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Scottish Parliament

Tuesday 3 October 2023

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is the Rev Tina Kemp, Church of Scotland.

The Rev Tina Kemp (Church of Scotland (Retired)): Thank you, Presiding Officer and members, for the opportunity to share some thoughts with you today.

I would like to tell you about my granny. I always turn to her when seeking inspiration.

Granny Stephen was a wee north-east wifey. She was a farm hand's wife and was widowed in her 50s. With five children to raise, she cleaned the houses of the gentry in Stonehaven, which is the town that she latterly called home.

Summer holidays spent with gran were a real treat for a town quine like me. There was the old tin bath that took forever to fill from pans heated on the stove, the smell of the paraffin lamps lit each evening, and the nightly adventure to the toilet at the end of the garden.

I learned a lot from my granny. I learned some inimitable phrases such as "Dinna fash" and "Ah'm fair trachled." I learned that it is all right to eat your pudding before your soup, if it is ready first. I learned about the beauty of words as she taught me Scrabble and read me poetry. I learned about the wonder of nature as we combed the beach for stones to polish and walked the hills among wild primroses, and I learned about the faith that guided her throughout her life. It was a simple, homespun theology that was grounded not in academic study or fancy books, but in the reality of life—a faith that settled and took root within me.

Most of all, I learned about the importance of story. Stories have a power that ideology and rhetoric do not. They can touch us in a way that nothing else can.

A man called Jesus told stories. He grounded them in the reality of life in first-century Palestine, which gave them authority and urgency. It was simple parables that embodied the manifesto by which we all try to live, regardless of our beliefs. Most of all, Jesus listened to the stories of those around him, and it was in the listening that new life and hope took root.

Granny Stephen taught me that all our stories are inextricably connected, that they define who we are and what we might become, and that our own stories might be enriched by listening to others.

Today, I invite us all, at some point, to share something of our own story. In the telling and the hearing, may we help to shape for good the lives of those we encounter.

Topical Question Time

14:03

MV Glen Sannox and 802 Ferries

1. Edward Mountain (Highlands and Islands)

(Con): To ask the Scottish Government what its position is on whether Caledonian Maritime Assets Ltd should still accept into service the Glen Sannox and 802 ferries, in light of reports that they no longer meet the original basic design criteria. (S6T-01569)

The Minister for Transport (Fiona Hyslop): Any further delay to the delivery of those lifeline vessels is extremely disappointing, and we have made that clear to the yard.

CMAL will accept delivery of the vessels only after it receives the required sign-off from the Maritime and Coastguard Agency and the class society. CMAL has been clear, along with CalMac Ferries and Transport Scotland, that all systems, including liquefied natural gas, will be commissioned before handover from Ferguson Marine Port Glasgow. The recent update from the chief executive officer of the yard set out the work and timelines on that basis.

The reduced passenger capacity noted in the update from the yard is expected to be formally accepted through appropriate contract amendments.

Edward Mountain: It is interesting that, of the seven original bids to build the ships, those from shipyards C and D were not accepted because they did not meet the requirement to carry 1,000 passengers and 127 cars or 16 big lorries. We know that the latest recommendation will result in capacity for 15 per cent fewer passengers. How many fewer cars and how many fewer lorries will there be?

Fiona Hyslop: My understanding—I will stand to be corrected if I am incorrect—is that there will be no impact on the vehicle aspects. On the passenger aspects, there are regular meetings to plot peak demand on the routes that the vessels will serve. There has been agreement on the compromises that have had to be made on the issues that the Maritime and Coastguard Agency raised. Addressing that is the direct responsibility of the contractor, which is Ferguson Marine.

Edward Mountain: Islanders have not accepted that there will be fewer passengers. We are in the current position because Ferguson Marine spoke to the MCA only in June this year about whether the boats would meet the specification that the MCA had set out, which is based on regulations that date from 2016. We have late ferries that are

under capacity, over budget and not what islanders were promised. Are you happy with that as a minister?

The Presiding Officer (Alison Johnstone): I ask members to always speak through the chair.

Fiona Hyslop: As the Minister for Transport, my responsibility is to represent the interests of islanders, many of whom I have met over the summer. They want to have resilience in the fleet. They want not just two ferries but all six ferries. The six ferries, which will be completed by 2026, will provide resilience in the fleet.

What islanders do not want is speculative headlines that undermine the understanding that the vast majority of ferries in Scotland run to time, that far more passengers are being carried than ever before and that there are far more routes than ever before. Such headlines do not help when there are issues and when we are going into a dry-dock period, which will put more pressure on the system. I want to make sure that all six ferries are in place—then I will be happy, Mr Mountain.

Kenneth Gibson (Cunninghame North) (SNP): Deng Xiaoping, who was paramount leader of China for more than a decade, said:

“It doesn’t matter if a cat is black or white, as long as it catches mice.”

Does the minister agree that what is important to islanders at this point is not so much the ferry design as the fact that the vessels that are under construction in Port Glasgow can join the fleet and begin serving our island communities at the earliest possible date?

Fiona Hyslop: The member reflects his constituents’ interests, which have been relayed to me directly in the meetings that I have had with them. It is the contractor’s responsibility to meet the MCA’s requirements. That is an iterative process. I know that Mr Mountain has an interest in that as convener of the Net Zero, Energy and Transport Committee and that he has asked the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy a number of questions. That letter is due to be responded to by Friday, and the response will be shared with the rest of Parliament.

Willie Rennie (North East Fife) (LD): The last time that the price of the ferries mushroomed, I asked whether any minister would lose their job. So far, no one has paid the price. There are more delays and higher costs today, so I ask again—will any minister pay the price for this fiasco?

Fiona Hyslop: Clearly, the difficulties that the yard has faced and that the contracts have faced have been absolutely laid bare for everyone to see. The recognition of the responsibilities of everyone concerned has been relayed. As the

Minister for Transport, my role is to represent islanders' interests in relation to tourism and freight and to make sure that we have in place responsive systems.

I have direct responsibility for CMAL and CalMac; I do not have direct responsibility for the Ferguson yard. However, in making sure that we have a yard that can face the future, we will be standing by its workforce. I distinctly remember certain people, not least from the member's party, who called for that requirement at the time when those contracts were awarded.

Police Scotland Estate (Rationalisation)

2. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government whether it will provide an update on the reported proposed rationalisation of the Police Scotland estate. (S6T-01579)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As members know, responsibility for the police estate is for the chief constable, under the Scottish Police Authority's scrutiny. The Police Scotland estate strategy, which was published in 2019, outlined plans to dispose of outdated, underinvested and underused properties and to develop a modern, fit-for-purpose estate through consideration of a number of options, including co-location with partner organisations in modern, well-equipped accommodation.

Since the strategy's publication, Police Scotland has relocated and co-located in a number of areas, and it continues to take forward projects to better suit its requirements and improve service delivery. That can provide better joined-up services for communities and ensure that we have efficient and effective public services for taxpayers' money. Future proposals, like those previously, will be subject to consultation.

Martin Whitfield: Elected members across the south of Scotland have received a letter from Police Scotland informing them of the severe financial strain that the Dumfries and Galloway division service is facing. Police Scotland has had to identify more than £50 million-worth of cuts this year alone. The letter also acknowledges that much of Police Scotland's estate is not fit for purpose and that 30 police buildings will be disposed of. It has been reported that, in South Lanarkshire, all the police stations across Rutherglen and Hamilton West will be closed.

In the light of that, will the cabinet secretary provide an assurance that no new police stations will be closed to the public across Dumfries and Galloway?

Angela Constance: It is important to emphasise to the member that this Government,

despite United Kingdom Government austerity, has made year-on-year increases in investment into policing in this country. That is to the benefit of not only the member's area but the nation as a whole.

The budget for Police Scotland has risen by 6.3 per cent this year, which is an additional £80 million. I have been assured by the current deputy chief constable and, indeed, by the previous chief constable that, despite the tough choices ahead, that will provide for safe and stable policing in the future.

On the question of the police estate, it is important to recognise that Police Scotland inherited decades of underinvestment by previous Administrations, bearing in mind that two thirds of the properties that it currently has predate 1980. There is a job of work to do in terms of investing in those estates to ensure that they not only meet the needs of the workforce but, most important, meet the needs of the communities that we all seek to serve.

Martin Whitfield: It has been reported that the plans to close a list of Lanarkshire police stations were circulated to the Scottish Government earlier this year. Does the Scottish Government agree that it received a list of the Lanarkshire police stations that had been identified for closure prior to the purdah period?

Angela Constance: Let me put on the record for the member and for those in the chamber that, although I am aware that a range of work is under way in relation to the 2019 Police Scotland estate strategy, I am not aware of any specific details, including for Lanarkshire or, indeed, for Dumfries. At no point has the Scottish Government requested any withholding of details, as perhaps the member has read in the press.

It is important to stress—I am sure that Mr Whitfield understands this—that those are operational decisions for the chief constable under the scrutiny of the Scottish Police Authority. I am quite sure that he would be the first to object if I overstepped my role and remit in regard to matters of policing in this country.

Russell Findlay (West Scotland) (Con): Two of the most senior figures in Police Scotland have used the phrase "slash and burn" to describe Scottish National Party cuts, the former chief constable has warned that Scotland's policing model is "unsustainable" due to SNP cuts and the Scottish Police Federation has warned that "People may die" as a result of SNP cuts. Crime is rising and public confidence is falling, yet police stations are closing. When will SNP ministers fund our police officers and estate?

Angela Constance: I am quite sure that I do not need to school Mr Findlay in the fact of the

matter, which is that, since 2016-17, the Government has increased investment year on year. In fact, £11.6 billion has been invested since the creation of Police Scotland, we have more police officers per capita than there are in England and Wales, our police officers remain the highest paid in the UK and, according to the Scottish crime and justice survey, public confidence in policing remains high.

There is no doubt that there are challenges ahead as a result of many years of UK Government austerity, but, as always, this Government will rise to the challenge and serve the interests of policing in this country. It is imperative that we deal with the facts of the matter at hand. We have not cut budgets.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Last week, Deputy Chief Constable Fiona Taylor told the Scottish Police Authority that there are now more than 60 co-locations of police with partners and that that provides

“more sustainable, more modern, and safer workplaces for our people.”

Will the cabinet secretary outline some of the benefits of that approach, and will she confirm that the Scottish Government is still committed to having police at the heart of our communities?

Angela Constance: I represent a constituency in which Police Scotland is co-located with the integration joint board, the local authority, the court system and a range of other partners. As the member intimated, Police Scotland has, to date, introduced 60 co-locations the length and breadth of Scotland. That has been done to respond to policing in the 21st century. It will improve visibility and will ensure that police continue to be at the heart of our communities and, first and foremost, that they serve the needs of those communities through joined-up, value-for-money public service.

Stephen Kerr (Central Scotland) (Con): What we have heard from the cabinet secretary this afternoon has been nothing but hand washing. She claims that she is not accountable for any of the things that are happening in Police Scotland, but she is accountable for the level of funding. David Kennedy, the general secretary of the Scottish Police Federation, said:

“any notion that policing will remain the same and will remain as safe as it has been is just not going to happen ... government needs to realise that.”

As Russell Findlay pointed out, he went on to say, “People may die.” Why on earth is the cabinet secretary not listening?

Angela Constance: I always adhere to my responsibilities, day in, day out. I am very aware that I am accountable to the Government, to the

people of Scotland and to the Parliament, and, along with the SPA, the Scottish police service and our local authorities, we all have accountability at each and every level.

I am quite entitled to point out the fact of the matter, which is that the Government has continued to increase investment in Police Scotland year on year—in fact, the increase in investment for Police Scotland exceeds the increase in the overall justice budget—so we have always, where possible, gone the extra mile.

Scotland's Prison Population

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by Angela Constance on Scotland's prison population. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:18

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Over the course of this year, the prison population has risen by about 600 from 7,303 to, as of yesterday, 7,937, which is an increase of about 9 per cent. That represents a significant challenge, and further increases will have a serious impact on those who work in our prisons and on the prison population. Scotland is not unique in that challenge. There have been increases of similar proportions in England and Wales.

As I made clear in my letter to the Criminal Justice Committee two weeks ago, that acute pressure is a great cause of concern and I am taking action to address it. As I also made clear, the Scottish Government is not changing its position on the use of prisons—they are necessary in society to punish, to protect, to rehabilitate and to reduce reoffending. Therefore, our independent courts must continue to have the ability to remove an individual's liberty when appropriate. Protecting victims and the public from harm is my absolute priority. Whether custody or a community-based alternative is used, ultimately, the goal is the same: less crime, fewer victims and safer communities.

Crime has reduced and the number of people entering prison each year has fallen substantially, so why does the prison population level not match those changes? We must consider the reasons behind that and what the evidence shows us on the effectiveness of prison and alternative sentencing. We know that community sentences lead to safer communities, as they are more effective at reducing reoffending than short-term custodial sentences. That is why we have protected investment in community-based interventions and are providing a total of £134 million to support community justice services this year.

However, although the number of individuals on community sentences has increased, so has the number of people in prison. Yesterday, we had 312 people serving sentences of six months or less. While recognising the independence of our courts, we must consider the reasons for that and work on increasing confidence in alternative sentencing, particularly in community justice.

Since January this year, there has been a 19 per cent rise in sentences of under four years. That is one of the reasons for the rising prison population. Another reason is remand. Although the post-pandemic court recovery programme is doing its job in clearing the backlog, there has been an unanticipated increase in the remand population, which has now reached a historic high, particularly with women.

Another reason for the increase in the prison population is the substantial change in the individuals who are in prison. In the past decade, prisons have become increasingly populated by individuals who are convicted of violent and sexual offences and those who are serving longer sentences. The average length of prison sentences has increased by 14 per cent over that period. This, of course, also shows the success of other areas of our justice system in improvements in clear-up rates and increased reporting and investigation of crimes such as sexual offending.

The age profile of the prison population has also changed. The longer-term reduction in the number of individuals spending time in custody each year has been driven almost entirely by a reduction in young people and those aged under 30. However, the prison population is mirroring our society in terms of demographics. Over the past 10 years, the average daily population of male prisoners aged over 50 has nearly doubled, from 647 to 1,201. That brings its own challenges to the Scottish Prison Service. As the SPS sees the welcome reduction in young people, it has also seen an increase in the need to contract for social care for an ageing prison population. That is an issue that I have spoken to SPS officers about on my many visits to Scotland's prisons—I have visited the majority of them in the six months since I became Cabinet Secretary for Justice and Home Affairs.

Those are the reasons for a changing and increasing prison population. I now want to address the actions that we have already taken and further action that we will need to take. We took action when it became clear that the GEOAmev contract was not working as it should be and was causing disruption to court efficiency and for the Scottish Prison Service. We did that by providing the SPS with additional flexibility to work with GEOAmev to support improved staff recruitment and retention to improve the situation. I am grateful to justice partners for working with the SPS to find solutions and for implementing practical changes that reduce the demands on GEOAmev.

To decrease the use of custody in appropriate cases in favour of more effective community-based alternatives, we have extended the presumption against short sentences from

sentences of three months to those of 12 months. That supports people to have a stable life, including staying in employment. To address the remand population, we have introduced electronic monitoring on bail and have invested £3.2 million this year to support bail assessment and bail supervision services as a direct alternative to remand. That has now supported the establishment of bail supervision services in 30 local authorities, with the final two to be established by the end of the year.

Since we introduced electronically monitored bail, in May 2022, more than 1,200 electronic monitoring bail orders have been granted, and around 375 individuals are currently being monitored. The 25 per cent increase in the use of electronic monitoring since last year is driven by bail and other court orders. Future development of the service will include exploring the use of GPS technology, which could change how people are monitored and support decision making in relation to, for example, individuals on home detention curfew.

The Bail and Release from Custody (Scotland) Act 2023 seeks to refocus remand so that it is reserved for those who pose a risk to public safety or the delivery of justice. It enables courts, when passing sentence, to take into account the time that an accused spends on electronically monitored bail in a way comparable to what they can do with time spent on remand.

We aim to commence those provisions by the end of this year. They will be a further tool for the independent judiciary when sentencing. In addition, investment in community justice is a key strand to a longer-term solution to the issue. We need to improve confidence in appropriate alternatives to imprisonment, because we know that they are effective and support people to avoid reoffending. We are, therefore, urgently planning increased support for people in relation to alternatives to remand, with a particular focus on mentoring and one-to-one support.

We also support the SPS in the actions that it takes to respond to the increase in number of people in its care, which include considering what can be done in the existing prison estate to safely accommodate additional prisoners and making further improvements to the process of progression to the open estate and our two new community custody units, to help prisoners better prepare for their eventual release and return to our communities.

We also remain committed to modernising and improving the prison estate to ensure that it is fit for purpose and supports the rehabilitation of offenders. We have provided an extra £29 million this year to support SPS to deliver a stable and secure prison system on top of the £97 million in

capital funding to continue the modernisation of the prison estate in order to better meet the needs of staff and prisoners.

Although we are taking action to deal with the immediate issue that is in front of us, I am also determined to develop longer-lasting and robust solutions that continue to put public safety and victims first. We have, therefore, established the prison population leadership group, comprising senior representatives from the justice sector and beyond, to identify long-term and short-term options to address the challenges and ensure a collective response.

I want a justice system that takes a whole-system approach, uses multiagency partnerships and has a clear focus on early and effective intervention, diversion and rehabilitative support. Prisons contain some of society's most vulnerable individuals. Around a quarter of the prison population have been in care and just under half are from our most deprived communities.

To bring about a reduction in the prison population, we must work together as a society to address the underlying causes for much of that offending. That includes tackling poverty, inequality and substance misuse as well as wider work to grow the economy, improve educational standards and reduce health inequalities. We must always ensure that we put victims at the heart of our decision making.

I will finish by paying tribute to all those who work in our prisons—SPS staff, national health service staff, social workers, educators, chaplains and many others. I have seen at first hand the extraordinary work that they do. I know that those who work in our prisons—particularly SPS staff—are working diligently to respond to the pressures that have been caused by the rising prison population.

I want to hear members' views today, and I will hear from justice spokespeople tomorrow. I believe that the situation requires cross-public sector and cross-party collaboration to be addressed. Scotland has demonstrated the ability to achieve significant justice reforms. We need to rise to the challenge of a rising prison population to deliver on our ambitions for a just, safe and resilient Scotland.

The Presiding Officer: The cabinet secretary will take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. I would be grateful if members who wish to put a question were to press their request-to-speak buttons now.

Russell Findlay (West Scotland) (Con): I thank the cabinet secretary for advance sight of today's statement. However, I find it astonishing

that it contains not a single mention of the impact of drugs on the prison population. Prison officers deal with violent and volatile prisoners who are under the influence of highly dangerous psychoactive substances, but the Scottish National Party Government dithered while jails were flooded with drug-soaked mail, which caused mass overdoses, some of which were fatal. The BBC has today reported that drones are increasingly being used to smuggle contraband, including weapons, into prisons. Staff are being terrorised by organised crime gangs and there have been at least 10 fire-bombings of vehicles. A senior Prison Officer Association Scotland official, who is also an SNP councillor, says that threats and intimidation are the worst he has seen in 30 years.

That is all relevant to the prison population. The SNP has allowed drugs to spiral out of control. Those who leave prison in the grip of addiction will almost certainly find their way back inside.

