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Thursday 22 February 2024

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CONTENTS

	Col.
GENERAL QUESTION TIME	1
“Read Write Count with the First Minister”	1
College Operational Expenditure Budget 2024-25 (Impact on Ettrick, Roxburgh and Berwickshire)	2
Parole Board for Scotland	3
Local Authorities	4
Railway Infrastructure	5
Scottish Parliament Powers (Referendum)	7
Young People (Care).....	8
FIRST MINISTER’S QUESTION TIME	10
National Health Service	10
Oil and Gas Industry (Profits)	13
Taxation Policy	16
Addressing Depopulation Action Plan	18
Oil and Gas Licences	20
Mental Health Problems (Household Debt).....	22
Henry Wuga.....	23
Audit Scotland Report “NHS in Scotland 2023”	24
War in Ukraine	25
Bail Orders (Independent Review)	26
Violence in Schools	26
POINTS OF ORDER	28
PALESTINE AND ISRAEL	31
<i>Motion debated—[Ivan McKee].</i>	
Ivan McKee (Glasgow Provan) (SNP).....	31
Jackson Carlaw (Eastwood) (Con)	34
Neil Bibby (West Scotland) (Lab)	36
John Mason (Glasgow Shettleston) (SNP).....	38
Pauline McNeill (Glasgow) (Lab)	39
Fulton MacGregor (Coatbridge and Chryston) (SNP)	41
Ross Greer (West Scotland) (Green)	42
Foyso Choudhury (Lothian) (Lab).....	43
Marie McNair (Clydebank and Milngavie) (SNP).....	45
Richard Leonard (Central Scotland) (Lab)	46
Bill Kidd (Glasgow Anniesland) (SNP).....	47
Carol Mochan (South Scotland) (Lab).....	48
The Minister for Culture, Europe and International Development (Kaukab Stewart)	49
PORTFOLIO QUESTION TIME	53
SOCIAL JUSTICE	53
Housing (Glasgow)	53
Best Start Grant (Falkirk East).....	55
Inward Migration (Rest of the UK)	56
Benefits Uptake	59
Nappies (Cost).....	61
GRANGEMOUTH OIL REFINERY	63
<i>Statement—[Màiri McAllan].</i>	
The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan).....	63
REGULATION OF LEGAL SERVICES (SCOTLAND) BILL: STAGE 1	74
<i>Motion moved—[Siobhian Brown].</i>	
The Minister for Victims and Community Safety (Siobhian Brown).....	74
Karen Adam (Banffshire and Buchan Coast) (SNP)	78
Annie Wells (Glasgow) (Con)	81
Paul O’Kane (West Scotland) (Lab)	83
Liam McArthur (Orkney Islands) (LD).....	85
John Swinney (Perthshire North) (SNP).....	87

Russell Findlay (West Scotland) (Con).....	89
Michelle Thomson (Falkirk East) (SNP)	92
Katy Clark (West Scotland) (Lab).....	94
Fulton MacGregor (Coatbridge and Chryston) (SNP)	95
Maggie Chapman (North East Scotland) (Green)	97
Stuart McMillan (Greenock and Inverclyde) (SNP)	99
Jeremy Balfour (Lothian) (Con)	101
Paul O’Kane.....	103
Meghan Gallacher (Central Scotland) (Con)	104
Siobhian Brown.....	106
REGULATION OF LEGAL SERVICES (SCOTLAND) BILL: FINANCIAL RESOLUTION	110
<i>Motion moved—[Siobhian Brown].</i>	
SCOTTISH INCOME TAX RATE RESOLUTION 2024-25	111
<i>Motion moved—[Shona Robison]—and agreed to.</i>	
The Minister for Community Wealth and Public Finance (Tom Arthur).....	111
Liz Smith (Mid Scotland and Fife) (Con)	114
Michael Marra (North East Scotland) (Lab).....	116
Ross Greer (West Scotland) (Green)	118
Alex Cole-Hamilton (Edinburgh Western) (LD)	120
Tom Arthur	122
TRADE (COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP) BILL	127
<i>Motion moved—[Shona Robison].</i>	
ANIMAL WELFARE (LIVESTOCK EXPORTS) BILL	128
<i>Motion moved—[Jim Fairlie].</i>	
DECISION TIME	129

Scottish Parliament

Thursday 22 February 2024

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

General Question Time

The Presiding Officer (Alison Johnstone): Good morning. The first item of business is general question time.

“Read Write Count with the First Minister”

1. **Collette Stevenson (East Kilbride) (SNP):** To ask the Scottish Government whether it will provide an update on the “Read Write Count with the First Minister” programme. (S6O-03110)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The “Read Write Count with the First Minister” programme is an important part of the Scottish Government’s commitment to raising attainment by building parents’ confidence and encouraging families to include reading, writing and counting activities in their everyday lives. The programme provides literacy and numeracy materials to pupils in primaries 2 and 3 and, last year, 248,000 books were provided to children across Scotland. The Scottish Government is working with the Scottish Book Trust to finalise arrangements for the provision of materials in 2024.

Collette Stevenson: East Kilbride has more than 20 recognised reading schools, including the gold-accredited St Andrew’s and St Bride’s high school. Initiatives such as the reading schools and the read, write, count programme are helping with attainment by building parents’ confidence and by ensuring that books and activities are supplied to children.

However, despite the Scottish Government doing that good work, the Labour-run South Lanarkshire Council is threatening to close Greenhills library and the Greenhills community hall, which are widely used by reading groups and toddler groups. In my view, that would potentially increase the poverty-related attainment gap. Does the minister share my concerns and those of the 1,700 locals who have signed a petition against the closure of those facilities that the Labour-run council’s proposals will be bad for the community? Can he reiterate the benefits of the Scottish Government’s budget for South Lanarkshire Council?

Graeme Dey: I understand the member’s concerns and those of her constituents, which she

has articulated. Library services are a vital and valued community resource.

In relation to the budget question, South Lanarkshire Council will in 2024-25 receive £742.7 million to fund local services, which equates to an extra £45.9 million—an additional 6.6 per cent—compared to 2023-24 to support vital day-to-day provision. Although such decisions are ultimately for the council to take, the Government is, despite the cuts to our budget, providing a fair funding settlement.

College Operational Expenditure Budget 2024-25 (Impact on Ettrick, Roxburgh and Berwickshire)

2. **Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what assessment it has made of the potential impact of the £58.7 million reduction to the college operational expenditure budget for 2024-25 on the Ettrick, Roxburgh and Berwickshire constituency. (S6O-03111)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The Scottish budget allocates funding to the college sector as a whole. Indicative funding allocations for colleges are expected to be set out by the Scottish Funding Council in spring 2024, as is normally the case. Once allocations are published, each college will know its position and will therefore be able to consider any impact, although I know that individual colleges are already working on their projections based on a working assumption that there will be flat cash, or a slight reduction in funding. The SFC is endeavouring to deliver a core teaching funding allocation that is as close as possible to the core teaching funding that colleges received in 2023-24.

Rachael Hamilton: Colleges such as Borders College in my constituency play a vital role in communities by upskilling future generations. As a direct result of the resource spending cuts, students will now see their learning opportunities diminish, with colleges having to make tough choices about what subjects they can offer, which staff they can keep and, crucially, how many students they can offer places to. The minister can make all the excuses that he wants, but it is clear that the Scottish National Party has either forgotten about the importance of colleges or just does not care about them. Which is it, minister?

Graeme Dey: We have the usual crocodile tears from the Tories. Let us not forget where the budget problems are coming from: Westminster. We are involved in detailed and direct discussions with the colleges about future budgets and their impacts, as is the SFC.

Through the reform agenda, there is detailed engagement with colleges on the long-term future to try to ensure that future provision meets the needs of employers, the economy and learners, not only at national level but more locally, and that we take account of the fact that delivering in areas such as the Borders can come at a greater cost than delivering in other parts of the country. A considerable amount of work is going on directly with colleges.

The Presiding Officer: Let us keep our questions and answers concise, please.

Emma Harper (South Scotland) (SNP): Despite a challenging and difficult financial climate that has been created by irresponsible and reckless Conservative fiscal policy, I welcome the fact that the Scottish Government has increased investment in the education and skills budget by £128 million. In respect of college budgets, can the minister share how the starting position for 2024-25 compares with the end position for 2023-24?

Graeme Dey: As I said a moment ago, the aim is for the funds available to colleges at the start of the 2024-25 financial year to be very similar to the funds that were actually invested in colleges in the current financial year. That is despite an incredibly challenging set of financial circumstances. We are doing everything that we can to support our colleges and universities, recognising their extraordinary impact on our economy and society and the pivotal roles that we see for both sectors.

Parole Board for Scotland

3. Kevin Stewart (Aberdeen Central) (SNP): To ask the Scottish Government what plans it has to review the operations of the Parole Board for Scotland. (S6O-03112)

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I recognise the critical role that the Parole Board for Scotland plays in our justice system. The Scottish Government works with the independent Parole Board to support its statutory functions, including, for example, reviewing and updating Parole Board rules to ensure that they remain fit for purpose.

The rules were updated in 2021 and 2022, and there are no current plans to review them further at this stage, but I am keeping the matter under close and careful consideration. As the member will appreciate, decisions that the Parole Board makes in the exercise of its statutory functions are taken independently of Scottish ministers.

Kevin Stewart: The Parliament recently updated the rules for the Parole Board, giving, in that update, victims certain rights that dictate what the board must do. However, the Parliament also gave the board wider powers that it could use. Is

the cabinet secretary content that the board is doing everything that it possibly can for victims instead of limiting itself to what it must do?

Angela Constance: It is critical that the views of victims are heard at all stages in the justice system, and that includes parole. No part of the justice system is beyond scrutiny or challenge, particularly when it comes to what more we can do to support victims.

As has been highlighted, the Parole Board rules were updated in 2021 and 2022, as a result of which victims or their family members can now apply to the board to observe hearings. Of course, that is a matter for the legal chair, but the chair has facilitated that on many occasions.

