recommendations, particularly in relation to individual consumers. I have also been pleased to support some of the amendments that the committee made at stage 2. We have agreed some adjustments to those today to ensure that they work as intended. I hope that members will appreciate, on reflection, why we needed to reverse some of the other amendments that were made at stage 2. However, some of those reversals have come with commitments—namely, to consult further in respect of the definition of “insolvency” and to keep the threshold for encumbered property for sole traders under regular review so that it takes account of inflation.

If the bill is passed today—I sincerely hope that it will be—there will still be a lot of work to be done before the provisions will be capable of coming into effect. The provisions in relation to assignation and statutory pledge rely on the creation and operation of two new registers that will be run by Registers of Scotland. Considerable progress has already been made on the necessary technology and development; we are in a very good place, with the necessary funding also being in place. Quite detailed regulations will also need to be in place to set out the rules about use of both registers. Again, progress is being made on that. I thank the people in Registers of Scotland who are undertaking that work, and I thank them for their close and helpful co-operation with officials in the Scottish Government.

As I have mentioned, I have undertaken to consult on the complex issues around how we define insolvency for the purposes of the legislation. That will take place over the course of the next year, and any necessary regulations will

be made in time for the provisions coming into force.

As expected, mention has been made this afternoon of the need to ensure that the provisions in the bill extend to financial instruments and financial collateral. I hope that I have been very clear that I am absolutely and fully committed to extending the provisions in the bill to financial instruments and financial collateral. We will work with the UK Government to have in place the necessary section 104 order to achieve that.

In that spirit, I very much welcome Mr Balfour's remarks and his intimation that he will encourage his Conservative colleagues in the UK Government to continue their constructive engagement. I also thank the committee for taking an interest in that and for taking the step of seeking to engage directly with the UK Government. We are absolutely united in recognising the benefits that that will confer on the Scottish economy, and we want to ensure that we can achieve that section 104 order in as smooth a manner as possible, so that the provisions are ready to come online when the new registers are in place next year. Consultation will also need to be undertaken on the issue of the fees for using the registers. Again, we will be relying on and working with Registers of Scotland on that aspect of the legislation.

There is, as I said, still a lot to be done, but our target is to have all the necessary consultations, regulations and functioning registers completed by next summer. At that point, we will commence the main provisions.

Importantly, the bill incorporates powers so that we have the tools and flexibility to ensure that provisions can be kept up to date. Some of the powers are likely to be used rarely. Nevertheless, as time passes and we gain knowledge and experience of how the registers are being used and the extent to which they are being used, Scottish ministers will have—subject, of course, to scrutiny by the Scottish Parliament—the ability to, for example, specify the type of case for which registration of an assignation would be compulsory; provide a model notice of assignation; refine what constitutes a “seriously misleading” inaccuracy in the registers; extend the categories of person who are entitled to make an information request; and add to the kinds of incorporeal moveable property over which it is possible to grant a statutory pledge.

I could go on, but I hope that that illustrates that, subject to what it is reasonable to delegate, efforts have been made to future proof the bill to help it to stand the test of time. From that perspective, although I did not feel that a review duty was necessary, I have always been of the view that the legislation should and would be reviewed as

necessary. The Government looks forward to the opportunity to review it in due course.

Finally, I repeat my thanks to all those who gave evidence to help to improve the bill during its parliamentary process. As has been highlighted, that has demonstrated the Scottish Parliament working at its best, with detailed scrutiny by committee and considered engagement with a range of stakeholders. The legislation, which I appreciate has taken a long time to come to fruition, is something that the Parliament collectively can be proud of. I once again put on the record my sincere thanks to the Law Commission, to stakeholders, to the committee and to everyone who has contributed to getting the bill into the state that it is in today.

I commend the motion in my name.

The Presiding Officer: Thank you. That concludes the debate on the Moveable Transactions (Scotland) Bill. It is now time to move on to the next item of business.

Motion without Notice

16:57

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.57 pm.—[*George Adam*]

Motion agreed to.

Decision Time

16:57

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): On a point of order, Presiding Officer. I am terribly sorry to return to something that I raised last week, but I seek your guidance. Once again, at decision time we have only three Conservative members in the chamber. I wonder whether you would consider looking at the issue of attendance at Parliament in person rather than remotely, unless there is good reason for it.

The Presiding Officer (Alison Johnstone): I thank you. Ms Grahame will be aware, as are all members, that the facility exists whereby members can exercise their vote remotely. That is a matter for members.

There is one question to be put as a result of today's business. I encourage members to refresh their apps on their devices.

Edward Mountain (Highlands and Islands) (Con): On a point of order, Presiding Officer.

I was one of the people who was keen on members being able to make virtual contributions and to carry out virtual voting. I believe that the point of order that Christine Grahame has now raised twice goes against the principle of what this Parliament stands for and what it is trying to achieve, and is no more than a political cheap shot at people who are not attending Parliament in person. Can you give me further guidance on whether continued points of order on the topic are appropriate or—[*Interruption.*]

The Presiding Officer: Excuse me, members. Members! I will hear Mr Mountain. I regard that interruption as discourteous, disrespectful and unhelpful. Mr Mountain, I would be grateful if you could please repeat your last point.

Edward Mountain: I cannot comprehend why members find it difficult to see why some members want to contribute remotely, especially considering that some have a long way to travel and have other things to do, but have followed the debate all afternoon, as I have. I find it discourteous of Christine Grahame to continue to raise those points of order, when the Parliament agreed as a whole to allow remote voting and remote participation. I wonder whether you can give me guidance on the matter, Presiding Officer.

The Presiding Officer: Thank you. I reiterate that the remote voting facility exists and that it is wholly within the gift of members to decide from where they will participate and from where they will vote.

I would be grateful if members could ensure that they have refreshed their devices following the earlier vote.

The question is, that motion S6M-08810, in the name of Tom Arthur, on the Moveable Transactions (Scotland) Bill, be agreed to. Members should cast their votes now.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 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)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)

MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-08810, in the name of Tom Arthur, is: For 111, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Moveable Transactions (Scotland) Bill be passed.

[*Applause.*]

Meeting closed at 17:02.

Correction

Jenni Minto MSP has identified an error in her contribution and provided the following correction.

The Minister for Public Health and Women's Health (Jenni Minto):

At col 7, paragraph 7—

Original text—

In secondary care, hospital electronic prescribing and medicines administration—HEPMA—is being rolled out across Scotland and has already been implemented in 13 NHS Boards.

Corrected text—

In secondary care, hospital electronic prescribing and medicines administration—HEPMA—is being rolled out across Scotland and has already been implemented in 11 NHS Boards.

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