We know that the SNP cannot seek to undermine judicial independence by freeing dangerous criminals who are behind bars for good reason. If the Government is intent on reducing prisoner numbers, does it accept that tackling the drugs epidemic is of critical importance?

Angela Constance: Mr Findlay is, of course, correct to raise the impact of drugs. The harsh reality of an increase in the prison population is that it makes many issues that the SPS has to tackle all the harder day in, day out.

We know that the scale of the challenge of drugs in prisons often reflects what is happening in the community. When the Prison Service closes down one drugs route, it needs to be swift and alert because another will invariably open up. That is an on-going challenge.

The Prison Service works closely with Police Scotland. I am not going to go into a lot of detail about the more covert intelligence or security measures, but I would be happy to have a further discussion with Mr Findlay about that. I emphasise that the Scottish Prison Service and the Government treat the welfare and safety of prison officers and staff with the utmost seriousness. We know that, as a result of the criminal justice system doing what it should be doing, the system contains more people from a serious organised crime background. The Scottish Prison Service takes measures day in, day out to ensure the welfare and safety of its staff.

It is important to remember that, over and above disrupting the supply of drugs going into our prisons, we need to focus on treatment and recovery. I was pleased to see that, in her annual report, His Majesty's chief inspector of prisons for

Scotland paid tribute to the recovery work that is now being done in our prisons.

Katy Clark (West Scotland) (Lab): I thank the cabinet secretary for the update on the increasing prison population, and I note what she said about the extension of the presumption against short sentences and the ageing prison population. Does she believe that the prison population will continue to increase because of court backlogs and the increasing number of convictions for sexual offences? Will she share with us her projections for future prisoner numbers, and will she confirm that there will be no further delay in the modernisation of the prison estate, including at HMP Glasgow and HMP Highland, and the commencement of work at Greenock?

Angela Constance: Katy Clark is again correct to point to the issues in and around short sentences and the ageing population within our prison estate.

Projections were published during the summer months, and further projections will be published in November. Given the seriousness of the issue, which requires serious scrutiny and a serious, sober debate about the future and the way forward, I felt that it was imperative to share as much information with the committee and the Parliament as possible. The success that we have had with the court backlog is, indeed, adding to the prison population, but although it was anticipated that the remand population would fall as the sentenced population increased, that has not happened.

We are, indeed, utterly committed to the replacement of HMP Barlinnie with the new HMP Glasgow, and, over the summer, I visited HMP Inverness to discuss its plans in and around HMP Highland. For brevity, the member and I have corresponded a lot around HMP Greenock, which I also had the pleasure of visiting over the summer, and I have no doubt that we will continue to do so.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): What more can the Scottish Government do to harness technology to increase the use of electronic monitoring, particularly as an alternative to remand and short jail sentences?

Angela Constance: Electronic monitoring is a tried-and-tested feature of Scotland's justice system and a key tool to support moving on from prison or to use as an alternative to a custodial sentence. It supports reintegration and allows for swift responses from Police Scotland and other justice partners when any conditions are breached.

The member will know that we introduced electronic monitoring on bail last May and that that option has become more widely used. We are exploring GPS with partners and are considering

whether it might offer options around other forms of release that are currently available. Because electronic monitoring requires the development of further technology and the support mechanisms that underpin it, some of the work around it is not necessarily a short-term measure but is certainly one for the short-to-medium term.

Sharon Dowey (South Scotland) (Con): The recent rise in Scotland's prison population is due to more criminals being sentenced for more serious crimes, despite the SNP Government and others doing their best to empty Scotland's prisons through the presumption against short prison sentences, the under-25s sentencing guideline and the diversion of criminals from prosecution. Does that not confirm that the SNP's policies have removed the deterrent to commit crime and have allowed serious offending to spiral out of control?

Angela Constance: Oh, dearie me. The member is half right when she says that more serious offenders are spending longer in prison, which, indeed, indicates the effectiveness of our justice system. There is nothing soft, however, about having one of the highest prison populations in Europe, nor is that smart justice.

As I have indicated in great detail, both in my letter to the Criminal Justice Committee, which I hope the member has had an opportunity to read, and in my statement, we are seeing not just a rise in the number of long-term serious organised crime or sexual offending prisoners but an increase in the number of remand prisoners—that is, untried prisoners—which is at an historic high.

As I intimated in my statement, as of today, more than 300 people in our system are spending less than six months in prison. In some cases, that might be entirely appropriate—our judiciary is, of course, independent—but we must rise to the challenge of doing more to ensure, as I am determined to do, that we have more effective and visible community disposals that make our communities safer, and to increase confidence in and around that work.

Ivan McKee (Glasgow Provan) (SNP): The cabinet secretary will be aware that HMP Barlinnie, which is Scotland's largest prison, lies in my Glasgow Provan constituency. In my conversations with people who engage regularly with the prison, they have expressed concern that, in their words, many prisoners probably should not be there, and that treatment for addiction, poor mental health or other root causes would be a more effective use of the significant public funds that are currently spent on incarceration. What data does the cabinet secretary have on reoffending rates? Does that data show that more successful outcomes, with lower re-offending rates, are achieved by non-custodial sentences than by custodial sentences?

Angela Constance: I will always stress that prison is necessary for those people who pose a risk of serious harm. However, it is important to recognise that the reconviction rate for individuals who are given a community payback order is consistently lower than that for individuals who are given short sentences.

The latest statistics show a reconviction rate of 25 per cent for those on a community payback order, but the rate nearly doubles to 47 per cent for those who are given a custodial sentence of one year or less.

It is clear that people in custody often present with higher levels of risk and vulnerability than the general population as a whole. They often have complex health needs, including mental health issues, and a history of being looked after. We are working with our key partners to improve the health and wellbeing of the people who are in our care in prisons. I am determined that we will have safe, effective and person-centred care. Of course, there is our national mission on drugs to improve the lives of those who are impacted by drugs, which is not just for people in the community but for people who are imprisoned.

Claire Baker (Mid Scotland and Fife) (Lab): Although there has been a welcome investment in the estate in Stirling and the opening of the Bella centre in Dundee and other centres, we are seeing a worrying increase in the number of women who are being held on remand. Will the cabinet secretary expand on what she thinks the reasons for that are and how we will address it?

Angela Constance: The reasons for women being held on remand are complex. Part of the Bail and Release from Custody (Scotland) Act 2023, which was passed before recess, will result in the gathering of more data in and around that. If I look at statistics on the prison population this week, I see that 28 or 29 per cent of the male population is on remand, whereas, for women, the proportion is 34 per cent, and it is as high as 37 per cent some weeks.

We have achieved much in improving the women's estate and in moving forward with trauma-informed approaches. I am determined that we will do more for all groups of prisoners, particularly women, through community alternatives.

The reasons for women being held on remand are complex and, ultimately, a matter for the court, but we are committed to providing robust alternatives to manage the higher levels of risk and vulnerability and to furnishing more data-driven evidence on that.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Has the cabinet secretary considered whether any measures that have been

introduced in England would be appropriate options for Scotland? For example, I understand that, since March, sentencing guidance on the relevance of prison overcrowding should be taken into account for shorter sentences. What impact does she believe the strategy for community justice is having in reducing the prison population and reoffending?

Angela Constance: What we know is that the strategy for community justice and the underpinning delivery plan is having an impact. More people are taking part in community justice disposals, but we see in our daily prison population that more people are being imprisoned.

On measures that are used elsewhere in the United Kingdom, it is important to stress to members that there is a four-nations, UK-wide dialogue on the issue. We want to share information about our shared challenges and look at the different solutions that are being deployed in different jurisdictions, whether in the UK or elsewhere in Europe. I can confirm that we have no plans to use police cells, for example, as additional capacity for prisons. Before taking any such step, I would have to carefully consider the practical and feasible impact of that.

Part of the purpose of bringing together the prison population leadership group is to really focus. We have been here before, as a Government, a Parliament and a country, with significant rises in our prison population. Instead of considering any measure in isolation, we need to expand on the whole-system approach and get the right solutions for now and for the future.

Liam McArthur (Orkney Islands) (LD): The cabinet secretary is right that the reasons for the shockingly high numbers in Scotland's prisons are complex, but they are not new, and His Majesty's Inspectorate of Prisons for Scotland has been warning of the implications for some decades now. Recent data suggested that, in the adult male prison estate, every prison is at or over capacity, with the exception of Castle Huntly—the Scottish Prison Service's low-security open estate prison—which is operating at half capacity. The prison inspectorate has highlighted the institution as being inspiring and a flagship establishment but severely underused. What can the cabinet secretary do to ensure that the institution is better utilised to improve rehabilitation and ease some of the strain across the prison estate?

Angela Constance: Mr McArthur is correct in pointing to the recent report and, indeed, to previous reports by the chief inspector of prisons. Although she praises the good work that has been done, she also makes a clarion call for a collective response. We need a strategy to tackle the issue of prisoner numbers being beyond capacity. We must also learn from our success in tackling the

previously high numbers of women and young people in custody and apply that learning to the male estate.

Mr McArthur is correct in saying that 10 out of 17 establishments are over capacity, which is something that I put on public record in response to a question from him. We must tackle the historically high number of prisoners on remand, which will help us to address some of the issues about progression. There are other actions that we will have to take to ensure better progression. It is absolutely correct to say that we must maximise the use of world-leading, excellent facilities, including the community custodial units for women and Castle Huntly.

The Presiding Officer: I am keen to get in all the members who have requested a question and would be grateful if we could pick up the pace.

Ruth Maguire (Cunninghame South) (SNP): Many offenders absolutely should be in jail. However, we know that family relationships, housing and work are all affected by short sentences and that that can increase the risk of reoffending. What has the Scottish Government done to encourage more community justice sentencing to help people sustain their family relationships and employment?

Angela Constance: We know that using community-based interventions and sentences rather than short-term custodial sentences can help to ensure that justice is served and can be more effective in reducing reoffending and assisting rehabilitation, leading to fewer victims and safer communities, which is what we all want to see. That is why we extended the presumption against short-term sentences and it is why we have protected, and continue to invest in, the community justice services budget.

I am determined to do more to bolster capacity in community justice and to strengthen alternatives to remand. I will also look at other potential actions, such as the wider use of structured deferred sentences and investment in the services that would underpin that.

As I said to other members, I am actively exploring ways to invest more in, and to do more with, community justice.

Maggie Chapman (North East Scotland) (Green): I thank the cabinet secretary for her statement, which highlights how important it is to ensure that the community justice strategy works and that it reduces both the prison population and reoffending. Will she outline what more we can do to implement the actions in that strategy? Specifically, how can we ensure that vulnerable people—such as those who are themselves victims or survivors, and those with poor mental health or with addiction issues—are not

unnecessarily incarcerated and criminalised but are supported through the use of community and/or restorative justice?

Angela Constance: A range of community sentences and other interventions are available to decision makers in our justice system and can be used as alternatives to custody. I am also open to further improvements that could encourage the wider use of community sentencing and other interventions. The national strategy for community justice, along with the delivery plan, sets out a range of actions to improve the delivery and effectiveness of community justice.

Our current work includes ensuring the availability of bail supervision services and increasing the knowledge and awareness of other interventions, such as restorative justice. We also remain committed to developing restorative justice services that are safe, consistent and of a high standard nationally, while also being person centred and reflecting local needs and circumstances.

John Mason (Glasgow Shettleston) (SNP): The cabinet secretary said in her statement that around a quarter of the prison population have been in care and that just under half come from our most deprived communities. In other words, they are very vulnerable individuals. Is that inevitable, or does she think that it can be changed?

Angela Constance: I think that it should be changed. I do not think we should ever throw in the towel and think that anything is inevitable. This is, first and foremost, about the safety of our communities, and if we have the courage to engage in that debate to improve community safety, we have to improve reintegration and rehabilitation.

I point the member to the success that we have had in drastically decreasing the number of young people in, for example, HMP Polmont. That is a good example of where we have had the courage and the consistency to take a whole-system approach, and it has achieved better outcomes for young people and for communities. We now need to scale that up and do it with a much larger, more complex population.

Annie Wells (Glasgow) (Con): If judges decide that more criminals need to go to prison, that is where they should be, yet this SNP Government has failed to build replacement prisons to cope with the rise in violent and sexual offenders. Barlinnie's replacement has reportedly quadrupled in cost and is likely to be a year late. Can the cabinet secretary confirm that it will be built on time? Can she also confirm whether the proposed capacity of the prison could fit Barlinnie's current population?

Angela Constance: Let me be crystal clear. Someone does not have to be an economist or a master builder to know the impact of the severe constraints that the construction industry is under in terms of labour costs and the supply of labour as a result of Brexit, or indeed to know that the price of concrete has gone up by 87 per cent, never mind the price of steel.

I am on the record as saying that I am absolutely committed to a replacement for HMP Barlinnie—the new HMP Glasgow, which will of course be developed with the best of practice in mind. Once the design plans are finalised, we will have a much better and more accurate estimate of both costs and timescales, but it is a journey that we are determined to pursue.

Stephen Kerr (Central Scotland) (Con): It was the cabinet secretary who used the phrase “throw in the towel”, so let us talk about community payback orders. It is typical of the SNP's soft-touch approach to justice that ministers have a track record of discounting the backlogged hours of unpaid work. At the end of 2022, there were 700,000 hours of backlogged unpaid work. What is the backlog now? What will the cabinet secretary do about it?

Angela Constance: It is important to recognise the dedication and the importance of the work of community justice service staff, including justice social work services. The work that they do is incredibly important in the same way as the work of those working within our prisons. It is also important to recognise that community payback orders have a 74 per cent completion rate. I have already said—

Stephen Kerr: Seventy-four?

Angela Constance: A 74 per cent completion rate.

The Presiding Officer: Mr Kerr.

Angela Constance: I have already said in the chamber on a number of occasions that the reconviction rate for community disposals is much lower than that for short-term sentences.

Stephen Kerr: What is the backlog?

Angela Constance: Let us dump the rhetoric on soft justice, let us focus on substance and let us focus—collectively, I hope—on smart justice. I will, of course, write to the member.

The Presiding Officer: Thank you, cabinet secretary. Mr Kerr, you will appreciate that you should not contribute from your seat. Thank you.

That concludes the ministerial statement on Scotland's prison population. I will allow the front benches a moment or two to organise themselves for the next item of business.

Scottish Parliament Powers

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-10703, in the name of Jamie Hepburn, on protection of Scottish Parliament powers. Members who wish to participate in the debate should press their request-to-speak buttons now or as soon as possible.

I call Jamie Hepburn to speak to and move the motion. Minister, you have around 13 minutes.

14:54

The Minister for Independence (Jamie Hepburn): This debate fulfils a commitment that I made during a members' business debate on a similar range of concerns, which Keith Brown brought before the Parliament. I said that we would bring forward a debate in Government time. I am glad to see that we can expect greater participation by Labour and Liberal Democrat members in this debate than there was in Mr Brown's debate. In that regard, although I make it clear—it will not be a surprise—that the Government's perspective is that the people of Scotland would be best served by independence, under the current constitutional arrangements there is little to disagree with in Neil Bibby's amendment, which we will support. We will oppose Donald Cameron's amendment.

Today's debate goes to the heart of why, back in 1997, the people of Scotland voted so overwhelmingly to set up a Scottish Parliament. They did so in the face of fierce opposition from the Conservative Party. That opposition was predictable, because it was the reality of unelected Westminster Conservative Governments that drove, in large part, the devolution movement. People were sick of decisions being taken by Tory Governments that were rejected time and again by voters in Scotland.

That democratic imperative led to the establishment of this Parliament. People believed that decisions about Scotland should be taken in Scotland. Although there were, and are, differences between the other parties about the final destination of that home rule journey, the Parliament has narrowed, if not entirely eliminated, the democratic deficit.

As well as that strong sense of democratic renewal, there were practical policy reasons that led to the reconvening of the Scottish Parliament. The scandal of the poll tax was probably one of the worst examples of the imposition of policy against the wishes of the majority of the people who live in Scotland.

Since the establishment of the Parliament, there have been real gains, which have often commanded cross-party support. However, today, the Tories are intent on rolling back the gains of devolution—taking back to Westminster the control of policy and widening the democratic deficit once again.

The Conservatives have just six MPs in Scotland but, too often, they behave as if they can ignore and override our democracy. Alister Jack uses his position as Secretary of State for Scotland to act as some kind of on-high governor-general telling the elected Government and elected Parliament of Scotland what is or is not acceptable to him.

The Scottish Government has set out several ways in which the United Kingdom Government's actions have constrained and undermined devolution. Those include reducing the effective powers of the Scottish Parliament through the United Kingdom Internal Market Act 2020; giving powers to UK ministers to intervene directly in matters that are within devolved responsibilities; undermining the Sewel convention; for the first time, blocking legislation on devolved matters that has been passed by the Scottish Parliament; putting at risk European Union laws on environmental protection, food standards and other devolved matters; and taking a direct role in devolved policy and decisions on public spending on devolved matters, bypassing the Scottish Parliament. Evidence on all of those is set out in detail in the Scottish Government's paper "Devolution since the Brexit referendum" and in our evidence to Scottish Parliament committees.

Since the publication of that paper, there have been further developments on two of those issues, which I will explore in more detail in my remarks. The first is the UK Government's continued erosion of the Sewel convention, culminating in its approach to the Energy Bill, which stands that convention on its head.

The second issue—the focus of the Government motion—is the emerging implications of the internal market act and its wide-ranging practical constraints on the ability of this Parliament to pursue policy objectives and implement the choices of the people of Scotland.

In highlighting those two areas, I do not want to underplay the other threats to devolution that we have set out. For example, we can all see the risks in the so-called "levelling-up agenda", which attempts to give UK ministers a role in setting priorities and targets for devolved matters such as health and education. That strikes at the very purpose of devolution.

Similarly, the direct spending of money in devolved areas by UK ministers bypasses this

Parliament, risks an incoherent approach to policy and removes clear accountability for public spending decisions on devolved areas in Scotland.

Martin Whitfield (South Scotland) (Lab): Will the minister give way?

Jamie Hepburn: Yes—briefly.

Martin Whitfield: Much of what the minister has said carries resonance, but have the past 16 years not also been a missed opportunity for the Scottish Government to devolve power to local authorities, to bring it even closer to the people that we all serve?

Jamie Hepburn: The actions and the role of local government are of critical importance to the people who live in our communities. In that regard, we place the highest importance on our relationship with local government, as set out in the Verity house agreement, and we will continue to take forward that partnership working.

I return to the motion before us and today's debate. With regard to the Sewel convention, members will be well aware that, since 2018, the UK Government has repeatedly chosen to ignore or override the views of this Parliament, and those of the Welsh Senedd, when they became an inconvenience to it. The UK Government has now breached the Sewel convention 11 times and, sadly, we can confidently expect the current UK Government to do so again.

Most recently, the UK Government has taken that approach further. During our negotiations on the Energy Bill, UK Government ministers indicated that the amendments that they offered were conditional on Scottish ministers recommending that the Scottish Parliament give consent to all relevant provisions in the bill. If the Scottish Government did not recommend consent, the amendments would not be lodged or would be withdrawn.

That approach effectively reverses the Sewel convention. The UK Government should respect the views of this Parliament and should promote amendments to reflect those views. Instead, it is threatening to revert to a form of the bill that is even less acceptable to the Scottish Government, and to this Parliament, unless there is a recommendation for consent. The Scottish Government has made it clear that such a negotiation tactic is unacceptable. It is tantamount to blackmail and incompatible with good-faith negotiation on important topics.