The update also builds on the existing rights of victims to make representations in writing or verbally to members of the Parole Board before decisions are made. Valuable work is also undertaken by the victims team that sits within the Parole Board. I am conscious, though, that I have correspondence outstanding with the member in relation to victims' rights vis-à-vis the wider powers to which he refers.

Local Authorities

4. Stephen Kerr (Central Scotland) (Con): To ask the Scottish Government what assessment it has made of its current relationship with local authorities. (S6O-03113)

The Minister for Local Government Empowerment and Planning (Joe FitzPatrick): The Scottish Government recognises the value that local government contributes in delivering vital services across the country. Since the Verity house agreement was signed in June last year, good progress has been made, and there are a number of positive examples of collaborative working between central and local Government.

Through my monthly relationship meetings with the Convention of Scottish Local Authorities presidential team, we jointly review the progress on our collaborative working on an on-going basis. The First Minister and Deputy First Minister met the COSLA presidential team last week to discuss the importance of our relationships, and the DFM and I met COSLA political leaders just yesterday.

Stephen Kerr: Well, that was an optimistic response from the minister, because everybody knows that the Verity house agreement is dead in the water. We have all seen the letter from the Deputy First Minister that was sent at some point yesterday; true to form, it was leaked to the *Daily Record*. So much, then, for the Government's fully funded council tax freeze. If the minister and the Deputy First Minister think that that shows a functioning working relationship between the

Scottish National Party Government and local government, they are mistaken.

Some councils are setting their budgets today, and some set their budgets last week. Does the minister agree that, by the chaos that his Government has created through the Scottish Government budget process—*[Interruption.]*

The Presiding Officer: Members!

Stephen Kerr: —he and the rest of the Government have shown their complete disdain for local democracy?

Joe FitzPatrick: No, I do not. I am surprised by Stephen Kerr's question about the council tax freeze, because I thought that the Conservatives supported it. I certainly know that the people of Scotland support it. The Scottish Government believes that, at a time when rising prices are putting significant strain on household finances—a situation largely caused by the actions of his United Kingdom Government—the freeze will give some certainty to households over the coming years. *[Interruption.]*

The Presiding Officer: Members!

Joe FitzPatrick: It is really important to remember that council tax payers on the lowest incomes will proportionately, relative to their incomes, benefit the most from the council tax freeze. Taken alongside our income tax policies, that is independently recognised as being progressive.

Mark Griffin (Central Scotland) (Lab): In an attempt to repair the damaged relationship with local government, it has been reported, as Mr Kerr has said, that the cabinet secretary has offered to restore the £63 million that was previously cut from council budgets. Is that restoration of funding dependent on councils agreeing the council tax freeze?

Joe FitzPatrick: The Deputy First Minister previously indicated that, subject to the UK budget next week, £45 million of consequential will come from the UK Government's decision to give some additional ring-fenced funding to local government. She has since announced that she wants to increase that to the full amount of nearly £63 million. The big challenge is in ensuring that that money is real, and I call on colleagues across the chamber to demand that the UK Chancellor of the Exchequer makes sure that the budget on 6 March protects services and does not give more tax cuts to the wealthy.

Railway Infrastructure

5. Paul Sweeney (Glasgow) (Lab): To ask the Scottish Government what steps it is taking to ensure that railway infrastructure is safe and fit for the future. (S6O-03114)

The Cabinet Secretary for Transport (Fiona Hyslop): Safety of the railway is a key priority for the Scottish ministers, although it is ultimately a matter that is reserved to the United Kingdom Government. The Office of Rail and Road, which is the independent rail regulator, is responsible for ensuring that Network Rail meets its safety responsibilities and determines the appropriate funding. The Scottish Government has fully funded Network Rail Scotland in line with the ORR's recommendations, and it is investing record sums in rail, with total funding of £1.6 billion for the rail sector in Scotland in 2024-25. That compares with pre-pandemic levels of £0.9 billion to £1 billion.

Paul Sweeney: Springburn railway station does not offer step-free access, which makes it inaccessible to wheelchair users. The Scottish Government must do all that is within its gift to ensure equal access to Scotland's railways. Will the minister make representation to the Department for Transport to press for access for all scheme funding for control period 7, so that much-needed improvements can be made at last to Springburn railway station?

Fiona Hyslop: I understand that Paul Sweeney has just written to me, and I think that I have just replied—it might have been a written question. As he recognises, the accessibility programme and funding that he alluded to are the responsibility of the UK Government. Like him, I will ensure that accessibility is a key priority in my discussions with Network Rail, the ORR and others. Indeed, I will leave the Parliament this afternoon to have a meeting with mobility and access groups.

Jackie Dunbar (Aberdeen Donside) (SNP): Tragically, a train derailment at Carmont on the Aberdeen to Dundee line in 2020 resulted in the loss of three lives. What work has been done to improve safety and resilience on the Aberdeen to Dundee line?

Fiona Hyslop: Our thoughts remain first and foremost with all those who were affected by the tragic accident at Carmont.

Although, as I have said, rail safety is reserved to the UK Government, Scottish ministers are committed to doing everything that we can to prevent accidents and ensure that passengers travel safely on our rail network. Network Rail, which has overall responsibility for the network, is addressing the infrastructure recommendations that are set out in the Rail Accident Investigation Branch's report, which followed that tragic derailment.

For example, there is better management of civil engineering construction activities by Network Rail and its contractors, and operational responses to extreme rainfall events have improved through the use of the full capability of modern technology and

a detailed understanding of the risks that are associated with extreme rainfall, as well as other matters. As I set out in my previous answer, we are fully funding maintenance and future proofing.

Liam Kerr (North East Scotland) (Con): The report into Carmont showed that the class 43 high-speed trains were thought to be partially responsible for the consequences. When will the class 43 be replaced?

Fiona Hyslop: The question on infrastructure covers the network infrastructure. The member is referring to the fleet itself, so I refer him to the reports on Carmont.

I have had discussions with the unions and ScotRail about future provision. As the member might be aware, we are looking carefully at the timing and when, in relation to other matters, the fleet will be replaced.

Scottish Parliament Powers (Referendum)

6. Ash Regan (Edinburgh Eastern) (Alba): To ask the Scottish Government, as part of its work to further the case for Scottish independence, and in light of the Supreme Court ruling that the Scottish Parliament cannot legislate for a referendum on Scottish independence, for what reason its position is that there should not be a referendum at this stage on the powers of the Scottish Parliament. (S6O-03115)

The Minister for Independence (Jamie Hepburn): In line with the mandate that was secured democratically at the 2021 Scottish Parliament election, the Scottish Government wants to hold a referendum on Scottish independence that would lead to Scottish independence, rather than a referendum on the powers of the Scottish Parliament that would fall short of that. For that reason, we do not plan to hold such a referendum at this stage. When any proposal for such a referendum emerges, we will give it proper consideration.

Through our “Building a New Scotland” series of prospectus papers, we continue to set out the positive case for independence as an alternative to the broken Brexit Britain—now in recession—that the Tories, Labour and Liberal Democrats support.

Ash Regan: This year it will be 10 years since the independence referendum—10 years of a majority Government. With respect, minister, papers can be produced by anyone. What the independence movement wants at this point is action. Time is of the essence, and the Government should embrace the opportunity to give Scots the power to tell the world that they want the Scottish Parliament to negotiate and legislate for independence. If they do not, this entire five-year parliamentary term will have been

wasted. The minister can perhaps enlighten us: what is the point of a pro-independence majority if it is not used to pursue independence?

Jamie Hepburn: That is exactly what we are doing—*[Interruption.]*

The Presiding Officer: Members!

Jamie Hepburn: We do not even have a draft proposal with the consequential consultation, let alone a final proposal before the Parliament. However, and with respect to Ms Regan, I have literally just said that if such a proposal emerges, we will give it full consideration.

Of course, the manifesto that I stood on—which she also stood on—said that we should have a referendum. We have that mandate, and that should be respected.

We have also set out that we would take forward the work that we are doing through the “Building a New Scotland” series of prospectus papers. I have brought four debates to the chamber on the BANS paper—on the written constitution on 27 June and on migration on 14 November last year, and on Scotland’s place in the European Union on 30 January and on social security on 20 February this year. I know that the member has not been able to take part in any of those debates, but the good news is that she and all members of this place will have the opportunity to do so in the future, because we will continue to take forward that work.

Young People (Care)

7. Martin Whitfield (South Scotland) (Lab): To ask the Scottish Government, in light of the First Minister’s reported comments that it “has to go further” to ensure that plans to radically reform how young people are cared for in Scotland are realised, whether it has identified what steps it will take to achieve this. (S6O-03116)

The Minister for Children, Young People and Keeping the Promise (Natalie Don): The Scottish Government is clear in its commitment to keep the Promise. We have made good progress but, of course, we can always go further. Action is under way across ministerial portfolios, including progress to stage 3 of the Children (Care and Justice) (Scotland) Bill, engagement on our commitment to a £2,000 care leaver payment, and investment in prevention through whole family wellbeing.

In the past year, I have seen many great examples of transformational activity across Scotland in education, justice and children’s services. I have been clear that, where it is required, I want to see that best practice shared and replicated across Scotland.

The Scottish Government will publish a review of our Promise implementation plan this spring to update on the actions and commitments that are under way.

Martin Whitfield: Last Friday was care day, which is the biggest celebration of care-experienced children around the world. However, a recent report by Who Cares? Scotland assigns at least amber, if not red, to some of the things that we are trying to achieve. There was an absence rate of 83 per cent among social workers in one local authority and concerns have been expressed about restraint, informal school exclusions and data. Scotland will keep the Promise, but when will Scotland see the illuminated path to achieving it in the time that we have promised?

Natalie Don: I thank the member for that question. Equally, I am thankful for the Who Cares? Scotland report, which highlights the areas where further work is required.

We are determined to drive forward the transformational change that is required to keep the Promise. I fully believe that the actions that the Government has taken, is taking and will take will help us to achieve that.

As well as the areas that I have already mentioned, and specifically in relation to Mr Whitfield's points, we are seeing clear progress across a number of areas, such as an increase in the number of virtual headteachers across Scotland, which is a model that is showing real progress in reducing exclusions. We have also seen the publication of the hearings system working group's redesign report "Hearings for Children" and I am sure that the member will be aware of the Government's response to that. We have also seen progress on data. I am willing to discuss any areas of concern with the member.

The Presiding Officer: That concludes general question time.

Before we move to First Minister's question time, I invite members to join me in welcoming to the gallery Hanna Naber, President of the State Parliament of Lower Saxony. [*Applause.*]

First Minister's Question Time

12:01

National Health Service

1. **Douglas Ross (Highlands and Islands) (Con):** This morning, Audit Scotland released a damning report on the state of Scotland's NHS. It shows, among many shocking figures, that the number of people waiting more than a year for treatment has jumped from 3,500 to 40,000. That is an elevenfold increase since 2019, despite patient numbers falling.

When he was Cabinet Secretary for Health and Social Care, Humza Yousaf brought in his NHS recovery plan, which was supposed to bring waiting times down. Why are things getting worse, not better?

The First Minister (Humza Yousaf): First and foremost, I say that we take very seriously the comments in the report by the Auditor General that was published this morning. There is simply no doubt about, and there are no attempts by us to downplay, the seriousness of the challenges that the health service is facing, as it recovers from what is undoubtedly the biggest shock of its 75-year existence—the global pandemic. There are challenges for every single health service right across the United Kingdom.

To answer Douglas Ross's question directly, I say that we are still facing the cumulative impacts of the pandemic. For example, people are still, this winter, suffering from Covid. That has an impact not just on in-patient care in hospitals, but on the ability of staff to perform elective care treatments and surgeries. I accept, of course, that in NHS Scotland those challenges are my responsibility as well as that of the Cabinet Secretary for NHS Recovery, Health and Social Care. However, they are common challenges right across the country.

Some of the latest data, from September last year, shows that in Scotland 123 patients per 1,000 of the population were waiting, outside the treatment time guarantee, for new out-patient appointments. That figure is smaller than the one for England, where there were 137 per 1,000 on the referral-to-treatment waiting list. In Wales, the figure is 245 per 1,000. My point is that Scotland's NHS is facing challenges—of that, there is no doubt—but they are common challenges right across the UK.

We will make sure that we fund the NHS. That is why I am pleased that, in the budget that was announced by the Deputy First Minister last year, we invested a record £19.5 billion in our health service.

Douglas Ross: This is an Audit Scotland report into NHS Scotland. Please, First Minister, focus on our NHS in Scotland.

The shocking elevenfold increase in people waiting over a year is, of course, against a target that should be zero. There was a target that, by March 2023, waits of over a year would be eradicated. Instead, the number of people waiting that long is now more than 40,000. Audit Scotland says that the latest Scottish National Party targets for reduced waiting times

“are unlikely to be met”.

They are Humza Yousaf’s targets. It was his recovery plan. When he was health secretary, he said that the plan will

“drive the recovery of our NHS, not just to its pre-pandemic level but beyond”.

That is yet another example of Humza Yousaf winging it.

That arrogant claim now rings hollow, and patients in Scotland are suffering. Humza Yousaf sent waiting times in the wrong direction. Will he now finally admit that his plan has failed?

The First Minister: Here is what we have managed to achieve—although I accept that there is still a way to go and, of course, I accept the recommendations of the Audit Scotland report. Because of the investment that we have made in national treatment centres, there have been an additional 20,000 procedures. There has been an 11 per cent increase in performed operations in the past 12 months. The number of out-patients waiting longer than two years has fallen by almost 70 per cent. The number of in-patient day-case patients waiting the longest times has fallen by more than 25 per cent. We are investing more than £19.5 billion—a record amount—in our national health service.

What makes the recovery more difficult is the 10 per cent cut to our capital budget, which means that we have less to spend on capital health infrastructure. What makes the job more difficult is our being given only £10.8 million of health consequential in the UK Government’s autumn statement, which is enough for five hours of NHS activity. The Conservatives rightly ask questions about what more we can do, but this SNP Government will invest in our NHS, unlike Douglas Ross’s party, which is cutting funding to the bone.

Douglas Ross: It is not just the Conservatives who are asking these questions—it is Audit Scotland and, crucially, our constituents, who are suffering. As usual, however, Humza Yousaf promises the world but has delivered very little. It is just like the ferries that he claimed he would build, the hate crime act that he said would be a

success and the trains that he promised he would get to run on time.

Audit Scotland says that it cannot even fully measure how badly the First Minister’s recovery plan has failed, because the SNP has not been transparent with the public. Audit Scotland says that

“Updates against a range of the ambitions are absent”.

Humza Yousaf is covering up just how bad it has been, but the reason for the failure is clear from the report. Audit Scotland states that there is “no overall vision” for Scotland’s NHS. How can Humza Yousaf and the SNP Government have no vision for Scotland’s NHS?

The First Minister: We will respond to the Audit Scotland report in due course, but let me say to Douglas Ross—

Douglas Ross: Do it now.

The First Minister: Let me say to Douglas Ross that the SNP’s stewardship of the NHS includes record investment in our NHS of more than £19.5 billion, and resource funding being more than doubled—it has increased by more than 100 per cent since we have been in power. There is record staffing in our NHS of more than 31,300 whole-time equivalents. There are more nurses in Scotland per head of population than there are in England. We have the best NHS staff anywhere in the UK. We have had the best-performing accident and emergency departments not for one year, not for five years, but for eight consecutive years. Because we value our NHS staff, we are the only nation in the UK not to have had NHS staff go on strike.

When it comes to the challenges that our NHS is undoubtedly facing—and I am not downplaying them—the Government is ensuring that we invest in the recovery. The difference between the Tories and the SNP is that we will invest in our NHS, while the Conservatives are cutting it right to the bone.

Douglas Ross: There is “no ... vision” for Scotland’s NHS. Those are not my words—they are the words of the Auditor General for Scotland. Audit Scotland makes it very clear that that lack of vision has not happened just because of the pandemic and the issues that our NHS has faced; there has not been a vision for Scotland’s NHS since 2013. Audit Scotland says:

“There has been no unified vision for the future direction of the entire healthcare system published since 2013”.

Humza Yousaf has no vision for Scotland’s NHS. He has been asleep at the wheel, like every other SNP First Minister. There has been a lost decade of leadership in Scotland’s NHS, and 10 years of stalling and delay has had dire

consequences for patients. How long are people in Scotland going to have to wait for the SNP to get its act together?

The First Minister: We are investing in that recovery now. That is why, for example, the number of out-patients waiting the longest has reduced by almost 70 per cent, and why the number of in-patients waiting the longest has reduced by more than 25 per cent. *[Interruption.]*

The Presiding Officer (Alison Johnstone): Mr Ross!

The First Minister: That is why the number of operations performed in the past 12 months was an increase of 11 per cent. That is why, through our investment, we have created additional capacity for 20,000 procedures. That is why we are investing a record £19.5 billion in our NHS, despite the fact that the UK Government, in its autumn statement—*[Interruption.]*

The Presiding Officer: Let us hear the First Minister.

The First Minister: —provided less than £11 million for NHS health consequential. That is enough to fund five hours of NHS activity.

I will take not a single lecture from Douglas Ross about investing in our NHS, when his party is responsible for a 10 per cent capital cut in our budget, which is impacting our health infrastructure deeply. I am afraid that Douglas Ross is presiding over a party that has taken a hatchet to our public services. While his party has cut our public services to the bone, we will continue to invest in the most precious institution in this country—our national health service.

Oil and Gas Industry (Profits)

2. Anas Sarwar (Glasgow) (Lab): We are in the middle of a cost of living crisis in which too many people are struggling to make ends meet. At the same time, oil and gas giants are making record profits. British Gas had a tenfold increase in profits in one year, making more than £700 million. BP has made a profit of £11 billion. Profit at TotalEnergies is £16 billion, and at Shell is £22 billion. Why does the First Minister think that those companies cannot afford to pay more tax?

The First Minister (Humza Yousaf): A week after *The Press and Journal* put Anas Sarwar's face on its front page, with his Labour colleagues, and called him a traitor to the north-east, it is incredibly brave of him to come here and say that he is standing up for the north-east. *[Interruption.]*

The Presiding Officer: Let us hear the First Minister.

The First Minister: I travelled to the north-east this week and heard the palpable anger from the

oil and gas and renewable energy sectors and industries. They spoke about Anas Sarwar's plans and those of the Labour Party, which would—in the industry's words, not mine—risk up to 100,000 jobs in the north-east. How does Anas Sarwar think that, in the midst of a cost of living crisis, throwing 100,000 workers on the scrap heap will help households up and down the country?

We absolutely believe in a windfall tax on energy companies. *[Interruption.]*

The Presiding Officer: Members, let us hear the First Minister.

The First Minister: What we do not believe in is Anas Sarwar's and Labour's aggressive plans to raid the north-east so that they can build new nuclear power plants in England. We will not allow that. We will not stand for it. We will stand up for the north-east. Anas Sarwar cannot even stand up to Keir Starmer.

Anas Sarwar: Presiding Officer—*[Interruption.]*

The Presiding Officer: Let us hear Mr Sarwar.

Anas Sarwar: Every time that Labour has proposed a change to help working people, the warnings that have been made have not come true. In 1997, when Labour proposed a minimum wage and a windfall tax, it was warned that that would cost 2 million jobs. That did not happen. It improved the lives of working people across the country.

Humza Yousaf used to support Labour's windfall tax, but now he is siding with energy giants, which are making record profits, while he is putting up tax for working people across this country who are struggling. *[Interruption.]*

The Presiding Officer: Let us hear Mr Sarwar.

Anas Sarwar: While Shell has brought in £22 billion in profit, energy bills have increased by 60 per cent and people are struggling to heat their homes. While BP makes £11 billion in profit, food prices are up by 25 per cent and people are struggling to put food on the table. While British Gas sees a tenfold increase in its profits, mortgages have increased by £2,000 a year and families risk losing their homes. Why does the Scottish National Party believe that someone who earns £28,500 has the broadest shoulders and should pay more tax, but that an energy giant that is making billions of pounds in profit should pay less tax?