As I have clearly illustrated with regard to the hollowed-out shell that is the Sewel convention, instead of the need for legislative consent protecting the interests of this Parliament, the threat of proceeding without consent has become a weapon for the UK Government. Those

concerns are coming not just from the Scottish Government. Mark Drakeford said:

“When it became inconvenient for the UK Government to observe Sewel, they just went ahead and rode roughshod through it.”

With regard to the Energy Bill, because we need certain provisions to further our net zero ambitions, we have, in effect, been forced to recommend consent to a bill that does not respect the devolution settlement. Other amendments that the Scottish Government requested have been rejected by the UK Government. The UK Government has refused to include statutory consent mechanisms for the Scottish Government in all but a very small number of clauses. Those amendments would have improved the impact of the bill, and would have fully respected devolved competence. That “Sign, or else” approach to devolution is not what people voted for in the referendum 26 years ago.

I turn to the main thrust of today's debate: the UK Internal Market Act 2020, which illustrates all the actions that the UK Government has taken to undermine devolution. The 2020 act was passed after both this Parliament and the Welsh Senedd explicitly withheld legislative consent, despite its significant effect on devolved matters, after a minimal consultation period of just four weeks over summer 2020. If the Sewel convention can simply be ignored for legislation of such significance, that convention is clearly of little or no value in protecting Scotland's democratic self-government.

Secondly, the 2020 act gives UK ministers powers, in effect, to change the devolution settlement unilaterally through secondary legislation at Westminster. UK ministers—and only UK ministers—can grant or refuse exclusions to the 2020 act, undermining legislation that is passed in this chamber. They can also decide to include or exclude whole sectors from the act, which means that areas such as health services, social services and water services can join the already long list of devolved policy areas that are at risk from the act.

No member of this Parliament should be comfortable with the thought that, with the mere stroke of a pen, UK Government ministers could open up our health service, or our water and sewerage, to the blunt market-access provisions of the 2020 act, and that we could do nothing to stop them from creating a hit list of public services that they wanted to target.

Thirdly, the 2020 act, like the levelling-up agenda, gives UK ministers a tool to dictate policy in devolved areas to this Parliament. We have already seen that with the deposit return scheme, which is wholly within devolved competency. The UK Government, at the eleventh hour, disregarded the agreed process and refused an exclusion from

the 2020 act for our Scottish scheme, without providing any evidence for its decision, while we are asked to provide significant amounts of evidence throughout the process.

The UK Government was prepared to allow a scheme to proceed only if it reflected that Government's policy for England—which does not even exist yet—and not the policy that was decided democratically in this Parliament for Scotland. We now find ourselves totally dependent on progress by the UK Government in England to implement a deposit return scheme without glass, despite the UK Government's own evidence showing that aspect to be economically and environmentally beneficial to such a scheme, with which Scotland must align.

The potential problems with the 2020 act were obvious from the outset, but now it is starting to have practical effects in undermining and constraining devolved policy for Scotland. There is the issue of animal welfare, for example. We are taking steps to ban the use of cruel glue traps in Scotland, but, to end the use of those devices effectively, we need to ban their sale. Again, without an exclusion, we cannot do that effectively because of the 2020 act and, again, we are dependent on UK ministers' agreement for us to implement effective policy in a wholly devolved policy area.

The 2020 act also creates new uncertainty about Scotland's ability to legislate effectively in other areas where action is being considered. For example, in the area of public health, we have control of vapes—whether banning the sale of single-use vapes to protect our environment or exploring possible restrictions on vape flavouring and packaging to better protect the health of our young people. Other examples include the review of the minimum unit price of alcohol and other measures to control the marketing of alcohol, and environmental measures such as banning the sale of horticultural peat and introducing charges for single-use disposable cups. All of those might be affected by the 2020 act, which, crucially, empowers UK ministers to undermine this Parliament's legislation.

Nor should we forget the other effect of the 2020 act. Just as we may not be able to fully implement decisions and matters within our responsibilities for Scotland, neither can we prevent decisions that are made by the UK Government for England from having an effect here. We have already seen that in the UK Government's Genetic Technology (Precision Breeding) Act 2023, which removes gene-edited products from the scope of genetically modified organisms regulations in England. Despite that legislation not applying in Scotland, the 2020 act could allow gene-edited food and feed products coming from England to be sold in

Scotland, unlabelled and unauthorised. If the UK Government relaxes other regulations on food standards or labelling, there is, again, nothing—not a thing—that this Parliament can do to prevent the relevant products being placed on the market here, despite different standards being set in Scotland.

As well as those direct effects, the 2020 act continues to undermine the common framework approach that has been agreed between the Governments of the UK. The Scottish Government has been an active partner with other Governments through common frameworks, and we have all agreed to manage some of the practical regulatory effects of Brexit in a manner that respects devolution and the democratic accountability of this Parliament. The Scottish Government continues to believe that the common framework process can provide a forum in which Governments can work together on matters of regulatory divergence, with principles of equality and respect. However, that relies on a system of working with mutual respect.

The 2020 act, in both its creation and its content, shows no such value. It radically constrains the powers of this Parliament, creates a massive power imbalance between the UK Government and devolved Governments, gives UK ministers exclusive powers to intervene in the policies of this Parliament and change our very powers, all without agreement or consent. The 2020 act is hostile to Scottish democracy; it is causing practical damage and it needs to go. Therefore, I commend the motion in my name to all members and ask them to vote for it at decision time.

I move,

That the Parliament notes that both the Scottish Parliament and the Welsh Parliament refused to give consent to the Internal Market Act because of concerns over its potential to undermine democratic decisions of the devolved legislatures; agrees that those fears have been realised to the detriment of the people of Scotland, and that the devolution settlement has been fundamentally rolled back by the Act, and calls for the repeal of the Internal Market Act and for the UK Government to stop taking back control to the UK Parliament of policy decisions that should be made in Scotland.

15:08

Donald Cameron (Highlands and Islands) (Con): Our constituents elect us to this chamber to discuss, debate and scrutinise legislation and to assist them with their problems, whether they be ordinary or exceptional. Fundamentally, we are here to improve the lives of the people we represent.

Today, sadly, we do none of that. Instead, we stand here today debating one of the Scottish

National Party Government's favourite fantasies, namely that the powers of this Parliament are in peril and are being undermined by the UK Government. I know that the real reason for this debate is to distract attention from the current travails of the SNP. Plainly, all is not happy in its ranks. It is a divided, fragmented party, so it is doing anything to deflect.

Of course, as has been mentioned, we already had a debate on this subject in May, in a members' business debate led by Keith Brown. That was not a particularly enlightening debate, but it contained a vast amount of hyperbole. We heard that Holyrood is

"under attack"

and that some

"within these walls ... are complicit in that attack".

One SNP MSP said that we are being

"subsumed back into the pre-devolution years",

and another accused the UK Government of deploying

"dictatorial tactics".—[*Official Report*, 30 May 2023; c 79, 85, 92.]

I am afraid that nothing that we have heard from the minister today deflects from that.

Jamie Hepburn: Would Donald Cameron not recognise that what I set out on the UK Energy Bill was precisely that—it was a take-it-or leave-it approach? The UK Government is dictating to the democratically elected Scottish Government and this Parliament that it is "my way or the highway".

Donald Cameron: I will come to that in a moment.

The arguments that we have just heard are not rational; that was just empty rhetoric from the minister. Let me state some hard truths to him.

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

Donald Cameron: No—I will not. I want to make some progress.

As the Scottish Conservatives' amendment states,

"the UK Government is investing directly in Scotland and is working with local authorities and other partners to enable people across Scotland to benefit".

Poll after poll reveals one basic, simple point: people want the Scottish Government

"to work collaboratively and constructively with the UK Government".

They like positive joint working. They also like programmes such as the city and growth deals and the green freeports.

The fact is that devolution is stronger than it ever has been—not least because the UK Government delivered powers to the Scottish Parliament in the Scotland Act 2016. Indeed, this Parliament is one of the most powerful devolved legislatures in the world. It is not the fault of the UK Government that, after 15 long years in power, the SNP has run out of ideas and is unable to make full use of the suite of powers that this Parliament possesses.

The Scottish Government's motion returns to the debate over the United Kingdom Internal Market Act 2020. Let me talk about common frameworks. The act does not undermine common frameworks: they are working and have been agreed. The UK Parliament passed that act without a legislative consent motion in order to protect Scotland's trade with the rest of the United Kingdom. Some 60 per cent of Scotland's trade is with the rest of the UK, and more than half a million Scottish jobs rely on it.

Let us remember that the Scottish Government tried to argue that there is no such thing as the UK internal market. The 2020 act properly seeks to address the tension between open trade and regulatory divergence. It creates two market access principles: the mutual recognition principle and the non-discrimination principle. Without those, businesses could suffer. In evidence to the Constitution, Europe, External Affairs and Culture Committee, both NFU Scotland and Confederation of British Industry Scotland spoke of the internal market's importance precisely because the UK is a highly integrated market and it is imperative that we maintain the

"free movement of goods and services produced to the same ... regulatory standards".

Let me touch on a few other issues, including section 35 of the Scotland Act 1998 and the Sewel convention.

Martin Whitfield: Will the member give way?

Donald Cameron: Very briefly.

Martin Whitfield: I inquire about Donald Cameron's view of the value of legislative consent motions. Should they be sought by the Westminster Government? If, for whatever reason, this Parliament chooses not to grant them, should the Westminster Government give an explanation of any exceptional circumstance that would enable it to proceed?

The Deputy Presiding Officer: Mr Cameron, I can give you time back for interventions.

Donald Cameron: I totally believe in the need for a legislative consent mechanism, but I do not think that the specifics require an explanation from the UK Government—that is not necessarily advisable. After all, under the Scotland Act 1998, it

is permissible for the UK Government to legislate in devolved areas. That is a matter of law and it is a founding principle of this Parliament. We have the Sewel convention to enable the UK Parliament to legislate in devolved areas where necessary. I will come back to Sewel in a moment.

Jamie Hepburn: Will the member take an intervention?

Donald Cameron: No—I am sorry; I do not have time. I have already gone through that.

Let me touch on a few other issues. Section 35 of the Scotland Act 1998 is frequently mentioned as representing an attack on devolution. As I have said on numerous occasions, section 35 is intrinsic to the 1998 act. It is part and parcel of the devolution settlement and it is not a new clause or concept. It was explicitly included in the 1998 act by the founders of devolution: the Labour Administration of the day. Fundamentally, it is risible to argue that the powers of this Parliament should be undermined for the use of section 35, which was included in the founding text of devolution.

I turn to the Sewel convention.

Clare Adamson: Will the member take an intervention?

Donald Cameron: I will in a second.

Every member of the Constitution, Europe, External Affairs and Culture Committee has acknowledged that the Sewel convention is under strain. However, it is simply not the case that it is on the point of collapse.

Jamie Hepburn: Will the member take an intervention?

Donald Cameron: I will in a moment. I will just finish this point.

As I have previously noted, we regularly pass legislative consent motions in the Parliament without a division. A legislative consent motion on the Energy Bill will be considered tomorrow. The Scottish Government is recommending consent. On characterising that as blackmail, I suggest to the minister that there are always discussions about those things at ministerial and official level.

The Scottish Government has to share some of the blame. What about the times when the Scottish Government has spuriously claimed that devolved competence is engaged when, on any reasonable view, it has not been?

The Deputy Presiding Officer: Will you resume your seat for a second, Mr Cameron?

Minister, you know as well as I do that it is up to members whether to take interventions. Okay? You have made clear your desire to intervene, and

Mr Cameron has made it clear that he wishes to proceed with his point. It is up to him if he wants to take an intervention at a later stage.

Please resume, Mr Cameron. You will get the time back.

Donald Cameron: Thank you, Deputy Presiding Officer.

What about the times when the Scottish Government has brought ludicrous arguments about not consenting? I refer to the Environment Bill memorandum, for example. In 2021 alone, the Scottish Parliament gave consent to eight bills, and there are numbers of instances when the Parliament consented to what might be called Brexit or post-Brexit legislation on fisheries and farming.

Jamie Hepburn: Does Mr Cameron think that it is peculiar when he says that the Sewel convention is being used normally? In the period from when the Parliament was convened to 2018, there was only one instance—which was apparently inadvertent—when the Sewel convention was ignored. However, there have been nine instances since that period. That hardly seems to be a normal set of circumstances.

Donald Cameron: As I have just said, in 2021 alone, the Scottish Government consented to eight bills.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Will the member give way?

Donald Cameron: No, I will not.

The Sewel convention is working. To characterise it as at risk or collapsing is ludicrous. Week in, week out, we consent to Westminster legislation.

I return briefly to the issue of levelling up. Again, we have heard a few attacks on that. I have said before and I say again that at no point in the decades in which we were a member of the EU did the SNP ever complain about the EU injecting funds into local communities. However, now that the UK Government is doing the same, the SNP feigns outrage. The UK Government's ability to directly invest in devolved policy areas is part and parcel of devolution. Such investment happens in Germany, Canada and Australia. If it is commonplace in those countries, why is Scotland the exception? Why is it positive for the German Government to invest in policy areas overseen by the Länder, but somehow negative for the UK Government to do so in Scotland, Wales and Northern Ireland? I am talking about a ferry for the Fair Isle and £140 million announced this week for seven Scottish towns—£20 million each for Clydebank, Coatbridge, Dumfries, Elgin, Irvine, Greenock and Kilmarnock. Money is being provided to the relevant local authority where the

UK Government intends to work with it and the Scottish Government. That is the latest in a long line of projects that have created jobs and rejuvenated parts of Scotland that have been forgotten about and overlooked by the SNP. Some £2.4 billion has been invested by the UK Government, but the SNP objects.

Yet again, we are failing to debate the important issues that people in Scotland care about. The constitution is far down the list of the Scottish people's priorities, but the SNP cannot find anything else to talk about. It could have come to the chamber to talk about ferries and to say why the two vessels that are sitting in a dockyard on the Clyde are another £24 million over budget. It could have come to the chamber to talk about why councils are being forced to cut vital public services. It could have come to the chamber to come clean about reinstating its cut to Creative Scotland's budget of £6.6 million. However, week after week, month after month and year after year, it is all about the constitution, more grievance and more pandering to the nationalist base.

We will use our debate time to focus on Scotland's real priorities.

I move amendment S6M-10703.1, to leave out from "notes" to end and insert:

"recognises that the UK Government is investing directly in Scotland and is working with local authorities and other partners to enable people across Scotland to benefit from this investment; urges the Scottish National Party administration in cooperation with the Scottish Green Party to work collaboratively and constructively with the UK Government, as demonstrated by positive joint working on programmes, such as growing the Scottish economy through the City and Growth Deals and Green Freeports, and believes that the Scottish Parliament should focus its time on addressing the issues that matter most to people in Scotland in their day-to-day lives."

The Deputy Presiding Officer: I appreciate that we are going to have some excitable debate at times, but there is a bit of time in hand to take interventions, so contributions should be made as interventions and not as sedentary heckling.

15:19

Neil Bibby (West Scotland) (Lab): I am grateful for the opportunity to contribute to the debate. After a number of turbulent years for devolution, I will start with a point of general agreement with the Scottish Government and the topic of the debate. Following Brexit, the UK Conservative Government has—regrettably—unleashed a particularly crude understanding of the role of devolution in the UK. These years have been characterised by unrest, disrespect and uncertainty.

The aim and ambition of devolution, as enacted in 1998 by the then Labour Government, has been

consistently undermined by the current UK Government's actions and attitudes. Far from showing respect for and appreciation of the diversity and difference of our UK nations, the Conservative Government has sought to constrain and attack not just the powers of this place but the authority of the devolved institutions as a whole.

Stephen Kerr (Central Scotland) (Con): Will the member give way?

Neil Bibby: No—I would like to make progress.

The UK Government's approach has taken a number of forms. We can point to the legislation that it has passed irrespective of this Parliament withholding consent—as the Scottish Government's motion correctly notes, the Conservatives passed the UK Internal Market Act 2020 even though the Scottish Parliament and the Welsh Senedd withheld consent. Members will recall that my party—the Labour Party—voted against that legislation here in Scotland and in Wales. We also opposed it at Westminster—that makes it all three Parliaments—because of the implications for devolution and concern about the market access principles.

We recognise the economic and wider importance of maintaining consistent standards and safeguards across the United Kingdom, but the Conservative Government's approach to that is deeply flawed. We are clear that maintaining free trade across the UK is critical to Scotland's national interest. I know that the SNP and the Greens might be slightly less concerned about that than we are, but it is crucial to our businesses, our workers and Scottish consumers.

Donald Cameron mentioned statistics. According to the Scottish Government's figures, in 2020, 62 per cent of Scotland's exports went to the rest of the UK and 67 per cent of Scotland's imports came from the rest of the UK. We trade far more with the rest of the UK than we do with the rest of the world combined—basically twice as much.

Jamie Hepburn: I reassure Mr Bibby that the SNP and the Scottish Government recognise the need for free trade with the rest of the UK under the current constitutional arrangements and in the context of independence. Does he recognise—I hope that he does—that the process for negotiating such matters in the current context should involve equal respect with joint input, rather than imposition by the UK Government?

The Deputy Presiding Officer: I can give Neil Bibby the time back for that intervention.

Neil Bibby: I generally agree with what the Minister for Independence said. I will come on to talk about Labour's proposals, and I welcome the minister's recognition of the importance of

economic trade across the UK, which I very much agree with.

Given the statistics that I mentioned, it is little wonder and is unsurprising that economic modelling has suggested that increased regulatory barriers between the four home nations would have a negative effect on gross domestic product.

In maintaining standards and protecting free trade across the UK, we must ensure that there are effective agreed frameworks to protect devolution. We must manage the tensions between open trade and regulatory divergence without undermining the devolution settlement. That is not easy to achieve, but that is our approach and what our amendment sets out. That is also why we did not believe that it was right, without a proper voice for devolved Governments, to impose the rule that the lowest regulatory standard under one Administration must be the standard for all.

The interests of the people of Scotland are best served when the Scottish and UK Governments work together in co-operation with other devolved Administrations in the UK. However, for far too long, we have—unfortunately—seen conflict ahead of co-operation. That must change; we need effective and grown-up intergovernmental relations now and into the future that are not dogged by nationalist grievance or muscular unionism.

Labour members have been clear that, if Labour has the privilege of forming the next UK Government, we want to create better working relationships between the UK Government and all devolved Governments and Administrations.

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): Will Neil Bibby take the opportunity to confirm that, were there to be an incoming Labour Government, the Sewel convention would be incorporated on a statutory basis? Yes or no?

Neil Bibby: Proposals on that are set out in the report of the commission on the UK's future and we are carefully considering whether to take that forward. Obviously, the manifesto process is still to be set.

I hope that, at the next general election, Scotland will play its part in making that change possible, so that there can be a reset in relations and this disastrous chapter of Tory misrule is brought to an end.

Today's debate is about defending this Parliament's powers, and we are committed to doing just that.

Stephen Kerr: It is great to listen to all those lovely words—it is like a word salad—but it does not add up to much. I have not heard anything that

Labour is proposing to do that would create all the nice things that Neil Bibby is talking about. What exactly would Labour do? At the minute, it does not seem to be prepared to say or do anything.

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

Neil Bibby: As I think I have set out, we want to maintain free trade across the UK and we want to respect the devolution settlement through effective agreed frameworks to take that forward. That is the road that we will go down if we are fortunate enough to be elected.