The First Minister: Imagine taking a lecture about standing up for those on the lowest incomes from the man who has flip-flopped on his position and now believes in lifting the cap on bankers' bonuses. Wow—who would have thought it? Labour is now the party of the few, not the party of the many.

It is astonishing that Anas Sarwar has stood up in the chamber and called the energy industry liars. That is what he has done. Well, let me say what Offshore Energies UK has said. It claims that Labour's proposals would result in the loss of up to 42,000 jobs and North Sea investment being "wiped out". Investment bank Stifel has said that, under a "worst-case scenario", Labour's proposals would wipe out up to 100,000 jobs and put them on the scrap heap.

With Labour's energy proposals, we would get the worst of both worlds. All the investment in oil and gas, which has been good for Scotland over the decades, would be completely wiped out. Then what does Keir Starmer do? He dumps his £28 billion a year green prosperity fund.

Scotland's energy should be in Scotland's hands, because successive Westminster Governments have raided the north-east, Aberdeen and our oil and gas revenues, and not a single penny has been invested back into the people of Aberdeen and the north-east. For that, Anas Sarwar should stand up and apologise.

Anas Sarwar: I cannot wait to present the choice at the next general election between the SNP and the Labour Party. *[Interruption.]*

The Presiding Officer: Sorry, Mr Sarwar. Let us ensure that we can all hear one another.

Anas Sarwar: I cannot wait to present the choice to the Scottish people, come the next general election, because the SNP is firmly on the side of energy giants making billions of pounds, whereas Labour is trying to bring down people's bills and is on the side of working people.

Let us be clear about what Labour's windfall tax on the record profits of energy giants will be spent on. It will mean more jobs, lower bills, greater energy security and the delivery of a just transition for Scotland. It will mean investment in GB energy—*[Interruption.]*

The Presiding Officer: Let us hear Mr Sarwar.

Anas Sarwar: —a publicly owned energy generation company that will be headquartered here, in Scotland. It will mean investment in our ports, onshore wind, offshore wind, green hydrogen, carbon capture and storage, and strengthening our supply chains. It will mean creating 50,000 new jobs in Scotland.

Is it not the case that the Scottish people have a choice: the SNP, which is increasing tax on working people while siding with the oil and gas giants, or Labour, which will create jobs, bring down bills and be firmly on the side of working people?

The First Minister: I remind Anas Sarwar that he talks about people in the midst of a cost of

living crisis, but he has now flip-flopped his way to a position in which he believes in retaining the cap on child benefits but wants to lift the cap on bankers' bonuses. That is utterly outrageous.

I was in Aberdeen earlier this week, and I now cannot wait to go head to head with Anas Sarwar in Aberdeen during the general election. In fact, he can debate the oil and gas industry and renewables with me in Aberdeen any and every day of the week.

Anas Sarwar claims that an incoming Labour Government will make all sorts of investments—*[Interruption.]*

The Presiding Officer: First Minister, will you just give me a moment?

The First Minister: Oh, they do not like it, Presiding Officer. They do not like it one single bit.

The Presiding Officer: First Minister, just give me a moment. Let us ensure that we carry on with our proceedings with courtesy and respect. Let us ensure that we can hear one another.

The First Minister: Anas Sarwar claims that there will be a range and raft of investment from an incoming Labour Government. Of course, what is obvious is that the branch manager did not get the memo that the £28 billion has been dumped, so not a single penny of that investment will be coming to Scotland.

Successive United Kingdom Governments have taken £400 billion, in today's prices, in oil and gas revenue, raiding the North Sea as a cash cow without investing a fraction of it back in the north-east and Aberdeen. With Anas Sarwar's plans, we would end up with 100,000 workers on the scrap heap and no investment in our net zero ambitions. Is it not about time that Scotland's energy is in Scotland's hands?

The Presiding Officer: Question 3—Maggie Chapman. *[Interruption.]* Let us hear Ms Chapman.

Taxation Policy

3. Maggie Chapman (North East Scotland) (Green): To ask the First Minister what the Scottish Government's position is on whether successive changes to national taxation policy in Scottish budgets will support the redistribution of wealth and help sustain vital public services. (S6F-02825)

The First Minister (Humza Yousaf): In short, yes, they will. Our changes to income tax in Scotland have made it more progressive. That approach means that we have an additional £1.5 billion from income tax to invest in 2024-25 compared with what we would have had if we had matched United Kingdom Government policy,

which Douglas Ross advocated at the time. That £1.5 billion is being invested in public services in an effort to offset the huge impact that Westminster austerity has had on the availability of public spending. If we had further powers, such as those that are needed to tax wealth effectively, we could do so much more to build on our progressive tax system and, of course, further protect public services in Scotland.

Maggie Chapman: We all have too many constituents who are struggling with grinding poverty, for whom public services are a lifeline. I am proud that tax changes that the Scottish Greens have championed—tax changes that mean that the better-off pay more and the people on lower incomes pay less—mean that £1.5 billion more is available for those services. Politicians who promise tax cuts must be honest about what services they would cut.

The Scottish Trades Union Congress has argued—and the First Minister has just recognised—that Scotland can and should do more to use tax powers to redistribute wealth and to make the case that taxation is a public good. How does the First Minister plan to build that consensus for progressive taxation as a force for good?

The First Minister: As I have said, the Government is absolutely committed to progressive taxation. I thank the STUC and others for the contribution that they have made. The Deputy First Minister engaged with a number of stakeholders in relation to our progressive taxation plans, and we will continue to have such engagement with stakeholders, including the business community and the people of Scotland, on our progressive taxation plans. Poll after poll tells us that the public support public service investment that is backed by progressive taxation.

Douglas Ross stood up in the chamber and urged the Scottish Government to follow the disastrous Liz Truss budget. He needs to have the humility to say how wrong he was. When Anas Sarwar says that he will cut taxes for the highest earners, he needs to be honest about what public services he will cut. In the round, his tax plans will reduce revenue by £561 million. Will that mean that he will scrap the Scottish child payment, free prescriptions and free bus travel, or will it mean, as his finance spokesperson hinted just this week, that he will end up scrapping free university education?

We will continue our commitment to progressive taxation and to the social contract in Scotland, which provides that there are no tuition fees for higher education, and which provides widespread access to bus services, free prescriptions and a host of other benefits. Of course, we will seek

common cause with others, such as the STUC, who believe in progressive taxation.

Colin Beattie (Midlothian North and Musselburgh) (SNP): The Scottish National Party Scottish Government's progressive tax plans help to deliver a strong social contract and to ensure that additional targeted funding is available to protect people and our vital public services. Meanwhile, Scottish Labour's priorities appear to be elsewhere. Last weekend, it seemed to indicate that it now supports cutting income tax. Can the First Minister provide an update on what assessment the Scottish Government has made of the impact that that could have on Scotland's public finances and the Scottish Government's ability to fund public services?

The First Minister: We know that, if we had followed the Conservatives' budget proposals, we would have had £1.5 billion less to spend. We know that, as a result of Anas Sarwar's tax policies, in the round, there would be about £561 million less to spend on investing in our national health service, education, justice services and social security.

Anas Sarwar has made the point that people who earn, for example, £30,000 pay more in Scotland. They pay 94p a month more and, for that, they get free university education and the most generous childcare offer anywhere in the UK, they do not have to pay a single penny for their medicines, and they get free personal and nursing care and a range of other benefits. That is why poll after poll shows that the public are supportive of progressive taxation if it is used in the way that we are using it, to invest in our public services.

If Labour wants to continue to offer people such as Anas Sarwar a huge tax cut, which would end up reducing the revenue that we had to spend on public services, it must have the honesty to say what public services it would cut.

Addressing Depopulation Action Plan

4. Fergus Ewing (Inverness and Nairn) (SNP): To ask the First Minister, regarding the delivery of the Scottish Government's recently published depopulation action plan, what will be different about this approach, which is described as "local by default, national by agreement", particularly towards the approval of new developments supported by local communities. (S6F-02848)

The First Minister (Humza Yousaf): The addressing depopulation action plan sets out the Scottish Government's strategic approach, which aims to support local communities that are facing population decline. I know that the member has a significant interest in that issue, which is set

against the devastating impact that a hard Brexit is having on our rural and island communities.

On the question of the new things that the plan will do, it will deliver a programme of work to support and empower affected areas through funding new research and enhanced partnership working with those communities.

As Fergus Ewing has said, we acknowledge the importance of local leadership and the fact that communities are best placed to respond to their own challenges.

Fergus Ewing: To have young people leaving Scotland for other countries for their lifetime and for ever has been our tragedy and our shame. Therefore, will the First Minister now agree that, where there is a chronic depopulation problem, economic developments that would bring jobs and major community benefits will henceforth be treated as developments of national economic significance?

The First Minister: I am more than happy to look at that proposal. When planning applications are called into the Scottish Government, a range of factors is considered, including the impact on the natural environment and the economic impact. I will not comment on any specific, live application, but Fergus Ewing is right to say that, if we want to retain our young people, we must ensure that we create economic opportunities, invest in housing—as we are doing through our affordable housing supply programme in rural communities—and invest in connectivity, as we are also doing.

Fergus Ewing makes some important points, but what is undoubtedly devastating our rural communities is the damage that has been caused by a hard Brexit that was foisted on Scotland against its will.

Pam Gosal (West Scotland) (Con): Housing is mentioned 114 times in the depopulation action plan, yet Homes for Scotland was not consulted on the plan, nor even made aware of it, despite being an adviser on housing to 2040. Does the First Minister accept that the failure to properly consult the sector on the plan is a huge misstep? What action will he take to rectify that?

The First Minister: We engage regularly with stakeholders. If there has been an omission, we are more than happy to look at that and I will ask the appropriate minister to do so.

I go back to the point that I made in my response to Fergus Ewing. Housing is essential in attracting people to rural and island communities and to retaining them. We published our rural and islands housing action plan in October last year and it sets out the wide range of action that we are taking to support the rural and island population. That includes continued investment in affordable

housing, with 10 per cent of affordable houses being in rural and island communities.

Our rural and island housing fund provides continued support to communities to bring forward housing where they wish to do so. Over the next five years, up to £25 million from the affordable housing budget will be used to support housing for key workers and there is a range of other action. I am happy for the housing minister to write to Pam Gosal to give her confidence that we take the issue of housing in our rural and island communities seriously.

Oil and Gas Licences

5. Douglas Lumsden (North East Scotland) (Con): To ask the First Minister whether the Scottish Government still has a policy of a presumption against any new oil and gas licences. (S6F-02845)

The First Minister (Humza Yousaf): Oil and gas continue to play an important part in Scotland's energy transition. Our focus is on meeting our energy security needs, reducing emissions in line with our climate goals and ensuring a just transition for the workforce as North Sea oil and gas resources inevitably decline.

As part of that approach, our draft energy strategy and our just transition plan consulted on a presumption against the licensing of new exploration for oil and gas. We have never proposed having no new licensing at all, but, unlike the Conservatives, we are not ignoring the scale of the climate crisis befalling our planet. [Interruption.]

The Presiding Officer: Mr Sarwar!

The First Minister: We will work with the energy industry to accelerate the transition to net zero where we can.

Douglas Lumsden: The First Minister makes one trip up to Aberdeen and then masquerades as the saviour of the oil and gas industry. He must think that the people of the north-east are buttoned up the back. He is against Cambo and Rosebank, and his Government still has a presumption against any new oil and gas licences. Will the First Minister tell members why he is in favour of importing more oil and gas and stopping new investment, which, as he knows, means throwing away thousands of livelihoods on the scrap heap?

The First Minister: If Douglas Lumsden knew what he was talking about, he would know that the vast majority of the oil that is extracted from the North Sea gets exported overseas. What is clear to me, to the people of Scotland and to the people of the north-east is that Westminster is not working for Scotland. For decades, the Conservatives have been telling the people of Scotland that Scotland's

oil is running out. Now, all of a sudden, they are pretending that it is going to last forever. *[Interruption.]*

The Presiding Officer: Let us hear the First Minister.

The First Minister: Successive United Kingdom Governments, Tory and Labour, have used the north-east as a cash cow, squandering £400 billion in today's prices of oil and gas revenue. Whether it is the Conservatives or Labour, whose policies could end up throwing 100,000 workers on the scrap heap, Westminster cannot be trusted with Scotland's natural resources. It is high time that Scotland's energy was in Scotland's hands, so that we can ensure cheaper bills, unleash the economic potential of the green revolution and, of course, help tackle the climate crisis.

Kevin Stewart (Aberdeen Central) (SNP): I welcome the First Minister's visit to Aberdeen this week and the engagement that he has had with the oil and gas sector. Will that engagement with the oil and gas sector continue—*[Laughter.]*

The Presiding Officer: Let us hear Mr Stewart.

Kevin Stewart: In particular, will engagement continue regarding retaining and increasing the vital investment that is needed to deliver a just transition, following the deeply concerning warnings that Labour's aggressive plans for the North Sea will put 100,000 jobs at risk? That is really serious for my constituents in Aberdeen, the north-east and beyond.

The First Minister: Many of those in the north-east of Scotland will just have seen Kevin Stewart rightly standing up for his constituents, using not Scottish Government figures but industry figures that say that Labour's plans could risk up to 100,000 jobs, and they will have heard Labour laughing—laughing at Kevin Stewart, laughing at the people of Aberdeen and laughing at our oil and gas workers, who, of course, have done an incredible job for Scotland over decades and continue to do an excellent job for Scotland.

Let me reiterate what I have already said in previous exchanges, which is that we in the Scottish National Party support a windfall tax—of that, there is no doubt. What we do not support is aggressive plans by Labour not just to increase that windfall tax but to raid the north-east so that it can pay for new nuclear power plants in England. That is unfair and not acceptable.

We believe that, as we accelerate the transition to net zero, the oil and gas workers, who are incredibly skilled and have incredible expertise, will be absolutely vital to that just transition. I can promise them that, as long as the SNP is in government, we will protect them from the damaging plans of Keir Starmer and Labour,

which would end up seeing them thrown on the scrap heap.

Mental Health Problems (Household Debt)

6. Paul Sweeney (Glasgow) (Lab): To ask the First Minister what the Scottish Government's response is to the analysis by Citizens Advice Scotland suggesting that over 660,000 people are experiencing mental health problems due to increasing household debt. (S6F-02847)

The First Minister (Humza Yousaf): The Scottish Government remains deeply concerned about the impact of the cost of living crisis, especially on those who are already struggling with poor mental health and money worries. We know that that is leading to far more people seeking advice and support, which is why we support free welfare debt and income maximisation advice services, with funding of more than £12.5 million allocated this year.

Mental health remains a priority, and we have supported overall increases to mental health spend over the years. Through our 2024-25 budget, the Scottish Government and national health service boards will continue to spend in excess of £1.3 billion for mental health. More widely, recognising the pressures on household budgets since 2022-23, we continue to allocate around £3 billion a year to policies that tackle poverty and protect people, as far as we possibly can, during the on-going cost of living crisis.

Paul Sweeney: Increasingly, people have nowhere to turn when their mental health deteriorates. Patients in some health boards have been waiting for more than 1,000 days to start psychological therapy, and one in four consultant psychiatry positions is vacant. The Government's response is to cut £30 million more from the mental health budget, despite its already being £180 million adrift from the target. When will the First Minister's Government start to take the crisis in mental health seriously and reverse the proposed cut to mental health funding in the budget?

The First Minister: Let me correct Paul Sweeney on some issues in relation to our funding. We have a good track record on spending on mental health, in the face of 14 years of austerity. Under the Scottish National Party, mental health spending by NHS Scotland has doubled in cash terms, from £651 million in 2006-07 to £1.3 billion in 2021-22—up by almost 100 per cent. Expenditure on child and adolescent mental health services rose from £88 million in 2020-21 to £97.6 million in 2021-22. Of course we have had challenges in the budget that we have just announced, but we have ensured that we are doing what we can to invest in mental health.

Paul Sweeney was right to reference the Citizens Advice Scotland report. The cost of living crisis is undoubtedly a source of deep mental anguish for too many households up and down the country, and we will therefore continue to invest in mental health.

What is worrying is that Paul Sweeney's party believes in, for example, retaining the two-child limit. The person who is likely to be the next chancellor of the United Kingdom has promised to be "tougher" than the Tories on benefits. Through our actions, we lifted an estimated 90,000 children out of poverty last year. The Scottish Government will invest in helping people with debt and in reducing the cost of living, but how much better would it be if we did not have to continue to mitigate the worst excesses and harm of Westminster but instead took all the decisions about Scotland here in Scotland?

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Will the First Minister outline how increased funding—for example, on discretionary housing payments, which impact on mental health issues in Scotland—will help make up for the chronically insufficient UK housing benefits funding? Will he also outline how we in Scotland can maximise support for low-income households?

The First Minister: Willie Coffey makes an exceptionally important point. The damage done by the UK Government's three-year freeze to local housing allowance has been considerable, with an estimated £819 million lost. That, coupled with the cruel bedroom tax policy, is undoubtedly causing great harm.

Although the Labour Party is failing to offer any change to those devastating policies, the Scottish Government will take action. We are investing an additional £6 million in discretionary housing payments, bringing the total for mitigating all of those cuts to more than £90 million. That is helping more than 90,000 low-income households pay their rent and keep their homes.

The Presiding Officer: We move to constituency and general supplementary questions.

Henry Wuga

Jackson Carlaw (Eastwood) (Con): Will the First Minister join me in offering congratulations to my constituent Henry Wuga? Henry escaped the Nazi Holocaust, travelling from Nuremberg to Glasgow in 1939 at the age of 15. Here, he met his wife, Ingrid, who was also a survivor as a consequence of the Kindertransport and events that were celebrated in the film "One Life", starring Sir Anthony Hopkins.

Tomorrow, Henry turns 100 years of age. He has made a remarkable contribution to this

country. I have lodged a motion that is supported by Paul O'Kane, and Kirsten Oswald MP is tabling a similar motion in the House of Commons. Will the First Minister join me and, I hope, the chamber, in offering Henry Wuga many happy returns? [*Applause.*]

The First Minister (Humza Yousaf): Yes. I wish Henry Wuga a very happy 100th birthday; indeed, I have written to him to pass on my personal congratulations.

Jackson Carlaw is right. Henry Wuga is an absolute inspiration. Just weeks ago, Jackson Carlaw, many other members in the chamber and I commemorated Holocaust memorial day. We heard very powerful testimony from a number of those who were either survivors or families of survivors of the Holocaust and other genocides.

The work that Henry has done over the decades to remind and inform people of the horrors of the Holocaust—which should never ever be forgotten by any of us—is truly an inspiration for each and every person in this country.

I pass on my congratulations and best wishes for Henry's birthday, and I put on record my, the Scottish Government's, and the whole country's appreciation for the incredible work that he has done. In particular, he has reminded us of the horrors of the Holocaust and said that we should never ever forget them, that we should reflect on them and, of course, that wherever we see violence or discrimination—be it here at home or abroad—we should work together to ensure that we see peace right across the world. [*Applause.*]

Audit Scotland Report "NHS in Scotland 2023"

Jackie Baillie (Dumbarton) (Lab): Scotland's national health service is directionless, risking patient safety and on the brink of breakdown. Those are not my words—that is Audit Scotland's assessment of the NHS under the Scottish National Party.

In a devastating critique of the Government, it points to a health service at breaking point, with extreme overcrowding and long waiting times threatening patient safety. It accuses the SNP Government of having no vision and calls for fundamental reform.

The need for leadership is clear, but leadership is absent. After 17 years of decline under the SNP, what reforms will the First Minister bring forward to save our NHS?

The First Minister (Humza Yousaf): We will bring forward reforms, which the Cabinet Secretary for NHS Recovery, Health and Social Care will detail.