The next UK Labour Government will transform the UK, with the biggest transfer of power out of Westminster, and deliver economic, democratic and social renewal across the nations and regions. Labour will replace the outdated House of Lords with an elected second chamber. The new chamber will have representation from across the nations and regions, including Scotland, and a specific role in protecting the devolution settlement.

A UK Labour Government will prioritise co-operation over conflict and ensure that Scotland's view is properly represented in UK institutions. An example of that is our proposed new industrial strategy council.

Alasdair Allan: Will the member give way?

Neil Bibby: I am sorry, but I have taken quite a few interventions and I want to make some progress.

However, we do not need change only at a UK level; we need it here, in Scotland, too. Yes, we have a Conservative UK Government that has no respect for this Parliament, having so casually undermined and disregarded the significance and value of it, but we also have an SNP-Green Scottish Government that too often hides behind the recklessness of the Tories to avoid criticism and accountability. That Scottish Government too often has its own lack of respect for the powers of this Parliament, which is demonstrated by ministers bypassing statements that should be made in this chamber and by the Government ignoring votes in this chamber.

This debate is certainly not the big event of Scottish politics this week; that will be the Rutherglen and Hamilton West by-election on Thursday. I have been in the constituency a lot, listening to the priorities of local residents and speaking to the people in that constituency, as well as those in my region. It is fair to say that, despite the merits of this debate, the United Kingdom Internal Market Act 2020 is not the issue that everyone is talking about. In fact, to the extent that the issue of the powers of this Parliament is coming up, people are not protesting about what

Scotland cannot do; they are asking what the Scottish Government is doing with the extensive powers of this Parliament.

Powers should not be sought for their own sake. Scotland today, after 16 years of SNP rule, is stagnating, our ambition is chained and our people are held back. On almost all measures of success, this Government is failing, betraying the powers that it has to achieve better ends. We have children who are missing out on education as school staff take strike action. We have councils that are forced to make impossible decisions because of underfunding, and the Government is showing them disrespect. More and more of the one in seven Scots on the NHS waiting list is having to go private, and islanders are just looking for some ferries. In addition, as has already been mentioned, the Government has hung the creative sector out to dry by breaking its promises on funding.

The Labour Party, which legislated for and delivered devolution, will defend, protect and enhance it if we have the opportunity to serve, but we also want to use the powers of this place to help to deliver the changes that people in Scotland need.

I move amendment S6M-10703.3, to insert at end:

“; agrees that the people of Scotland are best served by both the UK and Scottish governments working together cooperatively, and calls on the UK Government to develop a more consensual means of preserving common standards and safeguards across the UK that does not undermine devolution in any part of the UK.”

15:28

Willie Rennie (North East Fife) (LD): An old SNP press officer was fond of saying that Lib Dem press releases were a boomerang, designed to attack opponents but walloping the critic right back on the nose. Today's motion is by its very definition a boomerang motion.

Many of the arguments about the criticism of the Conservative Government and its treatment of the Scottish Parliament have already been rehearsed today, and I agree with many of them.

I am in favour of a federal solution for the United Kingdom; I want proportional representation; I want a written constitution; and I also want the abolition of the House of Lords. However, it is really depressing that we cannot get two mature Governments just to work together to sort out these problems.

Jamie Hepburn: Will the member give way?

Willie Rennie: No, not just now.

This is the Scottish Parliament, and we are here to hold the Scottish Government to account for its actions.

Jamie Hepburn: Will the member give way?

Willie Rennie: No.

On 19 September 2018, the Scottish Parliament voted by 63 votes to 61 for a motion that called for the Scottish Government to halt national testing for children in primary 1. Five years on from that vote, more than 90,000 tests are still taking place every year for children as young as four years old. That is damaging young children, and it shows that our Parliament is being ignored. What was worse was that, immediately after that vote, the Scottish Government declared its intention to completely ignore the vote of the democratically elected Scottish Parliament—so much for respecting the authority of Holyrood.

The previous Scottish Information Commissioner criticised the Scottish Government's handling of freedom of information requests. He found that there were “unjustifiable, significant delays” and that responses to journalists' inquiries were delayed and released only when they were authorised by unelected SNP special advisers.

Jamie Hepburn: Will the member give way?

Willie Rennie: No.

The freedom of information laws are among the most important laws that have been passed by this Parliament, and they were some of the earliest to be passed, but when laws of this Parliament do not suit the SNP Government, it just ignores them.

In June, the First Minister said that Scotland has “the majority of the renewables and natural resources”—*[Official Report, 22 June 2023; c 16.]*

in the UK. The correct figure for 2022 is 26 per cent. I do not think that that is a “majority”; it is not even one third.

Alasdair Allan: What has this got to do with the debate?

Willie Rennie: I hear a member say, “What has this got to do with the debate?” The debate is about respecting the authority of the Scottish Parliament. Those terms are not set by the SNP; they are set by the Scottish Parliament.

We all make mistakes, but what makes this case worse is that it appears that independent civil servants retrospectively created statistics to justify an incorrect statement from the First Minister. Eventually, Mr Yousaf said that he intended to say “per capita”—

Alasdair Allan: On a point of order, Presiding Officer.

The Deputy Presiding Officer: Mr Rennie, could you resume your seat? Alasdair Allan has a point of order.

Alasdair Allan: Members are expected to address the motion before them. Presiding Officer, do you have any guidance on when the member intends to come round to addressing the United Kingdom Internal Market Act 2020?

The Deputy Presiding Officer: I thank Alasdair Allan for the point of order. Mr Rennie has made it clear how his remarks link to the motion. He can choose to address the motion in any way that he likes.

Willie Rennie: If Alasdair Allan would like to, he could look at the *Business Bulletin*, which is published every day, because it sets out my amendment, and it is in exactly those terms that I am speaking today.

Eventually, Mr Yousaf said that he intended to say “per capita” in his original answer, but it is statistical mumbo-jumbo to say that there is a majority per capita. The request for the First Minister to refer himself to the independent adviser on the ministerial code was unanswered for almost three weeks. That is not protecting the powers of the Scottish Parliament.

The SNP has been at this for years. Back in 2012, Alex Salmond was found out in relation to EU legal advice. The then First Minister, who was hailed as a hero by SNP members, repeatedly said that an independent Scotland would be an automatic member of the European Union. He asserted that that position was supported by his Government’s legal advice. When asked whether he had sought advice from the Scottish Government’s law officers, Mr Salmond replied:

“We have, yes, in terms of the debate”.

His then deputy, Nicola Sturgeon, undermined that claim when she admitted that ministers had not sought formal advice from the law officers. Tens of thousands of pounds were wasted in court to keep the non-existent advice secret. The SNP undermines this Parliament when it suits it.

The SNP repeatedly flouts the rule that announcements should be made to this Parliament first. Just last year, the Presiding Officer reprimanded Angus Robertson for releasing his latest independence report to the media before the Parliament. The SNP makes up the rules to suit itself.

On top of all that, there are the endless nobby debates while the SNP avoids the real debates that we should be having in the Parliament. We should be debating national health service waiting times; mental health waiting times; the yawning poverty-related attainment gap in schools; the closure of police stations; teacher unemployment;

the sluggish economy; the failure to deliver 2,000 jobs at the Lochaber smelter; the selling off of ScotWind leases on the cheap; the ferries, the costs for which have almost tripled; the dumping of sewage in our rivers; the £50 million lost in relation to BiFab; and the failure to sell Prestwick airport. The list goes on and on, and the boomerang goes round and round and round.

The Deputy Presiding Officer: Thank you, Mr Rennie. I would caution you that referring to debates in the way that you did is perhaps not entirely consistent with showing respect to members and to the Parliament.

We now move to the open debate.

15:35

Michelle Thomson (Falkirk East) (SNP): I knew that the Scottish Liberal Democrats were irrelevant, but I did not expect them to prove it quite so readily today.

It all started with Brexit, didn’t it? Sold a dud by Tory Brexiteers who stoked and then played on fears, people in the UK took a leap into the darkness—apart from Scotland, which wisely voted by a majority to remain. It was not immediately obvious that the slogan “Take back control” really meant something entirely different. The lunatics in the asylum forced through a hard Brexit and a power grab by Westminster on our institution—this Scottish Parliament.

Sensible proposals to allow Scotland to continue to have access to the single market were ignored but were eventually conceded for Northern Ireland, with an admission from Sunak when he was chancellor that it had the best deal possible. The supine Scottish Tories are left defending the indefensible with a rictus grin as the evidence mounts up, with the latest poll showing that 58 per cent of UK voters are in favour of re-entering the EU. No wonder people were too embarrassed to turn up to the Tory conference.

The Labour Party branch office in Scotland is no better. “Make Brexit work” says Sir Keir Starmer, in an attempt to woo back red-wall voters. Even the Labour amendment, which can be summarised as saying, “Play nice,” is paltry, although it is good news that Labour agrees to repeal the UKIMA, as set out in the Scottish National Party motion. However, is that the response to an all-out assault on the institution that the Labour Party claims to have helped create? The Labour Party must be embarrassed by the Welsh Labour leader showing it how objections to the UKIMA are done. This Parliament made clear that it refused to give consent, as did the Welsh Senedd, but that, alongside a multitude of other Sewel motions, has been ignored. That is another by-product of the

lack of respect shown by Westminster to this institution.

What, then, of the United Kingdom Internal Market Act 2020? It will not surprise members to know that I lean towards facilitating business and so can understand the sensible approach that has been adopted by the Scottish Government in agreeing to common frameworks. However, the evidence heard by the Constitution, Europe, External Affairs and Culture Committee was overwhelmingly that the UKIMA

“places more emphasis on open trade than regulatory autonomy”.

Therefore, in terms of balance and of fundamentally allowing devolution to continue to work—the whole point was allowing divergence on matters expressed democratically through the ballot box—the act is skewed. It was made clear that it would have an effect. That was not just my view but that of Professor McEwen, who told the committee that the act

“might in itself be introducing delays in the policy-making process, if not putting things into a long-term chill.”—*[Official Report, Constitution, Europe, External Affairs and Culture Committee, 2 December 2021; c 35.]*

The UKIMA stifles innovation and a different way of doing things. Would the smoking ban have been allowed? Would the introduction of a charge for plastic bags have been allowed in Rishi Sunak’s climate-denying world? The same committee highlighted concerns around public health choices that were raised by the likes of Alcohol Focus Scotland, Action on Smoking and Health Scotland and Obesity Action Scotland. They collectively have

“serious concerns that the effect of the mutual recognition principle for goods will be to significantly reduce the benefits of introducing new devolved measures to protect public health.”

The real concern is about democracy, or rather the lack of it. The Fraser of Allander Institute said:

“The Internal Market Act can therefore be seen as enabling a range of UK government interventions that bypass not only the Barnett formula but the devolved administrations themselves.”

Let me rephrase that—they bypass this democratically elected Parliament. In his recent speech to the Tory conference, Viceroy Jack delighted in his new understanding of devolution. No more “devolve and forget,” said he, emboldening the bypassing of the democratically expressed wishes of the people of Scotland.

He also said that he will give back a further £140 million of our money to seven local councils in Scotland—whose priorities is that based on? Who voted for that? How will it be monitored? The Finance and Public Administration Committee is still waiting for Michael Gove to make his promised

return to account for the previous lot of money. Those funds are to be spread over 10 years at £26 million per year; compare that with the £183 million per year that the Scottish Parliament got from the EU.

The Scottish politicians who refused to stand up for Scotland during a cost of living crisis and turned down opportunities to make matters better—for example, they denied this place the ability to control employment law—will not be forgiven. Do not forget the rights of the people of Scotland—rights that remain and will not be removed. I look forward to a further exploration of the implications of that in our Scottish National Party conference in October. We need a clear path to independence. It is more vital than ever.

The Deputy Presiding Officer: As I did with Mr Rennie, I make a comment at this point: I discourage the use of nicknames when referring to members of this Parliament or other Parliaments.

15:41

Stephen Kerr (Central Scotland) (Con): Although I respect what you have just said, Deputy Presiding Officer, I have to say that I agree with other speakers who have suggested that the debate is a complete waste of Parliament’s time—in all honesty, that is what it is. Again, we have heard a speech from Michelle Thomson in which she conflates Scotland with the SNP. Surely, SNP members can find a cure for the illness that they have contracted that makes them identify as Scotland when they are clearly not Scotland. That conflation is tired and time spent.

I thought that Martin Whitfield’s intervention earlier was telling. The truth is that the SNP Government has absolutely no respect for the concept of devolution; it is the most centralising Government imaginable. Everything that it can touch that is locally managed and near to the public gets brought to the centre and is horrendously mismanaged because of its incompetence. The Scottish people can now see that clearly.

Instead of spending time debating this nonsense of a motion, we could have been talking about things that are fully devolved. We could have been talking about the health service, education or policing—areas in which this Parliament plays a vital role. However, the SNP and the Greens do not want the scrutiny of this Parliament, which is a subject that I will come back to.

One of the things that we could have spent this afternoon talking about is how the Parliament works. I am afraid that, from the point of view of the Scottish people, our Parliament has for some time not been as effective as they expect it to be. Sadly, this debate is an example of that. We need

far more spontaneous debate in this Parliament. For far too long, we have had a set-up in which the whips, the party managers and the parties manage the business and the speakers. To be frank, the lack of a back-bench culture has led to a straitjacketed and stilted approach to every issue that comes to the chamber.

Ultimately, the SNP Government will do anything that it can to avoid parliamentary scrutiny. As was mentioned earlier in relation to truth telling, the Government also falls short in that regard. The excessive and continuous flow of pointless motions squanders the precious little parliamentary time that we have, while urgent issues that Scotland faces remain unaddressed.

Christine Grahame: Will the member give way?

Stephen Kerr: I will, out of respect, give way to Christine Grahame.

Christine Grahame: I was going to ask you to be spontaneous and take some interventions—

The Deputy Presiding Officer: Through the chair, please, Ms Grahame.

Christine Grahame: I beg your pardon. I was going to ask the member to be spontaneous and take some interventions so that we could have a lively debate, rather than having him just heckle us and rant at us.

Stephen Kerr: I am delighted to have been able to fulfil Christine Grahame's wishes in an instant.

The SNP has long run out of ideas for Scotland—*[Interruption.]*

SNP members can heckle me and shout me down all they like. By the way, I know that that is from the classic SNP playbook: when someone says something that they do not agree with, they make as much noise as possible. They operate from the Nicola Sturgeon playbook—now the Humza Yousaf playbook, which is the same book with a different face on the cover—by creating as much distraction as they can through the manufacture of grievance.

It is hard for me to disagree with the member for Inverness and Nairn when he said last week that it is increasingly apparent that the SNP Government is not interested in putting Scotland's interests first but, as always, it is interested in putting the SNP's interests first. That is why the Secretary of State for Scotland was right on Sunday when he said that Scotland's two Governments should work together for the benefit of the people of Scotland. That is a commonsense position that is supported by the people of Scotland and it is the position of the Scottish Conservatives.

For the SNP and the Scottish Greens to parade themselves as the protectors and defenders of

devolution is laughable. Anyone with even a passing knowledge of Scotland's political history of the past few decades knows that the SNP was implacably opposed to devolution. It exists to destroy devolution and it scrapes together any excuse that it can to undermine and devalue it.

Alasdair Allan: Will the member take an intervention?

Stephen Kerr: I will give way one more time, if I may.

Alasdair Allan: I am interested in the member's view of history. Will he confirm that the SNP campaigned for there to be a Scottish Parliament and, contrary to what he has just insinuated, his party campaigned for there not to be one?

Stephen Kerr: Dr Allan's party exists to destroy the devolution settlement, so it takes every opportunity that it can to find any grievance that it can to throw into the works to make sure that devolution is as hard as possible for the Governments of the United Kingdom and Scotland to operate.

The truth is that there are regular and good working relationships between Scottish and UK ministers, and Scottish and UK civil servants who are based in Edinburgh. That those relationships do not exist is another myth that the SNP wishes to perpetuate that is absolutely erroneous.

The SNP seeks to destroy the Parliament. The evidence for that is found in the way in which its members conduct themselves. This is the most powerful devolved Parliament in the world and—guess what—it was the Conservative Party in Government that oversaw the devolution of more powers to the Scottish Parliament during the past decade. The reality of that can be seen by the fact that we now have 29 Scottish ministers, which is many more than we ever had previously. When challenged about the reason for that expansion in the number of Scottish ministers, the SNP says that it is because there is an expanded range of ministerial responsibilities and powers. Guess where they came from. They came from a Conservative Government at Westminster.

I will not be taking any lectures from the SNP Government about the undermining of the Scottish Parliament by the UK Government, particularly from an SNP-Scottish Green Government, when it is the Conservatives who have made the Scottish Parliament the most powerful devolved Parliament in the world.

I accept what Dr Allan said: I was against devolution and I voted against it. However, I now have the zeal of the convert. I believe in devolution, but the devolution that I believe in is one that reaches every town and village in every part of Scotland, so that people can feel that they

are involved in making decisions for themselves, their families and their communities.

I will wind up, because I see that I am being encouraged to do so. There are many other things that I would like to have said, particularly about UKIMA, but I will not be able to get those in. I will conclude by saying that the Scottish Parliament needs to have a good look at itself. We, the members of the Scottish Parliament, should have a good look at ourselves. We should ask ourselves why the legislation that we send from this place into the statute book is often quite rightly regarded as unworkable, unenforceable and broken even before it leaves here.

The Deputy Presiding Officer: You need to conclude, Mr Kerr.

Stephen Kerr: We should also be asking ourselves about the powers of scrutiny and the structures and processes of the Parliament, and making improvements so that this place is worthy of the good people of Scotland.

The Deputy Presiding Officer: I call Keith Brown. You have six minutes, Mr Brown.

15:49

Keith Brown (Clackmannanshire and Dunblane) (SNP): In words more eloquent than any that I can summon, we have just heard from Stephen Kerr the basis of the Conservative attack on the Scottish Parliament. He has stated that the powers in the Scottish Parliament come not from the people of Scotland, but from the Conservative Party. He has also stated that he has the “zeal of the convert”—yet he is trying as fast as he can to run away from Parliament at the first opportunity. People can draw their own conclusions from that.

In my member’s debate in May, which was on a similar topic to this one, I stated that our Parliament was “under attack” by the UK Government. Five months later, the UK is, again, deliberately stripping our Scottish Parliament of its hard-fought-for and hard-won powers. In 1997, around 75 per cent of Scots voted for the creation of this Parliament. Along with my Labour and Lib Dem colleagues, who have been silent on this in recent months, I campaigned not just for the establishment of this Parliament but for it to have tax-raising powers, which the Conservatives bitterly opposed at the time.

Many of us can be guilty of forgetting that there was a time before this Parliament existed. It is important to remember that Parliament was not created by accident but came into being with the support of three quarters of the population of our country, in response to the real and pressing need for Scottish self-Government. The strength of support that delivered that result had built up over

decades of Westminster misgovernment of Scotland. There was, not least, the mismanagement of oil and gas. Let us remember that the Labour Party concealed from the people of Scotland at that time, through the McCrone report, the real value of the oil and gas that were under the North Sea.

Let us remember, too, the industrial disputes of the 1970s and 80s, which I mentioned last week, with Westminster Governments being consistently rejected by Scottish voters but governing Scotland nevertheless. Those are just a few of the reasons why that emphatic result was delivered in 1997.