We will work with staff to see what we can do and what more we can invest in the preventative

space in particular, so that individuals do not have to go to secondary or primary care—particularly not to secondary care, when we know that there is intense pressure on our hospital sites up and down the country.

Let me remind Jackie Baillie that, after 17 years, we have record staffing, record investment and the best-paid staff in the NHS. We are the only country in the entire United Kingdom that has not lost a single day to strike action. I stand to be corrected, but I think that there are junior doctor strikes in Labour-run NHS Wales today.

We will continue to invest in our NHS and, most importantly, in the people who run it—our nurses, doctors and all the NHS agenda for change staff, who do an incredible job. We promise to continue to work with them for the best possible outcomes for patients across Scotland.

War in Ukraine

Kenneth Gibson (Cunninghame North) (SNP): This Saturday will mark two years to the day that Russia launched an unprovoked, brutal and illegal invasion of Ukraine.

Putin's conflict rages on. Hundreds of thousands of soldiers and civilians have been killed and maimed, with vast areas of Ukraine and many of its towns and cities devastated, and millions displaced. Scotland opened its doors and hearts to Ukrainian refugees, but the war also caused energy price rises and economic shocks.

What assessment has the Scottish Government made of the impact of the on-going war against Ukraine on households affected by poverty and the cost of living crisis?

What message of solidarity will the First Minister send to the Ukrainian people, particularly the 26,000 who now call Scotland home?

The First Minister (Humza Yousaf): I am grateful to Kenneth Gibson for raising this remarkably important issue. I will be joining others across the chamber on Saturday to commemorate and reflect on the two-year illegal invasion by Russia of Ukraine, which we condemn in the strongest possible manner.

We continue to be shocked and appalled at the violence and the humanitarian crisis that continues to unfold in Ukraine—again, because of Russia's illegal actions.

Scotland stands by Ukraine. We stand for democracy, human rights and the rule of law, at home and abroad. We offer our unqualified support for Ukrainian sovereignty and we wish a speedy victory for Ukraine and a resolution that not only restores peace but ensures Ukrainian sovereignty, democracy, independence and territorial integrity.

Since the war against Ukraine began, more than 26,600 people sponsored by an individual in Scotland or by the Scottish Government have arrived in the United Kingdom—that is as of 22 February this year.

I am proud of how the people of Scotland have responded to this humanitarian crisis. I am grateful to all those who have opened their homes and hearts to displaced Ukrainians who are fleeing the war.

For as long as those who have fled the war and come to Scotland want to call Scotland their home, they will always be given the warmest welcome possible. *[Applause.]*

Bail Orders (Independent Review)

Russell Findlay (West Scotland) (Con): The parents of Claire Inglis have spent more than two years desperately trying to get answers. Ian and Fiona still do not know why Claire's killer was subject to five separate bail orders. They have now discovered that social workers tried to warn Claire about her violent new partner, but no one answered the door. Seventy-two hours later, she was killed. A council review failed to answer critical questions. I am not putting the First Minister on the spot by asking this question, which is not about party politics; it is about violence against women. I urge him to look again at Ian and Fiona's request for a thorough independent review of the case.

The First Minister (Humza Yousaf): I will genuinely look at that request again and consider what further independent review of the case could be made. I completely understand the deep sense of grief and anger that Ian and Fiona Inglis feel.

Russell Findlay will know that I wrote to the Lord President and the Lord Advocate on the issue. I passed their responses to Mr Findlay earlier. Many of the decisions that were taken at the time would have been for the independent judiciary to determine.

On the questions on and potential failures in local authority action that Ian and Fiona Inglis have articulated, I will consider what Russell Findlay has asked me to do, and what more we are able to do. If we can do anything further as far as an independent review is concerned, I will revert to Mr Findlay directly.

Violence in Schools

Michael Marra (North East Scotland) (Lab): This week, teachers in Aberdeen told the BBC that they were scared to go to work because of rising in violence in schools. The Educational Institute of Scotland's recent survey found that almost 40 per cent of teachers in the city had been physically assaulted by a pupil. Those statistics should shock

us all. They demand action from a Government that has taken its eye off the ball and allowed this problem to grow and grow. Scottish Labour is clear that we must take a zero-tolerance approach to violence in our schools. Exactly how much violence is the First Minister prepared to tolerate before he acts?

The First Minister (Humza Yousaf): Most people will see that Michael Marra is choosing to politicise the issue in a partisan way, as he always does. His suggestion that having a slogan about zero tolerance will suddenly make the issue better represents a complete failure of credibility on his part.

We are working with the teaching profession, because teachers up and down the country have raised very serious issues, which we take extremely seriously. The Cabinet Secretary for Education and Skills has hosted a number of summits, with educational professionals and teachers, in particular, to consider what more we can do.

As Michael Marra will probably know, we also commissioned behaviour in Scottish schools research to establish the true picture on national evidence of teachers' and support staff's experiences of behaviour in publicly funded mainstream schools. Although the results of the 2023 research highlighted that most children and young people are well behaved in class in schools, they also tell us about the level of disruption that exists. That is clearly not good enough.

We are working with our partners in local government to introduce a joint national action plan to drive improvements. I will ensure that Michael Marra is kept up to date on that.

Points of Order

12:48

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. I seek your advice under chapter 9 of standing orders, following today's publication of the stage 1 report on the National Care Service (Scotland) Bill.

A few weeks ago, members agreed that the stage 1 debate should take place next Thursday. Members will know of my long-standing commitment to the establishment of a national care service. Indeed, it is more than a decade since I first proposed it, so what is currently happening troubles me immensely. I therefore seek your advice on two counts.

First, the conclusion of the report seems manifestly contrary to so much of the report's contents. Page after page of criticism appears to have been ignored. It also appears that evidence given by the third sector, independent providers and those with lived experience has also been ignored. *[Interruption.]*

The Presiding Officer (Alison Johnstone): Let us hear the member.

Jackie Baillie: The party whip has been imposed to get the bill over the line.

Secondly, there is a question about the integrity of the Parliament's processes. Let me explain. Substantial changes are being made to the bill following a deal between the Convention of Scottish Local Authorities and the Scottish Government. No evidence has been taken on that as it came too late in the process. It radically changes the governance of a national care service, and this has caused—*[Interruption.]*

The Presiding Officer: I would be very grateful if we could hear the member.

Jackie Baillie: That has caused—*[Interruption.]*

The Presiding Officer: The reason that I am asking is that I cannot address a comment, contribution or point of order if I cannot hear it.

Jackie Baillie: That has caused considerable disquiet in the care sector. Education, Children and Young People Committee members of all political stripes have been trying to get the Scottish Government to lodge its amendments so that they can be subject to scrutiny before stage 2 starts. They have written to and spoken to the minister, but the Government says no. One of the committee members even sought agreement to share the target operating model, which would have provided a direction of travel for the amendments. That, too, was refused.

I am concerned that the Government does not yet have any amendments. Otherwise, why would it refuse to share them with the committee so that members can do their job and scrutinise them properly?

There are unfortunate examples in the Parliament of a perception that a committee did not do its job in scrutinising legislation. We should not let that happen again, as the integrity of the Parliament is also at stake. Presiding Officer, can you advise whether there is an opportunity for the committee to reconsider its report in light of the arguments that I have made, and what would be the appropriate vehicle for achieving that?

The Presiding Officer: It is fair to say that I did not pick up all of the member's comments, so I will refer to them and refer back, if required. However, I can confirm to the member that, under the rule that she refers to—9.6.1—any member may, by motion, propose that the bill be referred back to the lead committee for a further report on the general principles of the bill or on any particular part of it before the Parliament decides whether to agree to it.

Stephen Kerr (Central Scotland) (Con): On a point of order, Presiding Officer. I seek your guidance on the appropriate conduct of members of the Parliament and your powers to safeguard members of the public, our staff and visitors in general to be able to enter and leave the Parliament. Last night, members of the public who were seeking to enter the Parliament were obstructed and intimidated—and all of that was orchestrated and trumpeted by a member of the Parliament: a Scottish Green MSP.

It is surely unacceptable conduct for a member of the Scottish Parliament to seek to prevent members of the public from entering their own Parliament, so I ask for your guidance on the following. In light of last night's events, what actions will be taken to secure safe access for the public to enter their Parliament at all times? What action will be taken against the member, who I believe has brought disrepute to the Scottish Parliament? Not only did he plan and conduct the obstruction and the demonstration, but he claimed responsibility for it. He sought to shut down the Parliament.

We all believe in freedom of speech and the right to protest, but the right of the people of Scotland to come safely and securely into their Parliament and to leave it when they choose to do so must also be safeguarded.

The Presiding Officer: I am not aware of all the circumstances to which Mr Kerr refers, but it is absolutely clear, I am sure, to all of us that the security of all building users and our guests is paramount. I can confirm that I am aware that

there were extremely difficult circumstances last evening and that all our scheduled events were able to proceed. I am certainly grateful to our staff and police colleagues who made that possible. I assure all members that our procedures are very much kept under review, and they are adjusted where that is appropriate.

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): On a point of order, Presiding Officer. Further to that point of order, I trust—and I hope that we can all trust—that, in your consideration of these issues, you will give a high priority to the absolutely essential role that the right to peaceful protest plays in our democracy and in the life of our Parliament.

The Presiding Officer: I have commented on the points that have been raised. I am absolutely sure that all members here assembled understand the importance of the right to protest and the importance that we place on the rights of all building users and staff to use the building securely and safely.

That ends this item of business. I will suspend the meeting before we move on to members' business. I will allow a moment for the galleries and the chamber to clear.

12:54

Meeting suspended.

12:55

On resuming—

Palestine and Israel

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-12177, in the name of Ivan McKee, on an immediate ceasefire in Palestine and Israel. The debate will be concluded without any question being put. I ask members who wish to speak in the debate to press their request-to-speak buttons.

Motion debated,

That the Parliament notes with concern reports of the recent upsurge in violence in Palestine and Israel, which, it understands, has seen more than 28,000 people, including mostly women and children, killed by Israeli forces in Gaza, 1,400 people killed by Hamas and other terrorist organisations in Israel, and more than 300 Palestinian civilians killed by Israeli armed settlers in the West Bank; believes strongly that there is no justification for inflicting terror or killing innocent civilians, or for the taking of civilian hostages, and condemns violence in all its forms; notes with concern what it considers to be the risk of disease and malnutrition in Gaza as a consequence of the Israeli blockade of the strip, which, it believes, may itself constitute a breach of international law; recognises what it sees as the critically important relief work of organisations such as the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) and Medical Aid for Palestinians, and notes that the UK Government and others are being urged to continue to financially support this work; considers that this conflict did not begin on 7 October 2023, and notes the belief that a lasting peace with justice will only come through a negotiated settlement; notes the calls for an immediate ceasefire in Palestine and Israel to allow diplomatic discussions to take place that will safeguard innocent civilians; further notes the reported ruling by the International Court of Justice and the view that there may be a case to answer that the actions of Israel in Gaza constitute genocide against the Palestinian people; commends the work of Israeli human rights organisations, including B'Tselem and Breaking the Silence, which, it considers, continue to make the case for a lasting and just peace in what it sees as these horrific times; notes the calls on the UK Government, including from communities in the Glasgow Provan constituency, to do its part in working with other UN nations to demand an end to deadly military action in Gaza and settler violence in the West Bank, and to bring to justice those responsible for terror attacks and any who may be guilty of war crimes or incitement to genocide, and further notes the calls on the UK Government to recognise the State of Palestine.

12:56

Ivan McKee (Glasgow Provan) (SNP): It gives me no pleasure to open the debate. I would much rather be celebrating the creation of a Palestinian state, or a state of Israel and Palestine that allows all the people between the river and the sea to live in peace, justice and equality. Tragically, that is not the position that we are in.

The latest conflict in Israel and Palestine has claimed the lives of more than 30,000 people

since October of last year, the majority of whom are women and children, and the vast majority in the Gaza strip. The conditions in Gaza, as reported by Oxfam and others, are horrendous: there is disease, malnutrition and the destruction of health services and living accommodation. As members of the Scottish Parliament, we debate—rightly—the health and housing challenges that we face in this country, but we should spare a thought for the horrific conditions in Gaza at this very moment. The work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and others in doing what they can to mitigate those conditions is increasingly difficult, and needed more than ever. Continued funding for that work is essential.

The conflict did not start on 7 October; it has been on-going for more than 75 years. This is the 15th Israeli military invasion of the Gaza strip since 1948, with the most recent in 2008 and 2014. The Gaza strip has been under siege since 2007. The Israeli Defence Forces' Dahiya doctrine, as described to us by members of Breaking the Silence, which is the organisation of former IDF service members who are dedicated to highlighting human rights abuses, is based on the principle that there will be no end to the conflict. Therefore, a major strategic objective of any military operation is to deliver as much destruction to civilian infrastructure as possible so that the next, inevitable clashes are delayed for as long as possible.

The slaughter in Gaza committed by the Netanyahu regime has now claimed as many victims as Putin's flattening of Grozny in the first Chechen war, or the Assad regime's siege of Aleppo. There is no case for a delay in calling for a ceasefire. Tens of thousands have died as politicians in the west have prevaricated over semantics. Now is a time for clarity and bravery. The United Kingdom Government has weight and influence in the international community. The Netanyahu regime operates as it does because it perceives there to be a green light from the international community.

Some countries have taken their responsibility seriously. I commend the Government of South Africa—a country with its own experience of apartheid—for taking a case to the International Court of Justice. An initial ruling of that court indicates that there may be a case to answer that the actions of Israel in Gaza constitute genocide against the Palestinian people. Incitement to genocide is also a crime. It is not hard to find potential examples. There has been talk of flattening Gaza, turning it into rubble, eliminating everything and making it a place where no human can exist, creating a humanitarian crisis and removing all restrictions on the actions of soldiers. There have been calls for collective punishment,

which is itself a war crime, and depriving civilian populations of food, water, electricity and healthcare. That is not the rhetoric of some fringe figures, but the words of the leadership of the Israeli Government and the IDF.

Unfortunately, it is a tragic and recurring theme of the human condition that it is easier to be honest about events in hindsight than to recognise them for what they are as they unfold. We now recognise the events in Bosnia in the 1990s as a genocide. That was not the case when—I remember it very well—the Major Government prevaricated for years, with Douglas Hurd working to prevent defence and protective equipment being delivered to the defenders of Sarajevo. The massacre in Srebrenica brought about the downfall of the Dutch Government, but not until some years later. The actions of the Government of France, as the ex-colonial power, represented at best acquiescence, and possibly complicity, in the now-recognised genocide in Rwanda.

I raise those examples because they provide a lesson to those who play politics with the slaughter in Gaza—who delay, prevaricate and triangulate, waiting for others to make the first move to give them political cover. That is the Augustinian approach to ending atrocities: please, Lord, stop this slaughter, but not just yet.

Let us not forget what is happening in the west bank, which I visited in 2018: land theft continues; Palestinian rights continue to be eroded; and deaths of Palestinian civilians have soared to more than 300 in the current period. The reality, of course, is that there can be no military or security solution to the problems of the region. After nearly five months of bombardment of Gaza, the fighting continues, the tunnels are still there, the IDF continues to take casualties, Hamas continues to function, and the hostages have still not, for the most part, been found or freed. Indeed, the IDF has perhaps managed to shoot more hostages than it has liberated.

Voices in Israel recognise that. We all want to see the release of hostages, and the quickest way to do that is through an immediate ceasefire and negotiations. Indeed, the only significant release of hostages came about through the brief ceasefire in November last year. Those negotiations must also lead to the recognition of a Palestinian state, which I believe is now the United Kingdom Labour Party's position. If Keir Starmer becomes the next Prime Minister, I hope to see that promise delivered without delay, and not abandoned, as has been the case with other commitments. I know that there are many good colleagues in the Labour Party who will work to make that a reality.

The motion also recognises the many Israeli and Jewish voices that condemn the actions of the Netanyahu regime, recognising that it not only

makes the lives of Palestinians hell, but prolongs the conflict and makes Israelis less safe too. Those voices include Breaking the Silence, the Israeli human rights organisation B'Tselem and many others. I have attended and spoken at rallies, calling for a ceasefire, and I have been heartened and encouraged by the number of Jewish voices present and speaking at those events.

I leave the last words to Jewish voices of the past that resonate today. From the leader of the Warsaw ghetto uprising, Marek Edelman:

"To be a Jew means always being with the oppressed, and never the oppressors".

From Dutch Holocaust survivor Hajo Meyer, talking about the situation in Palestine:

"Never again, for anyone".

The Deputy Presiding Officer: I am aware that many members wish to participate in the debate. I am, therefore, minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Mr McKee to move the motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Ivan McKee]

Motion agreed to.

The Deputy Presiding Officer: We are, nevertheless, under extreme time pressure. Afternoon business is due to start at 2 o'clock, and staff will need to come in to prepare the chamber, so I propose to conclude the debate at 10 minutes to 2, at the latest. I intend to ensure that all members who wish to speak have a chance to participate, but they will have to stick to their time, and members who speak towards the end of the debate may have to truncate their remarks even further.

On that note, I call Jackson Carlaw, to be followed by Neil Bibby. You have up to four minutes, Mr Carlaw.

13:03

Jackson Carlaw (Eastwood) (Con): Thank you, Presiding Officer. I note the opportunity that is afforded by Ivan McKee, in lodging his motion, for members to discuss further this really troubling and horrendous international situation.

First, I pay tribute, as I have done previously, to the many interfaith organisations in Scotland that are working around the clock, every day, to do all that they can to maintain cohesive relations here, with some real track record of success. We owe them a huge debt of gratitude for ensuring that a very tense international situation does not dissolve

into a very serious situation in our own country. [Applause.]

This is a short debate, and I will, therefore, address two areas in my speech. Obviously, events since 7 October have unfolded as badly as, or even more badly than, any of us could have anticipated or predicted at the time of our previous discussion. I have to say that, irrespective of the speeches that we make in the chamber today, or of the calls for action from anywhere, it does not seem to me that we are anywhere near a resolution, or even a mitigation, of what is currently a desperately difficult position in the region. The consequences of that were very clearly and fairly laid out by Ivan McKee.

The call for a ceasefire is at the heart of the matter. There should not be a competition between parties for who has the boldest ceasefire. It is a question of the principle of a ceasefire. I think that people are troubled by why I and some others are reluctant to join in the call for an immediate ceasefire. That is not really a question of principle. I have looked at the terms associated with the calls for a ceasefire in the letter that Ian Murray sent to Stephen Flynn and in the Labour Party's resolution in the House of Commons yesterday, a great deal of which I could agree with. However, contained in the calls for a ceasefire must be a recognition that there has to be a ceasefire on all sides. That means that rockets in and out of Gaza have to stop.

It must be recognised that the hostages have to be released. Some 134 of them still remain unaccounted for, including Kfir Bibas, who is one year old, Ariel Bibas, who is four years old, and Agam Berger, who is 19 years old and of whom nothing has subsequently been heard. Implicitly, that means that, at some point, there has to be a way forward in Gaza that does not leave the Hamas regime in place dictating the future, because it has made it clear that it will not respect a ceasefire and that it will resume its attacks on Israel at the earliest opportunity. We cannot have a ceasefire in which Israel ceases and Hamas fires; it has to be a ceasefire that we can believe will happen. If the hostages are released, Hamas is no longer able to influence the outcome of events, and there is a mutual ending of the attacks from both countries, I would be able to support a ceasefire. I hope that, out of that, we can see a much more likely secure future for the region.

Meanwhile, aid can now come into the country unrestricted. Some 13,000 trucks have entered at three crossing points. At the moment, there are 450 trucks in Gaza with aid that cannot be distributed. I recognise that there is a genuine fear on the part of those who would distribute that aid about doing that safely, so I can certainly support the idea that there should be a pause in hostilities

in order for that aid to be as widely distributed as possible.