Given the motion that is up for debate, many members will focus on the technical or legislative aspects that have led to the power grab on our Parliament, so I will shift the focus on to the real difference that Parliament has made to the everyday lives of people in Scotland since it was established and will, thereby, prove why the powers of this institution absolutely must be protected.

The progress that has been made under devolution is far too broad to do justice to in six minutes. It includes: lower income tax for most Scots; I remind people that a bigger proportion of people in Scotland pay less tax than they do in the rest of the UK. It includes the lowest average council tax of any UK nation; the expansion to 1,140 hours of free early learning and childcare; the scrapping of tuition fees and prescription charges; free personal care for everyone who needs it; and the Scottish child payment—which, incidentally, supports 7,295 children in Clackmannanshire Council’s and Stirling Council’s areas alone—alongside many other benefits from Social Security Scotland. Those are just some of the measures, none of which featured in Willie Rennie’s speech, that various Scottish Governments have implemented since 1999 that make the lives of ordinary Scots better.

Every day, we can contrast and compare the situation in the rest of the UK and can clearly see the marked difference that this Parliament has made in Scots’ everyday lives. Research backs us up: according to the Joseph Rowntree Foundation, Scotland has a lower poverty rate—at 18 per cent—than England’s 22 per cent and Wales’s 24 per cent, which alone proves the difference that governing our own affairs can make.

This week already—it is only Tuesday—we have seen in the news that the price of water in England and Wales is to increase by £156 a year in order to line the pockets of private shareholders. This Parliament has consistently kept Scottish water in public hands. We cannot compare things here with the fankle over HS2—high-speed 2—that is taking place at the Conservative Party conference; it is ironic to hear Donald Cameron

talk about the SNP's being in disarray when one looks at what is happening in Manchester today. In contrast with the HS2 fiasco, the Scottish Government's action to scrap peak-time rail fares clearly shows the difference that Parliament can make to ordinary Scots.

Given what I have just said, let us pause for a moment and imagine the harm that would be perpetrated in our country in the absence of a Scottish Parliament, or even if the small degree of self-Government that our country enjoys were to be reduced further, which is exactly what is happening and has happened since the UK's vote to leave the EU against Scotland's wishes. The tagline of the Brexit campaign was, "Take back control", but we did not realise that what was meant was, "Take back control of Scotland". An example of how the Tory Government is taking back control is its decision to have held back money from Scotland and Wales and then subsequently to re-present it as a gift from the Tory Government.

The UK's Internal Market Act 2020 has caused damage. We have heard ad nauseam from the Tories that the two Governments must co-operate. Where was the co-operation when Rishi Sunak announced the changes to net zero targets? There has been a complete reversal of some UK Government policies, and the impact that that has had on Scotland is huge, yet there was not a word about the changes beforehand. That is where there is a lack of co-operation, just now.

The damage that the United Kingdom Internal Market Act 2020 is doing to democracy in Scotland and in Wales cannot be overstated. Under the act, UK ministers have the power to undermine and override what limited powers our national Parliaments have—in some cases, unilaterally and without consent.

The big problem for the Scottish Tories is that, every year, for as many years as I have been in the Parliament, they uncritically accept whatever attacks there are on devolution, whatever cuts there are to our budget and whatever the latest injustice is to the interests of the people of Scotland. They support what happens every single time, because Westminster is where they take their orders from.

There have always been—there still are—many caveats in the Scotland Act 1998 that allow the UK Government to flex its muscles in Scotland's democracy. The section 35 order is one such example, of course. Although I appreciate that there is a wide range of views on gender reform in the Scottish Parliament, we must surely all stand up for the ability of our national Parliament to make decisions—including decisions that enjoy cross-party support here—and to implement them,

even when they are decisions that we, as individual MSPs, might not agree with.

One of the most shocking things in the power grab has been the complicity of the Labour Party—the self-proclaimed party of devolution. As we have heard already, the Labour-run Welsh Government has consistently stood up for devolution. Mark Drakeford has done that in a way that we have never heard from Scottish Labour members, even from some of the people who used to be at the forefront—as I was in 1983—for the campaign for a Scottish Assembly. They are now very silent on the attacks that come from Westminster. However, as we have heard, Mark Drakeford has spoken out consistently against the attacks on his Government and the Welsh Assembly's powers.

The Deputy Presiding Officer: You need to conclude, Mr Brown.

Keith Brown: I thought that I had eight minutes. I apologise, Presiding Officer. The previous member spoke for eight minutes.

But, of course—

The Deputy Presiding Officer: Mr Brown, can you resume your seat for a second? It is up to the chair how speaking allocations are made. I allowed a bit more discretion for members who took interventions. I had indicated how much time you had, and I allowed a little extra, despite your having not taken interventions, and I was giving you signals to wind up.

As Mr Brown has concluded, we move to Martin Whitfield. You have up to six minutes, Mr Whitfield.

15:56

Martin Whitfield (South Scotland) (Lab): It is a pleasure to speak in the debate. Through the heat and fury, some interesting points have been articulated.

I will first pick up on something that we have already heard in the debate and that we also see across the UK, which is the occasional and sometimes deliberate mixing up of the concepts of defending a Parliament and defending a Government. Governments often say that it is their Parliaments that are being attacked and Governments are often held to be the villains attacking the Parliaments.

Here, in Scotland, it is the people's Parliament, and the Parliament needs to be protected. It needs to be protected from people who feel that they can override issues and decisions that are dealt with in the chamber and can override issues and decisions that are dealt with by committees in this building. The members in the Parliament and on

our committees were voted for by the people of Scotland to represent them and to hold their Government to account.

It is right to say that the Government in Westminster has a similar and—I note—quite low view of Parliaments and democracies across the way. In relation to the Sewel convention, I raised that very point. The Sewel convention was intended, first and foremost, as a convention to allow two mature groups to work together to solve problems that crossed borders. The wording in relation to the Sewel convention was specifically chosen to make it clear that it would not ordinarily be used, that it would not usually be used and that it would not commonly be used.

Unfortunately, over the past three to four years, we have seen the UK Government's reliance on ignoring the convention that the Scottish Parliament have an opportunity to pass a legislative consent motion. In a way, that shows that there will be a challenge, going forward. A member asked what the Labour Party will do about that. Of course, we will do something about it, by talking it through with a devolution bill, if we have the privilege of having members in the Parliament and being in Government at Westminster. It is important that we take the communities of Scotland, England, Wales and, indeed, Northern Ireland with us.

We have also heard from a number of members, including the minister, about—

Angus Robertson: The member from Mr Whitfield's party's front bench was not able to clarify the Labour Party's position on whether the Sewel convention should be put on a statutory footing. What is Martin Whitfield's preference? Should it be on a statutory footing?

Martin Whitfield: The devolution bill will allow the opportunity to discuss that.

Just before that very sensible intervention, I was about to say that we have been talking about honesty, maturity and grown-up conversations. One challenge that I see is that headlines are used to promote, or to pretend that there is, a war between two Governments whose sole responsibility is to act in the best interests of their people. We can disagree about how we should achieve a goal, but we must surely agree on that. I have heard so often, from across the chamber, that we will fight poverty, improve health and education and work for the betterment of people across the UK.

I welcomed the minister saying that there must—irrespective of what the future holds—be a way to facilitate UK-wide movement, purchases and sales. Without that, this relatively small country, on a relatively small island, sitting where it

does, for historical reasons, on its line of longitude, must deal with countries around the world.

The Sewel convention should be looked at. However, as with many conventions and, I suggest, many acts of Parliament, no good will come of its not being respected by Government.

I am conscious that members from across the chamber have made myriad claims about devolution. I remind members that it was J P Mackintosh, who was an MP for the Lothians and a resident of East Lothian, who first articulated the idea of getting decision making as close as possible to the people who are affected by it. I intervened on the minister regarding use of devolution beyond the Scottish Parliament—down to local authorities and, perhaps, even beyond them, to smaller groups. Where people are close to a decision that affects them and feel that they are part of decision making and that their voice has been listened to—even if, at the end of the day and for good reason, that voice is ignored in the final decision—they feel that they are part of the process.

I speak to people across South Scotland and hear from them, and from much of what is coming through the citizens assembly, that they feel there is distance between the Parliament, the Government and the people of Scotland.

I am conscious of the time. There is much that I would like to have said. It is important that we recognise that if this Parliament is to progress and if the Scottish Government is to succeed, we must look to move powers out of this place, further down and closer to the people who sent us here.

16:02

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am struggling with technology again—hang on a second. I beg your pardon.

I was there on 13 May 1999, at the inaugural sitting of the recalled Scottish Parliament, and I can quote the Presiding Officer, which I think will entertain you. He said:

“One of the worst habits of the House of Commons in the past decade has been the bogus use of points of order. I propose to be very strict; points of argument are not points of order. Points of order are for the occupant of the chair; if we degenerate into the habit of using them as points of argument, we shall develop some of the worst habits of a place that some of us have been glad to leave.”—[*Official Report*, 13 May 1999; c 16.]

I understand that Mr Kerr, who was as entertaining as usual, has just such plans to use the bad habits that he brought here with him.

I thought I would pop that quote into the debate to remind members, most of whom were not here

in 1999, that bad habits can develop to epidemic proportions. We also thought then—naively—that, at the very least, devolution was secure, if not “a process”. In my 24 years’ experience here, I have never known a time when devolution and this Parliament’s democratic powers were under such overt attack.

In those early days, the Lib-Lab coalition proceeded hand-in-hand with Labour at Westminster. That was before the UK banking collapse of 2008, so there was ease of policy collaboration and funding between Westminster and the then Executive.

Indeed, while I support the constructive amendment referred to by Labour, I suspect that that would always be on Westminster’s terms—a kind of “take it or leave it” deal.

It was apparent in 1999 that Labour, in particular, but the unionists in general thought that it would always be the case that they would be in charge and that, even if the SNP did well, it would never be in power. The 2007 election changed all of that, and there has been a story ever since of tensions between devolved and reserved, with Westminster holding the purse strings. Of course, power devolved is power retained—a statement that is attributed to the late Tory MP Enoch Powell. That is a truism, and we are now learning that bitter lesson daily.

By the way, I ask Willie Rennie why, if the Liberals and, indeed, Labour are so opposed to the House of Lords, so many failed Labour and Liberal MPs and MSPs are happily sitting there.

Devolution statutes have increased our powers. The devolution of planning under the Scotland Act 1998 was, of course, a mega-oversight on the part of Westminster. The SNP Government can block—for the time being—the erection of nuclear power stations, although not the licensing of oil and gas developments at sea.

However, the Conservatives have never been happy with any of that. If they cannot exercise power through the ballot box, they have to find alternatives, so we have no section 30 order, thank you very much, even if an overall majority of MSPs stand on and for an independence referendum.

Once again, I turn to the United Kingdom Internal Market Act 2020—the orphaned child of the European Union and its internal markets act. It has proved an excellent unionist tool for prising open devolution. It has blocked the deposit return scheme and it can block the banning of the sale of glue traps, snares and shock collars. In fact, its blocking powers are wide ranging. If someone sells goods or provides services across the UK, the UK internal market act ensures that they can continue to do so. The leave of the UK is required

if we wish to vary something. Would minimum unit pricing of alcohol have passed here if we had had the internal market act? I doubt it.

However, I am getting ahead of myself. Scotland voted 62 per cent remain in the 2016 EU referendum, yet the referendum’s consequences go beyond the all-invasive, indeed pernicious, internal markets act. Money that flowed from the EU to the Scottish Government for devolved projects is now filtered through the Westminster Conservative Government, which determines its destination. Under cover of “levelling up”, devolution is bypassed and areas that are favoured by the Tories, such as Dumfries, strangely find themselves being recipients, with projects being union badged and so on. You see, if you can’t beat them at the ballot box, try buying votes or, as Donald Cameron would say, investing directly—

Stephen Kerr: Will the member give way on that point?

Christine Grahame: Of course, because I believe in spontaneous debate.

Stephen Kerr: I find the assertion that Christine Grahame has just made utterly shocking, particularly as my Central Scotland constituency includes Falkirk, whose people have benefited because of the co-operation between Falkirk Council and the UK Government in relation to levelling up funds. The idea that Dumfries has somehow been selected and set apart from other areas is nonsense. In fact, when we look at the list of the amounts—

The Deputy Presiding Officer (Annabelle Ewing): Mr Kerr, is your intervention over? Ms Grahame has 45 seconds left.

Stephen Kerr: Yes. Well—

Christine Grahame: Had I known that, I would not have let him in. He has taken 45 seconds of my day.

Whatever happened to democracy? With only six Tories at Westminster, Alister Jack being one of them, we are having Tory policies and Tory funding directed against the democratic wishes of the Scottish people.

There is a lesson for all who defend democracy in this Parliament. The charge that is being led and laid at the feet of the Tories is that they will use every device they can to undermine what you, the Scottish people, have voted for, and they will use your money to do it. What an insult. It is beyond democratic and it reveals the vulnerability of devolution. Only independence guarantees that you will get the Governments, the policies and the priorities that you vote for. That might even— heaven forbid—be a Tory Government, but if you

had voted for it, you would have to live with it. That is democracy for Scotland.

16:09

Ross Greer (West Scotland) (Green): In what I hope will be a useful addition to Christine Grahame's contribution, I note that I cannot remember a time before this Parliament existed. I was in nursery when it was reconvened.

The greatest sign of devolution's success is how completely normal and undisputed the Scottish Parliament's status is as the centre of Scottish public life, not just for people my age and younger but for those who remember the pre-devolution era.

Three in four people believe that Holyrood should have the most influence over how Scotland is run, compared with just 14 per cent who believe that of Westminster. Two thirds believe that Holyrood works in Scotland's best interests most or all of the time, compared with just one in five who believe the same of Westminster. A majority believes that the Scottish Parliament has given Scotland a stronger voice in the UK; only one in 20 believe that its voice is weaker.

Although independence is the preferred outcome of half of voters—and of more than two thirds of young voters—abolishing devolution is a fringe position with no significant advocates. Our constitutional debate is about just how powerful the Scottish Parliament should be—about whether there should be devolution or independence.

Despite the primacy of this Parliament being the preference of the vast majority of people in Scotland, the UK Westminster Government is engaged in a direct attack on the fundamental principles of devolution, and on Scottish democracy. A Tory Government that Scotland did not vote for has used a Brexit process that Scotland also rejected to give itself a new power of veto over decisions that were made by the Parliament and the Government that the people of Scotland elected. That is all that the internal market act is: a power of veto to be used by UK Governments when Scotland, Wales or Northern Ireland make decisions that such a Government does not like. That fundamentally changes and weakens the devolution settlement.

Devolution was established with the consent of the Scottish people through an overwhelming majority vote in a referendum. It was expanded and strengthened by consensus. All parties agreed to the rounds of further devolution of the past two decades. However, the Tories have shattered that broad consensus since the Brexit process. The IMA is a Westminster power grab. The purpose of devolution is for Scotland to make different choices from those made at Westminster,

when that difference is the desire of, or in the best interests of, the people whom we represent.

Not only does the IMA give UK ministers a sweeping power of veto; it is already creating a chilling effect on Scottish policy making. I will not be the only MSP who has spoken to stakeholders who are already curtailing their proposals because of an assumption that their boldest ideas would highly likely be vetoed. The IMA creates a pressure on the Scottish Government to scale back its ambitions. The Government must resist that pressure. Devolution within arbitrary limits, set by whichever Administration is in office at Westminster at any given time, is not what the people of Scotland voted for in 1997, or in any election to this Parliament or to Westminster since then.

Labour's support for the motion, and its helpful amendment, are definitely welcome, and I hope that those indicate that an incoming Labour Government would prioritise the repeal and reform of the internal market act and the restoration of devolution.

Today's debate could not be more timely, given the letter that was received by the Net Zero, Energy and Transport Committee just this morning from the UK Secretary of State for Scotland, Alister Jack. Mr Jack used the power that he now holds as a result of the internal market act to wreck the Scottish deposit return scheme for bottles and cans. Since July, the committee has, understandably, sought a UK Government minister to appear before it to explain his actions, but that invitation has been refused and refused again. Why is Alister Jack hiding? What is he running scared of?

I will tell you. Mr Jack is hiding from the truth. He U-turned on his own manifesto commitment. He tore up the common frameworks that had been agreed between the UK and devolved Governments. He torpedoed Scotland's DRS using his undemocratic powers under the IMA, and now he is trying to dodge scrutiny by Scotland's elected representatives.

Stephen Kerr: Will Ross Greer give way?

Ross Greer: I would be delighted to hear Stephen Kerr's support for having the UK Government minister who is responsible for exercising the IMA come to the Scottish Parliament to explain his decision simply.

Stephen Kerr: I point out to members and to Ross Greer, in particular, that, in fact, the secretary of state supported the exemption for a deposit return scheme. He said that the UK Government—his office—was prepared to help the implementation. The idea that it was wrecking the scheme seems a rather strange notion.

Ross Greer: The fact that Stephen Kerr could not even keep a straight face while he said that says it all.

The UK Government said that there could be an exemption and that Scotland could be granted it if the deposit return scheme matched the UK scheme in areas such as the level of the deposit. The problem was that the UK Government had not yet set a deposit. It still has not done so. It set deliberately impossible conditions for Scotland's DRS. That is how it sabotaged the scheme.

Donald Cameron mentioned the common frameworks as a sign that devolution works just fine under the IMA. That begs the question, if Mr Cameron and the Conservatives are so happy with the common frameworks, why did Alister Jack rip those up and invent a new process for the DRS as he went along?

Mr Jack changed his language a number of times. *[Interruption.]*

The Deputy Presiding Officer: Mr Greer, please resume your seat for a wee sec.

I do not want members to have conversations across the front benches from sedentary positions, or whatever it is that they were doing.

Ross Greer, please resume.

Ross Greer: Thank you, Presiding Officer.

At first, Mr Jack claimed that "no request for an" IMA exemption had been received from the Scottish Government, despite a two-year paper trail demonstrating otherwise. He then changed his language to talk about a so-called official request, and then "a formal request", but, under the common frameworks that have been lauded by the Tories this afternoon, there is no such thing as an official or a formal request for an IMA exemption. Exemption applications are dealt with through an iterative process. Mr Jack invented a new process simply to claim that the Scottish Government had not followed it. If that is not directly undermining devolution, I do not know what is.

I wrote to the UK cabinet secretary, Simon Case, to seek clarity as to whether the UK Government had unilaterally rewritten the common frameworks. However, I am still to receive a reply, although I am happy to correct the record if it came by some method otherwise unknown to me or my office.

That is odd, because my letter seems to occupy far more of the UK Government's time than I would have expected. Mr Jack spoke about it, and me, at length to the Scottish Affairs Committee at Westminster; he wrote to Simon Case, and to the Presiding Officer, about me; and now, in refusing the Net Zero, Energy and Transport Committee's

invitation, he has sent his previous letter about me to my colleague Edward Mountain, the committee's convener.

I am a bit baffled at the extent to which I seem to be occupying Mr Jack's mind. I take this opportunity to suggest to him that he could get it all off his chest to Mr Mountain, on the record, at a meeting of the Scottish Parliament committee that is responsible for scrutinising what actually happened to the DRS.

The Deputy Presiding Officer: Mr Greer, you have to conclude.

Ross Greer: It is essential that this Parliament defends the powers that the people of Scotland gave us. That is exactly what we are doing this afternoon, in the face of an unprecedented level of hostility from Westminster.

16:16

Clare Adamson (Motherwell and Wishaw) (SNP): I am delighted to be speaking in the debate, because it gets to the heart of why I am here, the heart of this place and the heart of our democracy.

I am really concerned that we have heard the debate dismissed as being about "grievance"; as irrelevant; as not current; and as somehow a waste of our Parliament's time. In fact, it has been the bread and butter of my committee's work since we were formed as the Constitution, Europe, External Affairs and Culture Committee of the Parliament. We have produced repeated reports on the subject, including "The Impact of Brexit on Devolution" and our "UK Internal Market Inquiry" report, and we are about to publish—in the next few weeks, we hope—a report on how devolution is changing outside the European Union. That could not be more current or more relevant to the work and the heart of this Parliament.

I also feel that some members are tone deaf to the concerns that are being raised outwith the chamber. Concerns were raised at the interparliamentary forum on Brexit, which is the grouping of the Senedd, Stormont, Westminster, the House of Lords and the Scottish Parliament that was formed to deal with post-Brexit issues. All have raised concerns about how devolution is moving forward.

Some members are also tone deaf to the experts who have given advice to our committee. Michelle Thomson mentioned Professor McEwen; our committee is advised by Dr McCorkindale and Professor Keating; and we have also had expert witnesses, such as Professor Aileen McHarg, give evidence about their concerns about these issues. As a Parliament, we should not be tone deaf to those concerns.

This week, I hosted an event in conjunction with the Royal Society of Edinburgh, as part of its “Scotland in Europe” series. It was the sixth in a series of events that are continuing to examine what Brexit, the change in our status in relation to the European Union and the 2020 act have meant for civil society and for Scotland’s businesses. That is current—the best brains in our country are examining exactly what we should be talking about this afternoon. It should not be dismissed as “grievance” or as irrelevant, or as not what we should be using the chamber’s time for.

In our committee’s report on “The Impact of Brexit on Devolution”, we noted that there were

“substantive differences between the views of the UK Government and the Scottish and Welsh Governments regarding future alignment/divergence with EU law.”

Our report stated that,

“This raises a number of ... constitutional questions for the Committee”,

including

“to what extent can the UK potentially accommodate four different regulatory environments within a cohesive internal market ... while complying with international agreements”

and

“whether the existing institutional mechanisms are sufficient to resolve differences between the four governments within the UK where there are fundamental disagreements regarding alignment with EU law and while respecting”

the devolved Parliaments.

The House of Lords Common Frameworks Scrutiny Committee, in its recent report, “Common frameworks: an unfulfilled opportunity?”, said:

“It is a matter of serious concern that certain common frameworks do not align with the Joint Ministerial Committee for EU Negotiation Principles ... This is particularly significant in relation to respect for the devolution settlements, especially when it comes to addressing the decision-making powers of the devolved administrations. These are the founding principles of the common frameworks programme and are integral to their success as consensus-based agreements. What is additionally concerning is that this lack of alignment appears not to be the result of deliberate deviation. It is instead the result of insufficient attention to detail in Government.”

Are we going to be tone deaf to the concerns of the House of Lords committee and not discuss those matters in the Parliament?

My committee has raised general concerns about the extent and scope of UK ministers’ delegated powers to legislate in devolved areas and the Scottish Parliament’s opportunity to scrutinise those powers. We should all be concerned, as democrats, about scrutiny of decision making by Governments. We should all have the opportunity to scrutinise the decision making that affects the lives of the people we are

here to represent. My committee’s view is that it is an important constitutional principle that the Scottish Parliament should have the opportunity to effectively scrutinise and exercise legislative powers when the UK Government makes decisions in devolved areas. Otherwise, we might slip into executive power making. I could quote widely from our reports, which I recommend to the Parliament. People should read them and learn about the concerns that are out there.

Another thing that was mentioned today causes me concern. The European Government had always spent money in Scotland, and we did not make a fuss about it. Nothing was perfect before, and we challenged before—especially, perhaps, in 2013, when the EU awarded an increased amount of money because of historic low payments per acre to Scottish farmers. That money should have come to Scottish farmers, but the UK Government chose to keep it to itself and disburse it in a different way.

The Deputy Presiding Officer: Ms Adamson, you need to conclude.

Clare Adamson: We have never been fully happy with what has happened with European money, and now we need to have a voice in making those decisions.

16:22

Jackson Carlaw (Eastwood) (Con): Martin Whitfield is not in the chamber, but he referred to John Mackintosh, and I do not want to let the opportunity pass to also pay tribute to him. As a young, active supporter of the Labour Party in the early 1970s, I was hugely attracted to John Mackintosh’s contribution to public life, and his premature death in the 1970s was a great loss to public life in Scotland. He had a lot to contribute and a lot was lost when he was no longer there to do so.

I have come to the debate at my time in life as a fair-minded man. I have no speech with me; I have notes that I have been making as I went along. I have heard the argument from Mr Brown and many others in the SNP and the Greens about the assault on the powers of the Scottish Parliament. I thought, “Well, I’ll come along this afternoon, because maybe there is something to it, and I would like to hear what the contributions of those who advocate this view are.”

I have always regarded Mr Hepburn as a fair-minded man. We came into this Parliament at the same time, and I have been very impressed with the work that he has done on skills and other areas of Government for which he has been responsible. However, this afternoon, he has done more of an impression of James Robertson Justice when he was playing the part of Sir Simon

Sparrow in the “Doctor at Large” films, bouncing up, wiggling his finger and throwing his arms in huge gesticulation at the Opposition. For a minister who has so little to do in his portfolio not to have come with a better-articulated argument and to have been shown up by Clare Adamson, who made a better speech than he did on behalf of the Government department that he leads, was rather embarrassing. I looked beyond that to see whether more would be said from within the chamber.

I remember having arguments with Edward Heath, who used to go on—interestingly, I thought—about sovereignty. He said, “What is sovereignty? I keep hearing people in the Conservative Party talking about protecting sovereignty, as if it’s a little blue flame in a cupboard somewhere that we can all go to and pray before—as if sovereignty is something tangible you can touch.” He said that we were sharing sovereignty with the European Union, and I agreed with that view. We share sovereignty between the two Parliaments in the United Kingdom: the Scottish Parliament and the UK Parliament.

During the debate, I repeatedly heard Scottish National Party speakers stand up to talk about the need to respect, yet not one of their contributions gave any indication of when they respect the authority of the UK Parliament—not even when it is exercising responsibilities that are contained in the Scotland Act 1998 on which this Parliament is founded.

I was disappointed, too, in the contribution of Mr Bibby—and a little in that of Martin Whitfield, who gave one of his statesman-like addresses while dancing on the head of a pin. Mr Bibby did the classic Labour routine with which we are now becoming familiar. It is Keir Starmer’s and Anas Sarwar’s everyday chant: “Scotland and Britain need change. We are the change.” That is until we ask them what the change is, and then we are met with a great big blank canvas. In fact, in so far as we know what the change was going to be, Keir Starmer keeps abandoning it and then not replacing it with something else. When he was asked if he was in favour of something, we got, “Well, we hope to have a bill on all that.”

Mr Whitfield even said when challenged by Mr Robertson on the Sewel convention that the bill would allow us to have a discussion. We do not need the bill to have a discussion—we could have one this afternoon. When Mr Whitfield was asked what he thought personally, he was not able to tell us.

Neil Bibby said that Labour wants to protect the internal market and it accepts the argument for it. When Stephen Kerr asked, “Well, how?” he simply

said, “We are going to have a discussion on it. We do not really know.”

Angus Robertson: It might be a forlorn hope, but would it be possible to hear what the member’s view is on the Sewel convention being raised on to a statutory footing? Will he give us a clear statement of his position?

Jackson Carlaw: It would be churlish of me not to respond. I believe that the convention is a convention and should be respected as such. So I hope that—

Jamie Hepburn rose—

Jackson Carlaw: Oh, no. I am sorry—I will not take an intervention from Jamie Hepburn. We have seen enough of the James Robertson Justice act this afternoon.

I also think that the internal market replaces powers that the European Union exercised. Mr Greer said he was not here in 1999, but he was not here in 2011, either, when the Alcohol (Minimum Pricing) (Scotland) Bill was coming through the Parliament. He referred to Europe. I remember that, when I was an Opposition spokesman, I went across to Brussels to argue with the European Union that its objections to minimum unit pricing, and the belief that it would contravene the internal market of the European Union, were misguided. Therefore the idea that the internal market is something completely new and that Scotland did not have to exist within a United Kingdom that, in turn, had to exist within the powers of the European Union is a nonsense.

Since Brexit, the internal market has seen more than 100—

Ross Greer: Will the member take an intervention on that point?

Jackson Carlaw: I will give way to Mr Greer—

The Deputy Presiding Officer: It will have to be a very brief intervention.

Jackson Carlaw: —even though I sometimes think that he brings all the sincerity of Draco Malfoy to our debates.

The Deputy Presiding Officer: Very briefly, please, Mr Greer.

Ross Greer: It is not surprising to hear that Mr Carlaw is a J K Rowling fan these days. Does he not understand the distinction between the limits that were set by the European Union, which the people of Scotland consented to be in, and those that have been set by an internal market act that is the result of a Brexit vote that people in Scotland voted against?

Jackson Carlaw: But the point is that the people of the United Kingdom voted to leave the

European Union. I was not one of them, as Mr Greer knows. I was a J K Rowling fan before and always will be—it is just a shame that I can be consistent in my support for things whereas Mr Greer cannot.

Then we come round to the defence of the integrity of this Parliament and its powers from two parties that are emasculating the powers of local government. Local authorities that have been elected on manifestos are being starved of the funds that they need to implement them. The power is consolidated here, through the Scottish Parliament dictating to local government what it can and cannot do by starving it of funds. Not a word has been said before now in the debate about the denigration of the powers of local government. I thought that Mr Rennie gave a devastating evisceration of this Parliament's ability to respect its own decisions.

I was hopeful as I came here. Clare Adamson raised some legitimate points.

The Deputy Presiding Officer: I hope that Mr Carlaw is concluding.

Jackson Carlaw: I hope that we can find a way to address the points that Ms Adamson raised in a constructive and engaging manner. Unfortunately, that was not to be found in this debate.

16:29

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I would not want to oversing the praises of political consensus, but it is worth recalling for a moment that there used to be agreement in the Parliament about one thing, at least. Whatever our differing views about the eventual destination of the devolution process or, indeed, the UK Internal Market Act 2020, we were all once signed up to the assumption that it was vital that the Parliament should be able to act freely in the areas for which it had devolved responsibility. How deep does that consensus go today in some quarters of the chamber? As someone who spent his youth campaigning for Scotland to become a parliamentary democracy, I feel unsure about that.

We have heard the usual cries from the usual benches asking why Parliament is, supposedly, wasting valuable debating time on constitutional matters rather than looking at Scotland's present impossible budget choices on public services. Let me give two brief responses to those objections.

First, developed democracies invariably have written constitutions—pace New Zealand. In all those countries, questions about constitutional principle are generally considered very relevant. I am unsure why those questions would be uniquely inapplicable in Scotland.

The second response is that we quite rightly spend most of our time in Parliament looking at how Scotland's money is spent. From time to time, however, it is also important that we ask about the rules of that political game. I appreciate that that might throw up some difficult questions, such as why the total size of our budget is directed from another place or why the powers that we have to borrow or to alter tax are quite so constrained by the UK Government.

The relevant point is that, since the Brexit referendum of 2016, a whole range of new mechanisms has been invented by the UK Government to hem in what the Scottish Parliament does. Those mechanisms were largely undreamt of beyond the realms of hypothesis when the Parliament was re-established in 1999. I suppose that the changes since 2016 simply go to show the occasionally lauded flexibility of political life in a country without a written constitution.

A few of the developments that we have seen, which others have mentioned, are: the unprecedented use of section 35 powers to veto a bill passed by the Parliament, effectively intercepting it in the post on its way to the King's desk; the Sewel convention—the previously unquestioned wisdom that the UK Parliament would never normally legislate in devolved areas without the Scottish Parliament's consent—has now been breached on such a routine basis that it is doubtful whether it can still be said to exist; the gradual tendency of the UK Government to find new ways to spend bits of what should be the Scottish Parliament's budget on our behalf on things on which it thinks they should be spent; the Subsidy Control Act 2022, with all the constraints that it imposes on devolved policy making; and, of course, the denial of the democratic and arithmetical reality that a majority of members of the Scottish Parliament were elected on a mandate to hold an independence referendum.

That is not to mention, of course, the wider hostile UK political environment, which seems to see everything that goes on here in the rebel province as a potential threat. At least one recent UK Prime Minister vowed to ignore the Scottish Parliament completely during her term of office, and she was, indeed, true to her word on that.

The motion focuses attention on just one of the new constraints put on the Scottish Parliament by the UK—the United Kingdom Internal Market Act 2020. To take one example, that act gives a UK Government minister the power to subject Scotland's NHS to what it considers to be market access principles. It means that any future legislation in Scotland to ban single-use plastics, or any measures to tackle obesity or alcohol abuse, for example, could be rendered ineffective

if a policy difference was created with the rest of the UK.

As I recall, policy differences, where they were felt to be needed, were one of the very reasons why the Scottish Parliament was re-established. I certainly cannot imagine anybody anticipating, back in 1999, a scenario in which the Scottish Parliament asked—as it is presently likely to have to ask—for the UK Government's blessing before we altered the law on rat traps. That is particularly surprising, given that changing that area of law does not involve our touching on any areas of law reserved to Westminster. Changing the law on rat traps leaves nuclear weapons, the date of Easter, the British Antarctic Territory and outer space all safely untouched by the Scottish Parliament.

It is not just the usual pro-independence suspects who warn about all the incursions on this Parliament's powers. As we have heard from other members, such warnings come from elsewhere—not least from the Scottish Trades Union Congress and from Mark Drakeford, who is Wales's Labour First Minister. Let us unite as a Parliament to recognise such attacks for what they are and recognise the UK Internal Market Act 2020 for what it is.

The Deputy Presiding Officer: We move to closing speeches.

16:35

Foysoil Choudhury (Lothian) (Lab): Labour is the party of devolution. We legislated for and enacted it and we will continue to advocate for and protect it when we are next in government. The UK Conservative Government continues to undermine devolution. As many members have outlined, over the past five years, it has repeatedly undermined and discarded the Sewel convention.

Unfortunately, the UK Government's internal market act is no different. As the minister rightly outlined in his opening speech, that was made abundantly clear when, although the Scottish Parliament and the Welsh Senedd withheld consent, the UK Government went ahead and passed the act regardless.

As Willie Rennie pointed out, this debate is about respecting the Scottish Parliament's authority. As Neil Bibby outlined, the powers of devolution were established in 1998 by the then UK Labour Government. The internal market act tramples on devolution. It undermines the Scottish Parliament's authority and allows the lowest regulatory standard under one Administration to be the rule for all. It provides the potential for UK ministers to ignore or override legislation in devolved areas in Scotland, but decisions on devolved policies should be made in Scotland.

Donald Cameron was right to say that the Scottish Parliament is one of the most powerful devolved legislatures in the world, yet the UK Government continues to seek to undermine and roll back this Parliament's powers. The internal market act does just that.

The UK Government must develop a better way to maintain common standards and safeguards—a way that does not undermine devolution in Scotland or any democratic decisions across all the devolved legislatures in the UK. As Keith Brown mentioned, that approach must not try to strike down powers from the Scottish Parliament, which more than 70 per cent of the electorate voted for in 1997.

As part of the party of devolution, Scottish Labour seeks to further strengthen devolution—not to undermine or weaken it. Scottish Labour would like Scotland to be strengthened as part of a modern and changed United Kingdom.

As my colleague Martin Whitfield outlined, we would like power in Scotland to be based as near as possible to the place in which it is exercised. We would like power to be restored to the hands of local authorities and communities. That is why the next UK Government will transform Westminster and abolish the outdated House of Lords. It will transfer power out of Westminster and into local authorities, so that regions can better control the issues that impact them most.

Angus Robertson: I think that I am right in inferring that the Scottish Labour Party will support the amended motion, given that we will support the Labour Party's amendment. In doing so, the Labour Party will be supporting the repeal of the internal market act. When would an incoming Labour Government repeal that act?

Foysoil Choudhury: I think that my colleagues have answered that question. That is something for the incoming Labour Government to look at.

Scottish Labour is focused on protecting devolution. However, instead of strengthening devolution, the Scottish Government is doubling down on the politics of division. Many of my colleagues in the chamber today have outlined that Scotland needs two mature Governments that will work together.

Stephen Kerr: Will the member give way?

Foysoil Choudhury: I want to make some progress.

The Deputy Presiding Officer: The member is concluding.

Foysoil Choudhury: Scottish Labour believes that the interests of the people of Scotland are best served when both the Scottish and UK Governments work together in co-operation. The

Scottish Government has continually made relations with the UK Government strained, instead of finding consensus. When the two Governments cannot reach agreement on anything, the people of Scotland are the ones who suffer.

With regard to the internal market act, the two Governments must seek to work together. The UK Government must find a better way to regulate the market, which does not undermine devolution. *[Interruption.]*

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

Foysoyl Choudhury: Yes. A rule that allows for the lowest regularity standard in one Parliament to be the standard of all disregards devolution and the authority of other legislative bodies across the board.

Scottish Labour is focused on strengthening devolution and on being the change that Scotland needs: a fresh start.

16:41

Alexander Stewart (Mid Scotland and Fife) (Con): I am delighted to close the debate on behalf of the Scottish Conservatives. I will be supporting the amendment in the name of Donald Cameron.

Looking at the title of the debate—"Protection of Scottish Parliament Powers"—a bystander could have been forgiven for thinking that it might be a celebration of the powers of the Scottish Parliament and of the accomplishments of devolution. They might even have thought that it would be a discussion about the importance of devolution and how the Parliament's powers could be used to improve the lives of the people of Scotland.

Such a debate would have been appropriate, given that this Parliament is the most powerful devolved legislature in the world, as has already been mentioned. However, anyone who knows the SNP Government well enough would not expect to get that, and that has been the case today.

By this point, the Conservatives have become wise to the way in which the Scottish Government always seems to follow the same pattern in tackling issues. Sure enough, today's motion contains no surprises. We have heard nothing new from the SNP Government this afternoon.

Stephen Kerr: Will the member give way?

Alexander Stewart: I am happy to do so.

Stephen Kerr: The member said that there are no surprises in the motion, but I am very surprised by the Labour Party's position in respect of the

motion, if amended by its amendment. Does he agree that that puts Keir Starmer in a most awkward situation, in which he is against the United Kingdom Internal Market Act 2020 but his party has nothing to replace it with?

Angus Robertson: Common frameworks.

Alexander Stewart: I thank my colleague Stephen Kerr for that intervention. This afternoon, it very much appears that the Labour Party wishes to repeal the internal market act without having anything to replace it.

Angus Robertson: Common frameworks.

The Deputy Presiding Officer: Cabinet secretary, please.

Alexander Stewart: As I have already said, we have had no surprises from the Government. The grievance-filled arguments that have been brought to the chamber previously continue to be made. Those attempts to convince the Scottish public that the Parliament's powers are under threat are just as empty and without substance as they always have been.

Jamie Hepburn: Will the member give way?

Alexander Stewart: I will do so in a few moments, as I wish to make some more progress.

This afternoon, we have heard from the Government about prioritising the powers of the Scottish Parliament. However, for the SNP, protecting the Parliament's powers means objecting to UK Government investment in Scotland just because the money is being spent in devolved areas.

I am happy to give way to the minister.

Jamie Hepburn: I am delighted that a Conservative member has finally given way. Mr Stewart mentioned that the people of Scotland need to be made aware of the threats to the Scottish Parliament, but he seems to dismiss those threats. Can he therefore explain why there was only one breach of the Sewel convention between the onset of devolution and 2018—which was inadvertent and remedied—whereas there have been nine in the period since then?

Alexander Stewart: We have already heard much about the Sewel convention this afternoon, but I think that Jackson Carlaw put it best when he said that the convention is just that—it is nothing more than a convention.

Of course, the SNP's objections come despite the fact that the UK Government's ability to make investment in devolved areas is very much part of the devolution settlement. Similarly, we have heard familiar complaints about the UK Government's use of a section 35 order, despite

the fact that such a power is written into the devolution settlement.

However, certain things are absent from today's motion. For example, there is no mention of the Supreme Court's damning verdict in 2021 on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which talked about the SNP deliberately exceeding the powers of the Scottish Parliament when drawing up the bill.

Clare Adamson: Will the member reflect on the evidence that was given by Philip Rycroft, the permanent secretary at the Department for Exiting the European Union from 2017 to 2019 and a senior civil servant Cabinet Office official on devolution from 2012 to 2019? He told our committee that

"you have to see Brexit as a break point in all sorts of ways, including with regard to the management of relationships between the four Governments of the United Kingdom ... it will require a reconfiguration and reconceptualisation of how those relations are managed."—[*Official Report, Constitution, Europe, External Affairs and Culture Committee*, 9 March 2023; c 14.]

In the face of overwhelming evidence that there are problems, how can the Conservatives continue to be tone deaf to the issue?

The Deputy Presiding Officer: I will give you the time back, Mr Stewart.

Alexander Stewart: I thank the member for her lengthy intervention, but none of us is tone deaf to the issue. The United Kingdom as a whole made the decision to leave the European Union. At the end of the day, the SNP has never come to terms with that. Yes, SNP members have made the point that Scotland did not like it, but the United Kingdom did and the United Kingdom is still the United Kingdom at the moment.

The motion also does not mention the fact that, despite the Supreme Court judgment having been made two years ago, it is only this week that we have learned the timetable for the reconsideration stage of the bill. When a party deliberately exceeds the power of this Parliament and then fails to use the powers of this Parliament to fix things as quickly as possible, it really lacks credibility.

I will talk about some of the points that have been made by other members. As I said, Labour members talked about repealing the 2020 act, and we look forward to seeing how that progresses in the future.

My colleague Donald Cameron said that this debate is more about deflecting from where we are, and he said that people across the country want the United Kingdom Government and the Holyrood Government to work together. They want to see a stronger relationship and trade taking

place. Those points are very valid. He also said that, although, in the past, funding came from the EU, there is no suggestion that the funding that now comes from the UK is any different. The UK has provided £2.4 billion to Scotland over the past few years.

Willie Rennie made some very valid points about respecting the authority of this Parliament. He gave a very good example relating to freedom of information that exposed the SNP as following rules only when it suits it. We have debates that do nothing more than cause controversy and that do not show respect to the Parliament.

My colleague Stephen Kerr made a powerful speech. He talked about the scrutiny that is not taking place, and he said that there should be milestones and better governance.

My colleague Jackson Carlaw talked about being fair minded. It was quite hard for him to find evidence of fair mindedness in the chamber—he might well be fair minded, but we have not had much fair mindedness today.

Labour members then made comments about how Labour would manage or repeal the 2020 act—we look forward to seeing where that takes us in future.

The Deputy Presiding Officer: I hope that you are concluding, Mr Stewart.

Alexander Stewart: I am just about to do so.

As my colleagues have highlighted, the real problem is that the current Scottish Government is failing to use the powers at its disposal effectively. The Government claims that it wants to protect the powers of the Parliament. For the Scottish public, however, it is clear—[*Interruption.*]

The Deputy Presiding Officer: Please resume your seat, Mr Stewart. Could we not have conversations across the front benches, please? It is very discourteous to the member who has the floor.

Mr Stewart, please conclude.

Alexander Stewart: Thank you.

It is clear that the Scottish public wish to see that the powers that are here are not squandered. The SNP has squandered those powers and it continues to do so. It squanders resources and it squanders opportunities. It should use the powers that support Scotland's economy—

The Deputy Presiding Officer: Mr Stewart, you will need to conclude.

Alexander Stewart: —its justice and education systems and the environment to enhance our country, rather than squandering those powers.

The Deputy Presiding Officer: I call the cabinet secretary, Angus Robertson, to wind up on behalf of the Scottish Government.

16:50

The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson): It is a genuine pleasure to wind up this debate, in which we have discussed a motion that draws attention to the fact that the Scottish Parliament and the Welsh Senedd

“refused to give consent to the Internal Market Act because of concerns over its potential to undermine democratic decisions of the devolved legislatures”.

The motion goes on to say that we agree that

“those fears have been realised to the detriment of the people of Scotland, and that the devolution settlement has been fundamentally rolled back by the Act”,

and that we call for

“the repeal of the ... Act and for the UK Government to stop taking back control to the UK Parliament of policy decisions that should be made in Scotland.”

That is an eminently sensible statement of fact that should command the support of members from across the Parliament. I pay tribute to my colleague Jamie Hepburn, who made a powerful and persuasive opening speech regarding the erosion of the Sewel convention and the implications of the United Kingdom Internal Market Act 2020.

It was a pleasure to listen to much of the speech from Neil Bibby on the Labour front bench. His party’s amendment calls on the UK Government

“to develop a more consensual means of preserving common standards and safeguards across the UK that does not undermine devolution in any part of the UK.”

In one slight criticism, I say that, at some point, the Scottish Labour Party will have to be clear about what it will or will not do with the Sewel convention. Frankly, given what we have learned about how the convention is abused by the UK Conservative Party, the only way for that to work is on a statutory basis. I hope that the Scottish Labour Party will move to support that in time.

We also heard very positive contributions from Michelle Thomson, Keith Brown and Martin Whitfield. Again, I have one minor criticism, on the Scottish Labour Party’s inability to commit to incorporating Sewel on a statutory basis. We heard powerful interventions from Christine Grahame, Ross Greer and Clare Adamson, who reminded members of the advice that her committee has received from Scotland’s leading constitutional academics.

What we are debating this afternoon are well-established facts about the undermining of devolution.

Stephen Kerr: I wonder whether the cabinet secretary was actually here listening to the debate. He said that he agreed with Martin Whitfield, whose whole speech was a criticism of the SNP’s moves to centralise powers and its tendency to want to gather everything to the centre. He was calling for—I support this—devolution of power to communities and to the people where they live, which is the very opposite of what the SNP stands for. Was the cabinet secretary listening to any of the speeches that were offered today?

Angus Robertson: Clearly, in summing up, I am reflecting on all the contributions, and I will come to Stephen Kerr’s shortly.

I pay tribute to Dr Alasdair Allan for his speech and to Foysol Choudhury for his summing up, although, again, I raise with him the question of when a Labour Government would repeal the United Kingdom Internal Market Act 2020. Some commitment will have to be made on that front, and on Sewel.

I turn to disappointing contributions from colleagues, and I must start with the learned gentleman on the Conservative Party front bench, Mr Cameron. I will concentrate on what he did not say, because, although what we say is important, what he did not say is of note. He did not, or could not, condemn the overriding of the Scottish Parliament or the Senedd, which, as has been pointed out a number of times, Mark Drakeford has been able to do very powerfully. I quote from Mr Drakeford, giving evidence to the House of Lords Constitution Committee on 17 July 2021. He said:

“When it became inconvenient for the UK Government to observe Sewel, they just went ahead and rode roughshod through it.”

He also said:

“More recently, I am afraid, the Sewel convention has withered on the vine.”

He has been prepared to be outspoken, and the Conservative Party should be as well. Mr Cameron also did not, could not or would not criticise the United Kingdom Internal Market Act 2020, and its, frankly, malign impact on devolution. He prayed NFU Scotland in aid at one stage. It would be helpful to read the record of the views of NFU Scotland. Its written evidence, from Jonnie Hall, went as follows:

“it is the clear view of NFU Scotland that the principles now embedded in the UK Internal Market Act (IMA) 2020 pose a significant threat to the development of Common Frameworks and to devolved policy.”

I cannot omit a point that was made by the members on the Conservative front bench, Donald Cameron and Alexander Stewart. First, the comparison with the European Union is spurious, because the difference between UK devolution, which is not functioning well, and European Union additionality was that, in the European Union, Scottish legislators in the European Parliament had oversight of EU spending, and those funds were disbursed through the Scottish Office, which became the Scottish Government.

The claim about this Parliament being the most powerful devolved Parliament in the world will come as news—especially on the day of German unity—to anybody who knows anything about government in Germany, where the Bundesländer are involved in federal decision making.

I could go on to speak about Willie Rennie's contribution—the Liberal Democrats were once the proud party of home rule—but he had nothing positive to say, describing these constitutional questions as “noddy debates”. Stephen Kerr would not even acknowledge that his party opposed devolution. Jackson Carlaw said that the Sewel convention should be “respected as such”, but the point is that it is not, and his party should reflect on that. Alexander Stewart said at one point that there is nothing to replace the 2020 act, which is factually inaccurate, because common frameworks were established to do just that, before the Trojan horse of the 2020 act was passed by the UK Government.

Since 2016, the UK Government has taken a range of actions that have damaged devolution and the powers of the Scottish Parliament. As we have heard, the UK Government has passed legislation without the Scottish Parliament's agreement, that reduces the Parliament's powers and allows UK ministers to make further changes unilaterally, such as making provisions on healthcare subject to the 2020 act. It has given powers to UK ministers to intervene directly in matters within the responsibilities of the Scottish Parliament—again, without the Scottish Parliament's agreement. It has undermined the Sewel convention that the Westminster Parliament

“will not normally legislate with regard to devolved matters without the consent of the Scottish Parliament.”

It has now done so on 11 occasions and has turned the Sewel convention on its head by insisting on consent as a condition for lodging agreed amendments to the Energy Bill, as we have heard.

The UK Government has for the first time blocked legislation on devolved matters that has been passed by the Scottish Parliament. It has taken forward legislation, the Retained EU Law (Revocation and Reform) Act 2023, that puts at

risk EU laws on environmental protection, food standards and other devolved matters. It has taken a direct role in devolved policy and decisions on public spending on devolved matters, bypassing the Scottish Parliament and diverting funding from priorities here.

There was always a risk that the Brexit process would result in greater centralisation in Whitehall and Westminster. Fundamental changes can now be seen in the relationship between the Governments and the Parliaments of Westminster and Holyrood—as well as, incidentally, the Welsh Senedd, which is, obviously, not led by the Scottish National Party. My view is shared by the Welsh Government, as it is by the Scottish Government. No doubt, if there was a functioning Government in Northern Ireland, it would also share those views.

Far from the Scottish Government provoking constitutional clashes, it is the UK Government that has intervened in devolved areas either to prevent the Scottish Government and the Scottish Parliament from progressing with our policies, whether it be recycling or gender recognition, or to impose UK Government policies. The UK Government's approach increasingly asserts Whitehall and Westminster's authority over the Scottish Parliament and Government in a way that has not been seen previously.

The Scottish Government is clear that the Internal Market Act 2020 should be repealed, and we invite the Parliament to support that view. The threat to the powers of the Scottish Parliament and the undermining of the institutions of devolution are real and urgent. They should concern everyone who supports the Parliament, regardless of their party allegiance.

Committee Announcement (Economy and Fair Work Committee)

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is an announcement by the Economy and Fair Work Committee on its inquiry into a just transition for the north-east and Moray. I call Claire Baker, the convener of the committee, to make the announcement.

17:00

Claire Baker (Mid Scotland and Fife) (Lab): I welcome the opportunity to highlight the second part of the Economy and Fair Work Committee's just transition inquiry.

The first part of the work focused on the Grangemouth area, and the committee's report was published in June. The second part will look at the north-east and Moray, and it will consider whether the just transition fund is achieving its aims and how a just transition that benefits industry, workers and communities can be achieved.

Evidence sessions will commence after the recess. Members might be interested to know that our committee meeting on Monday 6 November will take place in the council chambers in Aberdeen. Where it is possible and relevant, it is important that committees take the opportunity to formally convene outside Edinburgh. I thank the Parliament for its support in facilitating that.

As part of the committee's work in Aberdeen, we will visit Aberdeen south harbour and hold an informal engagement event with local people from the north-east and Moray.

If any member would like any more details about the inquiry, they should please contact our clerks.

Decision Time

The Deputy Presiding Officer (Annabelle Ewing): There are three questions to be put as a result of today's business. The first question is, that amendment S6M-10703.1, in the name of Donald Cameron, which seeks to amend motion S6M-10703, in the name of Jamie Hepburn, on protection of Scottish Parliament powers, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. There will be a short suspension to allow members to access the digital voting.

17:02

Meeting suspended.

17:05

On resuming—

The Presiding Officer (Alison Johnstone): We come to the division on amendment S6M-10703.1, in the name of Donald Cameron. Members should cast their votes now.

The vote is closed.

The Minister for Victims and Community Safety (Siobhian Brown): On a point of order, Presiding Officer. My app is frozen but I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

Tess White (North East Scotland) (Con): On a point of order, Presiding Officer. My app would not work. I would have voted yes.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)

McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (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)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)

Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 29, Against 83, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-10703.3, in the name of Neil Bibby, which seeks to amend motion S6M-10703, in the name of Jamie Hepburn, on protection of Scottish Parliament powers, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Tess White: On a point of order, Presiding Officer. My app did not work. I would have voted no.

The Presiding Officer: Thank you, Ms White. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)

Constance, Angela (Almond Valley) (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)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)

Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 83, Against 29, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S6M-10703, in the name of Jamie Hepburn, as amended, on protection of Scottish Parliament powers, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is closed.

Tess White: On a point of order, Presiding Officer. My app would not work. I would have voted no.

The Presiding Officer: Thank you. We will ensure that that is recorded.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (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)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)

Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 83, Against 29, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament notes that both the Scottish Parliament and the Welsh Parliament refused to give consent to the Internal Market Act because of concerns over its potential to undermine democratic decisions of the devolved legislatures; agrees that those fears have been realised to the detriment of the people of Scotland, and that the devolution settlement has been fundamentally rolled back by the Act; calls for the repeal of the Internal Market Act and for the UK Government to stop taking back control to the UK Parliament of policy decisions that should be made in Scotland; agrees that the people of Scotland are best served by both the UK and Scottish governments working together cooperatively, and calls on the UK Government to develop a more consensual means of preserving common standards and safeguards across the UK that does not undermine devolution in any part of the UK.

The Presiding Officer: That concludes decision time.

Our Kids Won't Wait Campaign

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-10476, in the name of Claire Baker, on the #OurKidsWontWait campaign. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the #OurKidsWontWait campaign to improve funding for disabled children in Scotland, and the importance of organisations such as The Yard that provide vital support for children with disabilities and their parents; understands that demand for the wide range of services offered by organisations such as The Yard is growing but that funding for The Yard, in real terms, has declined over the last seven years; believes that more could be done to help these organisations grow and expand services so that more children with disabilities and their families can get the support that they need; commends the efforts of four-year-old Eilish Cowan, who was born with a rare genetic condition, and her family in their campaign work with The Yard to improve funding for services for disabled children in the Mid Scotland and Fife region and across Scotland, and understands that the Scottish Government's decision to roll forward the Children, Young People and Families Early Intervention Fund grant has a major impact on the ability of charities such as The Yard to meet demand to help some of Scotland's most vulnerable children.

17:13

Claire Baker (Mid Scotland and Fife) (Lab): I thank the members who signed the motion and those who are taking part in the debate. I know that some of them had the chance to meet Eilish Cowan and her family outside Parliament last week. I also welcome the families to the gallery, and I hope that they are encouraged by the support that will be expressed in the chamber.

I lodged the motion after the financial pressures that The Yard is facing were highlighted to me by Eilish's family, who live in my region. I am grateful to them for sharing Eilish's story with me and for the work that they have already done in their campaign to improve funding for services for disabled children in Mid Scotland and Fife and across Scotland.

The Yard, which opened in Edinburgh in 1986, is a charity that supports disabled children and young people through adventure play, offering creative and inclusive play experiences alongside wraparound support for the whole family. It also supports families in building support networks and provides a varied programme that includes drop-in sessions, respite, specialist sessions with schools, disability training and family play sessions.

It opened a further site in Dundee in 2015, and then a site in Kirkcaldy in 2016. I will read a couple of quotes from those who have benefited from its services. One parent says:

"It really is an amazing place, and we always feel so welcomed and included. The staff are fantastic, and it's the only place where I ever see my little boy relaxed and able to be himself without judgement".

Another parent says:

"It's incredibly valuable to have a space where autistic and disabled children can play with other children like themselves in an environment that is built for them. The Yard do fantastic work and there is nothing else like it in Scotland."

Eilish Cowan was born with a rare genetic condition that means that she struggles to walk and to see like you or me, and she has a learning disability. As those who met Eilish last week will agree, she is delightful and engaging, and she certainly knows how to pose for a great photo. For Eilish and her family, The Yard is a place of pure joy—somewhere she can be who she is and not be defined by her disability.

In 2016, The Yard was delivering support for 550 children and was receiving funding of £90,000 per year from the Scottish Government. Now, seven years on, it has grown to deliver family support, respite, school and play services to more than 2,300 children in the east of Scotland. However, the funding from the Scottish Government has not increased in line with that growth in support provision, nor has there been any opportunity to discuss the need for increased funding to support the growth in demand for The Yard's services.

In 2016, that funding was equivalent to £163 for each of the families being supported; in 2023, however, it has reduced, in real terms, to just £39 per family. The decision to roll forward grants from the children, young people and families early intervention fund at 2016 levels makes it very difficult for front-line third sector organisations to meet demand. Consequently, some disabled children and their families are missing out on vital support.

Members will be aware that this week is challenge poverty week, which is focusing minds on the need for action to tackle poverty throughout Scotland. We know that households with a disabled person have increased levels of child material deprivation in comparison with households with no disabled people and that a third of Scottish families have extra disability and care-related costs of upwards of £300 per month.

Michael Marra (North East Scotland) (Lab): I thank Claire Baker for giving way and for paying tribute to the work of The Yard.

I have received representations from constituents in Dundee regarding holiday time play and respite programmes that are partly funded by Dundee City Council. The challenge that those constituents raised was about those programmes

being confirmed only a matter of days before the start of the holidays. Does the member agree that predictable funding for those types of respite breaks and play functions is critical in allowing families to plan? Many of those families are in poverty and cannot plan alternatives.

Claire Baker: The member makes a fair point, and I hope that the Minister for Children, Young People and Keeping the Promise listens to it. We know that the more notice that families have, and the more support that they have around them, the more that reduces stress and helps them to plan their lives. We also know that, amid the current cost of living crisis, more needs to be done to support those families as best we can.

The Yard is just one of the organisations that have been impacted by the decisions around funding in this area. Back in April, the Scottish Council for Voluntary Organisations and the TSI—third sector interface—Scotland Network wrote to the minister to raise their concerns about the administration of the children, young people, families and adult learning third sector fund and its predecessor funds. Their letter followed earlier correspondence on the impact of delays on decision making and how those delays had impacted on voluntary organisations, and it highlighted a number of changes, delays and challenges around the administration of funding, alongside concerns over how decisions on funding had been made and communicated. It stated that, in that regard, the administration was

“one of the worst the voluntary sector has experienced, impacting on children and families as well as the organisations that support them”.

While the 2016 decisions to delay and then cancel successor funds have meant that funding has effectively continued, there has been no assessment of whether those projects that were funded in 2016 are still meeting the needs of their communities seven years on or whether the funding levels are now adequate. The roll-over affects organisations such as The Yard by failing to take into account the increased demand for their provision and the increased costs of running their services, and so the spend per child has dropped significantly.

We know that third sector organisations play a key role in supporting our children, families and communities—even more so in a time of crisis—but they work within very limited resources as they do so. Many of those organisations have faced huge uncertainty as they wait for funding decisions, and they have experienced numerous delays in the process. Organisations such as The Yard are making a vital contribution to the lives of disabled young people and their families. Every £1 invested in The Yard yields a social return on investment of £23, but the current funding

approach means that the amount of money that is going in is not being adjusted to reflect increasing demand.

While The Yard has received some additional resource to support delivery of the Promise, the rolling forward of its core funding without adjustment means that it is effectively being penalised for growing demand. I know that the minister does not want organisations such as The Yard to have to fight for support like that, and I urge her to find a solution. I ask the Scottish Government to consider a review of the funding model and to ensure that organisations that can demonstrate their impact in supporting children and young people with disabilities and tackling poverty are able to access improved support.

I close with another quote from a parent—this time from Lawrence, who is Eilish’s dad. His plea is this:

“Our kids won’t wait any longer. The First Minister says his priorities are tackling poverty and improving childcare. Charities like The Yard are essential services delivering both these priorities for some of the most vulnerable children in Scotland. We need to see a fairer funding approach.”

I very much agree.

17:21

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I thank Claire Baker for bringing this important debate to the chamber.

When most people hear the phrase “Scotland Yard”, they think of the Metropolitan Police, but a young person growing up on the northern side of Edinburgh would know it as a park that resides between Rodney Street, which marks the boundary of my constituency, Eyre Place and Royal Crescent. I used to go to Scotland Yard when I was a young boy, and I saw then that there was a part of the park that, although I was not quite sure what was there, sounded really fun. It sounded like it made a difference.

It was not until I became a member of the Scottish Parliament that I fully understood, when I was invited by Celine Sinclair to visit The Yard. I found out then not only the difference that it was making for my constituents and for young people and families around Edinburgh, but that it had grown into the organisation that it is now, providing support in Fife and Dundee. After that visit, it was a real privilege for me to be asked to sponsor in the Parliament the 30th anniversary celebration of The Yard’s contribution to the common good.

Since then, we have experienced the pandemic. Claire Baker rightly talked about the wraparound support and the adventure play services. Indeed, I experienced them on my visit and saw at first hand what a difference they make. Such support made

a tremendous difference during the pandemic. I heard as much from constituents at the time, and I have heard about it again in recent days and weeks as constituents have written to me in support of the motion and its ask for the organisation.

It is important to recognise that, since I was elected as an MSP in 2016, the contribution that the Scottish Government has been able to make to The Yard has not been increased, and that is what we are considering today. The organisation is extremely effectively run, and it is extremely effective at private fundraising. Not only does it make an impactful difference, as is well documented, and not only does it have a strong financial position generally, but, as has been said, it has a delivery capacity whereby every £1 invested in it generates a social return on investment of £23.

We are in very challenging circumstances for the public finances—I am very much aware of that—but I should highlight that we are currently trying to provide support in various ways to families who also need the support provided by The Yard, whether through the child disability payment, for which I had the privilege of being responsible when I was Minister for Social Security and Local Government, or through the various other initiatives that I am sure the minister will talk about in her summing up, which other members will be aware of. It would seem very worth while, therefore, to give consideration to meeting the ask from The Yard and to provide that additional support and the necessary uprating, which has not been applied since 2016.

I know that the First Minister will visit The Yard in the next few weeks, and I am sure that he will be as inspired and impressed as I was by what it does. I hope that, particularly during this challenge poverty week, the Scottish Government can consider what fair funding it can provide to this remarkable organisation.

17:25

Martin Whitfield (South Scotland) (Lab): It is, as always, a pleasure to follow Ben Macpherson, particularly in this members' business debate. I, too, compliment Claire Baker on getting a slot to talk about the #OurKidsWontWait campaign.

Before I thank anyone else, I have to thank Eilish Cowan for what are, without a doubt, some of the most entertaining photos that have been taken outside the Parliament. That is not just because of her enthusiasm and her ability to capture the attention of those around her, but because of those who surrounded her and because of the pleasure of watching messy play going on.

In the short time that I have, I want to talk about the power of play, because what we discover at the heart of this campaign, and in the hearts of our disabled children and the families, friends and communities who support them, is the true excellence of play. That includes the fact that it is fun. It is incredibly fun to watch people cover their trousers in chalk or push water around and to watch them forget about some of the most difficult periods of their lives because they are lost in playing next to, or with, someone and in just making a mess. It is incredibly powerful.

When I saw all of that happening while trying to be photographed with someone far more photogenic than I am, I suggested that the families bring messy play along with them, because I feel that those who are sitting in the chamber—and, indeed, other MSPs in Parliament—could certainly take great advantage of an hour and a half's messy play somewhere. It might help them put aside some of the tensions, conflicts and perhaps contradictions that seem to fill so much of our daily lives here.

Just sitting next to someone and messing around with spaghetti in water or with Play-Doh—or, as I said, messing around with chalk and even getting it on your clothes—can bring people together. When young people, particularly young disabled people, do so, they are, to quote one of the parents whom Claire Baker quoted,

“relaxed and able to be”

themselves

“without judgment.”

It is so important for our young people to achieve that as they grow up. It can be encompassed in the word “fun”. All our young people should have the time to have fun, and they should be able to forget the pressures that their parents might be under and the financial pressures that places such as The Yard are under. I know that the adults who surround those young people do their very best to stop those pressures being reflected in the experience that young people have.

To be able to invest £1 and get a social return on investment of £23 is phenomenal. To do so when it enables a giggling child—or perhaps two or three children giggling and laughing together—to forget their disability and understand that they are, first and foremost, human beings and that the empathy of the community surrounds them is phenomenal, too. We should treasure that, because our disabled people bring us so much more than they might, in the first instance, appear to bring. They bring a humanity that we should measure ourselves against and a kindness that we should try to emulate. Most of all, they remind us of what being human is.

In the short period of time that I spent outside with Eilish, I could see that in abundance. In the discussions that followed, I could see from the adults who support and surround The Yard, and from the families, the real power that can come if we open up our understanding of our young people and our disabled young people. We can fight the statistic that 33 per cent of Scottish families have an extra disability that leads to costs of £300 per month, and we can fight the fact that disabled people have, at 20 per cent, higher levels of child material deprivation compared with levels in other households, where the figure can be as low as 8 per cent.

In our fight against poverty and to make Scotland the best place for young people to grow up in, we must never forget the experience that our disabled young people have in growing up. After all, that is what we will be measured by.

The Deputy Presiding Officer: Thank you, Mr Whitfield. If any evidence of chalk, paint or wet spaghetti is found in the chamber, we will know who to come to.

17:30

Miles Briggs (Lothian) (Con): I, too, am pleased to speak in this members' business debate and to give my support to the campaign, which recognises the importance of funding for disabled children in Scotland. I thank Claire Baker for lodging the motion, and I welcome the families to the public gallery.

As others have done, I pay tribute to The Yard for the wonderful work that it does to support children with disabilities and their families. As the briefing says, it has always been

"a place of pure joy"

for anyone who has ever visited. Since my election, I have had the pleasure of visiting The Yard on several occasions. I think that the first time that I visited, within minutes, I was dressed as a wizard and being pushed around in a tricycle or race car. It was a fantastic visit, and it gave me a sense of the value that The Yard brings not just to children but to their whole family and support network. It is important to recognise that in the debate today.

Anyone who has ever used The Yard will know that it is a very special place, as many families have told me. However, it is also a lifeline, with a varied programme of drop-ins, respite sessions, transition youth clubs, early years sessions, specialist sessions with schools, family play sessions and inclusive play and disability training. It also provides parents with an opportunity to have conversations with other parents about the daily struggles that they are facing. It is really

important for any family to be able to have that space to have those conversations.

Improving support for disabled children across Scotland and providing support for families is important, and I think that ministers and members across parties all recognise that. Investing in charities such as The Yard can help families and children and can contribute to reducing some of the financial burden that sometimes disadvantages those families. In 2022, the Scottish Government decided to roll forward the children, young people and families early interventions fund grant, and that had major implications for charities such as The Yard, which were struggling to meet demand. As Claire Baker has already outlined, in the seven years since funding was delivered, the Scottish Government's contribution to each family has reduced in real terms by 76 per cent. That is a remarkable statistic: it has gone from £163 per family in 2016 to just £39 per family now. I think that all of us, across the parties, understand the need to recognise that, and I think that it is important that ministers are aware of it. It is an astonishing fall in funding that will clearly present challenges in the future.

We know that The Yard wants to expand into the west of Scotland, and I think that we would all want to support that work. With additional funding, those ambitions can be realised, and that will represent value for all of us.

As Ben Macpherson said, charities such as The Yard are invaluable, but they do not come free, and we cannot take for granted those organisations or the facilities and services that they provide. Most of us in the chamber will have a friend or family member with a disabled child, and it is important that we recognise the need for bespoke funding for those services in Scotland.

I will conclude, as others have, by thanking Eilish Cowan for her campaigning. I also thank her whole family and all the families who use the yard for their tremendous campaign to date. I hope that today's debate presents an opportunity for ministers to think again and look to provide a better deal. The Yard has received just £90,000 since 2016, and that has been enough to support 550 children. However, seven years on, the charity's reach has grown fourfold, delivering family support to more than 2,300 children in its three centres in the east of Scotland. Demand for a wide range of services is growing, and the Scottish Government needs to recognise that and rethink its position. The Yard will not be able to continue to meet demand if it does not receive that additional funding, so I sincerely hope that the minister has heard the case this evening for providing a better funding deal for The Yard and that she will undertake a review urgently to

improve the funding model and make sure that The Yard can continue to go from strength to strength.

17:34

Richard Leonard (Central Scotland) (Lab): I thank Claire Baker for bringing this important and urgent question to Parliament and join her in welcoming to the public gallery families and workers from The Yard who so warmly welcomed me when I first visited them four years ago.

Their latest struggle for a fair funding settlement is a campaign that is driven not only by persuasive argument but by moral force and they have waged it both outside and inside this Parliament. Although there will be no vote tonight, I hope that everyone is clear that we are not merely a debating society: we are a Parliament with powers and we must be prepared to use those powers, including the budgetary powers that we possess, to speak a language of priorities, to address this injustice and to build a more equal, civilised and caring society as well. We will not be judged by our votes this evening, but—make no mistake—we will be judged by our values.

What is happening here is a crime. It is daylight robbery and has happened not only because of bureaucratic inertia, delay and cancellation but because of the deafening silence of political indifference. It is simple: the Government's funding for The Yard and other early intervention organisations has been cut. Seven years ago, The Yard secured £90,000 from the Scottish Government's children, young people and families early intervention fund. It then provided services for 550 children with disabilities, working out at a cost of £163 per family. Its grant is still stuck at £90,000 today, but it is now working across three sites and with 2,300 children with disabilities. By my calculations, that works out at £39 per family, and that is not £39 per week, it is £39 per year, which works out at 75p a week.

It is not by accident but by design that the Scottish Government called the fund an "early intervention" one. All the evidence tells us that the earlier the intervention, the better. It is no good ministers making speeches to party conferences and to this Parliament about being committed to

"getting it right for every child"

or to the "same outcomes ... same opportunities" or to giving

"the best start in life"

if all they have are words and frameworks without the action or funding to back that up.

The children from The Yard who were here lobbying Parliament just last week were three, four and 12 years old. They will not be three, four and

12 years old again. That is why we have to get this right. And we have to get this right now.

The money can be found. I tell you: the working people who produce the wealth of this country—the people I represent—would far rather their hard-earned money was spent on these kids in need than on the asset managers and wealthy bankers who are hoovering up public funds to buy up our land, our peatlands and our forests. The money is there, but it is in the wrong hands.

We are here tonight to stake a claim for equality and for the flowering of the human spirit—in short, to stake a claim for a social revolution. That is why this debate is not the end but just the beginning. We are just starting to set out the changes that we need to bring about the good society that we all must build to secure a better future for all those children and their families who are with us in Parliament tonight and for all of those who are watching on across Scotland and who can wait no more.

The Deputy Presiding Officer: I call Natalie Don to respond to the debate.

17:39

The Minister for Children, Young People and Keeping the Promise (Natalie Don): I thank members for taking part in the debate. It has been nice to hear about members' experiences and understanding of the impact that The Yard has had.

I welcome the opportunity to highlight the vital role of organisations such as The Yard and to reaffirm the Government's commitment to supporting disabled children and their families. I pay particular tribute to Eilish, her dad, Lawrence, and the rest of her family for all their hard work in raising awareness of this important issue. As has already been said, the First Minister will visit The Yard in a couple of weeks, and he is very much looking forward to meeting Eilish and her friends. Of course, I would be delighted to visit, to see at first hand some of the amazing work that is going on.

The Scottish Government highly values our third sector and the contribution that it makes to children, young people and families across Scotland. Our children, young people and families early intervention fund—which I will refer to for the rest of my speech as CYPFEIF, otherwise it will take up most of my time—has been providing core funding to 115 organisations, including The Yard, since 2016, helping thousands of children, young people and families. As members have noted, these are incredibly challenging times, and we recognise the strain on third sector bodies. In recognition of that, in March this year, we

sustained our £94,500 annual funding via CYPFEIF for The Yard until March 2025.

The funding contribution to The Yard is in recognition of the excellent work that it is doing and the support that it is providing. It was our aim that the continued provision of CYPFEIF funding would ensure the sustainability of organisations and continued delivery of support to thousands of children, young people and families across Scotland. However, I am aware that The Yard has made calls for an increase in funding to allow it to deliver even more of the valuable services that it already provides. I have heard loud and clear the calls from members in the chamber today.

Members are all aware of the continued pressure on public finances, but I assure the chamber and organisations such as The Yard that we are determined to do everything that we possibly can to support our disabled children, their families and the people and organisations that support them. I reassure Claire Baker and other members that we are in the process of reviewing our approach to third sector funding. In response to Ben Macpherson, I say that the review will keep in mind our commitment to fairer funding principles.

I am committed to equality and improving outcomes for disabled children and young people in Scotland, and to ensuring that all children can participate and achieve their potential. We know that families with a disabled person are more likely to be in poverty and that they can be disproportionately affected by the current cost crisis. We are providing funding to Family Fund, which delivers support and direct grants to families on low incomes who are raising disabled or seriously ill children and young people. Through the Family Fund grant scheme, each family has choice and control over what items they request, based on what they need to improve their quality of life. In 2022-23, we provided £2.974 million of funding, which supported more than 6,000 families.

Our national carers strategy, which was published in December 2022, sets out our cross-Government approach to carers' financial inclusion. We are currently implementing the strategy to drive forward long-term changes to improve the lives of unpaid carers across Scotland. People who care for a family member with a disability make a vital contribution to Scotland. That is why we have improved support for unpaid carers, including through investing more than £88 million in local carer support through local authority Carers (Scotland) Act 2016 funding and by legislating to establish a right to breaks from caring through the National Care Service (Scotland) Bill to support people to protect their wellbeing and sustain caring relationships.

Despite our fixed budgets and limited powers of devolution, we have also transformed social security provision in Scotland by delivering a system that is based on our principles of dignity, fairness and respect. The launch of the carer support payment, which will replace the carers allowance in Scotland, is the next important milestone in our on-going work to improve support for carers. We have worked extensively with carers and support organisations to design an improved service and a benefit that will work for them. The carer support payment will provide an improved service and information to help carers to find out about and access wider support for themselves and their families. Carers will also continue to benefit from the carers allowance supplement, which will, by the end of this year, have paid carers up to £3,300 on top of the carers allowance since its launch in 2018.

Almost £300 million has been paid to the families of disabled children and young people through the child disability payment. We have heard from families about the important difference that the payment can make by helping with the extra costs of caring for a disabled child. More than 80 per cent of people who responded to the child disability payment survey in 2022 told us that the child disability payment had helped to make a difference to their life.

We can look at other examples, such as childcare for school-age children. Childcare and activities around the school day are highly important. Children can benefit from improved outcomes through opportunities for play and learning, and access to childcare can support parents and carers to work, train or study, or it can provide them with respite. That is why we are committed to designing and building a new system of childcare for school-age children in which care is provided before and after school all year round for the families who need it most.

Miles Briggs: I understand that the minister is outlining a range of policies. Carers centres, which councils are struggling to fund, and places such as The Yard are key in providing holistic support, so have ministers considered what needs to happen to ensure that such services are sustainable into the future and where additional funding for them can be found? That is really important because, when people look for support in accessing the new benefits that the minister has outlined, those conversations often take place in carers centres or places such as The Yard.

The Deputy Presiding Officer: I can give you the time back, minister.

Natalie Don: I thank Miles Briggs for his intervention. As I have said, we are reviewing our approach to third sector funding, and we can certainly look into various aspects relating to that.

This year, we are investing £15 million in designing and testing new models of childcare for school-age children that meet the diverse needs of Scotland's families. We are taking a people-centred, place-based approach to that, which means that we will co-design services with the people who will use them. Through that process, we will utilise existing research and experience from specialist services so that we deliver a childcare offer for school-age children, whatever their needs, that reduces barriers for families and supports positive outcomes.

Play is at the heart of what organisations such as The Yard provide; they give everyone who attends their centres the opportunity to be themselves and, importantly, to have fun. I wholeheartedly agree with Martin Whitfield about the importance of play. In fact, I was at an outdoor nursery setting today, and I had mud all over my skirt because I was running about with the children in the forest. It was such a brilliant start to my day, and it reaffirmed the importance of play. The Scottish Government and organisations such as The Yard understand how important play is for children and young people's growth, development and wellbeing, which is why we are committed to enshrining in law play as a fundamental children's right through the incorporation of the United Nations Convention on the Rights of the Child.

I conclude by reaffirming the Scottish Government's commitment to ensuring that every child has the nurturing care that they need to get the best start in life. We want to protect parents from stigma and give them the resources and help that they need, where and when they need it, to ensure that children have the responsive care that is required for healthy development. Organisations such as The Yard are providing just that. I am delighted that we are able to continue to support The Yard through CYPFEIF, and I look forward to continuing to work with it. The health and wellbeing of children and young people is a key priority not just for the Scottish Government but for our whole society. We know that parents are the strongest influence on a child's life and that, by helping parents, carers, families and communities to build better lives for themselves and their children, we can ensure that every child has the best start in life. I again thank Claire Baker for bringing the debate to the chamber.

The Deputy Presiding Officer: That concludes the debate, which, I am delighted to see, Eilish appeared to enjoy up in the gallery.

Meeting closed at 17:48.

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