As I have said before, I do not support every action of the Israeli Government. I resent and reject the suggestion that I do. People ask me, "Why do you bother with any of this?" I stand here in a Parliament with Muslim, Sikh, Hindu, Protestant and Catholic MSPs, but no Jew—never a Jew.

The Deputy Presiding Officer: You need to conclude.

Jackson Carlaw: As the member representing 50 per cent of Scotland's Jewish community, I believe that I have a responsibility to articulate arguments on their behalf—as did my immediate predecessor, Ken Macintosh. However, that is not the same as endorsing all the actions of the Israeli Government.

The Deputy Presiding Officer: Thank you, Mr Carlaw. We will have to move on.

Jackson Carlaw: It is important that we work together to secure a future for the region.

The Deputy Presiding Officer: I call Neil Bibby, who has up to four minutes.

13:07

Neil Bibby (West Scotland) (Lab): I thank Ivan McKee for bringing the debate to the chamber.

The situation in Gaza is tragic and heartbreaking. I know that there are strongly held views across the chamber on the issue, which we all care about. Many innocent lives have been taken or destroyed. Countless children have died, and children continue to die each and every day. There are many families in Scotland with relatives in Gaza and Israel who have been impacted by the horror. They are victims of the tragedy, and we owe it to all of them to do everything possible to end the terror.

I welcome the fact that the House of Commons has joined the Scottish Parliament in voting to call for an immediate stop to the fighting and for a sustainable ceasefire. That follows the leaders of our allies Australia, Canada and New Zealand in their call for an end to the hostilities in order that hostages can be released.

I will focus my remarks on what needs to happen to help people on the ground now. Cessation of the violence is the only thing that will help, right now. We need an end to the fighting and to rocket fire going into and out of Gaza. That is needed in order to allow hostages to be safely exchanged while they are still alive, and for food, medicines and other aid supplies to get safely to those who need them.

We also need to say with one voice to Israel that it has, like any other state, the right to defend itself, not least from indiscriminate terrorist attack, but that every state also has a responsibility to exercise restraint and to be proportionate in its responses. There are legitimate questions to be asked about Israel's actions. The International Court of Justice is the proper place for those questions to be adjudicated on. We respect its jurisdiction—so, too, should Israel.

We should also say with one voice that an assault on Rafah, where 1.5 million people are crammed together in unimaginable conditions with nowhere to go, would be unconscionable and would have disastrous consequences. Approximately 75 per cent of Gaza's population are displaced—most of them in Rafah—and an estimated 17,000 children are separated from their families. We need de-escalation, not further escalation.

On 7 October 2023, we saw the largest loss of Jewish life, inflicted by Hamas, on any single day since the Holocaust. As Ivan McKee said, since then almost 30,000 Palestinians—the majority of them women and children—have been confirmed killed.

This has been an on-going situation for decades. From the ashes of this tragedy, there must be a renewed emphasis on a two-state solution, which is a position that all parties here share. That includes a safe and secure Israel, where the horrors that were inflicted by Hamas—which is a brutal antisemitic terrorist organisation—on 7 October can never happen again. It includes a viable Palestinian state alongside it, with safe borders and, ultimately, recognition for that Palestinian state—a state that, as Anas Sarwar recently put it,

“is not in the gift of a neighbour”,

but is the inalienable right of the Palestinian people.

In the face of the horrors of recent months, it is easy to sink into despair and hopelessness, but that will not help the innocent victims or stop the deaths, terror and violence. The two-state solution is still worth hoping and fighting for. We need to use every avenue of engagement with Israel and the international community to achieve and defend that outcome.

World leaders must redouble their efforts to forge a path to a sustainable and lasting peace, so that future generations of innocent men, women and children are not consigned to horrors and violence such as we have seen in recent months.

13:11

John Mason (Glasgow Shettleston) (SNP): I thank Ivan McKee for bringing the debate to the chamber.

The situation that we see in Israel and Gaza is incredibly sad. It is also very long running—it has certainly been running since well before 1948, when we could say the present problems started.

Clearly, antisemitism is not the same as valid criticism of Israel, but neither are the two completely distinct and unconnected. Most of the Jews whom I know in Scotland and England have family and friends in Israel. It is the only Jewish state in the world and is, according to the Bible, the land that God gave his chosen people. Having said that, it does not mean that we cannot criticise the Jews or Israel. God himself is hugely critical of his people in much of the scriptures, not least when he punished them by exiling them to Babylon and elsewhere.

Therefore, is not antisemitic for some to say that the present Israeli offensive has been over the top and has possibly crossed the line from defence to revenge. At the same time, we need to be balanced in our approach. For example, to say that we must not sell arms to Israel, but that it is okay to sell arms to Saudi Arabia or other countries that have much worse human rights records is somewhat inconsistent.

It is very difficult to ascertain all the facts around what has been happening in Gaza. The number of deaths is one issue. Of the Palestinians who have been killed, I gather that Hamas claims that 6,000 were military, whereas Israel claims that 12,000 were Hamas fighters. All such figures are difficult to verify when both sides have a fairly unclear line between who is military and who is civilian.

It seems that the number of civilian deaths in Gaza has been greater because Hamas deliberately built tunnels for military purposes directly beneath hospitals and residential areas. On that point, where did all the resources for those tunnels come from? Perhaps the situation for ordinary people in Gaza would be better today if resources had gone into civilian infrastructure rather than being diverted for military purposes.

I think that the United Nations, particularly the UN Relief and Works Agency for Palestine Refugees in the Near East, has some responsibility in that regard. Going forward, we need an agency that is more neutral than UNRWA to help the people of Gaza to rebuild.

Looking ahead, where are we going? In the short term, we want the fighting to cease, which must be linked to release of the hostages—or, sadly, their bodies—and both sides need to agree to cease fire. In the longer term, we need serious

peace talks and negotiations. That will require that all sides recognise the others' right to exist; we should remember that Iran and Hamas openly declare that they want Israel wiped off the face of the map.

I partly blame the international community for not pushing harder for peace talks over the years. Both Israel and Palestine are relatively small entities in world terms. Much larger players, including the United States, Saudi Arabia, Egypt and Iran, have key parts to play. They can put pressure on the respective sides to get to the table and negotiate. There should be no preconditions about borders or anything else—only acceptance of the other sides' right to exist should be required.

Having said that the bigger countries have a part to play, however, I also think that we should remember the example that was set by Norway, which hosted peace talks in the early 1990s. I would like the United Kingdom and Scotland to play such a role, as peacemakers. That would mean not cheering on either side, but building relationships with both sides and, I hope, being trusted by both sides.

I will finish on a more personal note. While I was in London just after the new year, I attended a Jewish synagogue one Friday evening. Only about 15 to 20 people were there, but three security guards were needed on duty. What happens in Israel and Gaza affects us here, too.

Let us all commit to being as even-handed as we can be, and to seeking to be peacemakers as much as we can be.

13:15

Pauline McNeill (Glasgow) (Lab): I thank Ivan McKee for bringing this important and timely debate. I apologise to the Presiding Officer and the Parliament: I set a meeting last November that I have, unavoidably, to chair, so I cannot stay until the end of the debate. Members who know me know that, if it were not for that, I would be here until the end. I apologise sincerely.

As we all speak today, Israel launches more air strikes in Rafah. Sadly, there will be even more deaths than the 30,000 civilians who have been killed so far. Up to 100,000 have been injured, and 10,000 children have been killed. There are no functioning hospitals and no services to protect people. There will be no emergency services to rescue people from under the rubble. Many Gazans go to sleep at night knowing that their relatives are buried under rubble and might still be alive.

Some 1.7 million people have been displaced—more than once. Some of them were already

refugees, from 1948 and 1967, but now many have been displaced five, six or seven times.

The speed of the bombing, the unprecedented scale of the military operation and the indiscriminate nature of the weapons that strike Gazans—including white phosphorous—make the situation like nothing we have witnessed in any recent modern war.

Those who have followed the horrible and horrific examples of what has happened in Gaza could not have failed to notice the story that has been reported by the Palestinian Red Crescent Society, of Hind Najab. She was a young girl who died alone trying to call emergency services—her last hours spent in a car surrounded by the dead bodies of her relatives, reporting a tank coming towards her. A few days later, we found out that she was dead.

The strategy has been laid bare. The Israeli hostages—who must be protected and released—are not even a priority for Netanyahu, as is clear from the statements that he has made. Members of his Government have also said that there is no such thing as an innocent Palestinian, and others who are more extreme have said that they want, if they can clear Gaza, more settlements and Palestinians removed.

It is about time that we stood up and said that the dehumanisation of the Palestinian population—the denial of their rights and of their existence—is not tolerable. People cannot even leave Gaza. Most members who are participating in this debate know that Gazans have been under blockade for 17 years. The world has a lot to answer for.

Paul Sweeney (Glasgow) (Lab): Will the member take an intervention?

Pauline McNeill: I do not have time, unfortunately. I am sorry, Paul.

Dr Margaret Harris, who like many brave doctors has served in Gaza, recently reported that emergency services expect to see young men, but are seeing children. That is because more than 50 per cent of the population in Gaza is under the age of 18.

While all that is happening, there is more violence on the west bank. We will not see much of it because we are watching what is happening in Gaza, but the violence there is quite horrific. Israeli settlers, who are illegally in the occupied territories, are stealing Palestinian homes and being protected by the Israeli army while they do so.

I believe that Palestine is the moral question of our time, and that the matter is not just about standing up for a ceasefire now. As Ivan McKee said in his opening speech, 75 years after the

Palestinians were promised a state of their own, and after 56 years of illegal occupation, more than 100 countries now recognise Palestine. It is not out of step to do so. Where one stands on the question matters, because the hopes and dreams of Israelis and Palestinians depend on it.

13:19

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank Ivan McKee for bringing this debate to the chamber. It is fair to say that he has always championed the issue, including before the current crisis that is unfolding.

On 21 November last year, I stood in the chamber and fully condemned the Hamas terrorist attack on Israel and the following collective punishment of the Palestinian people by Israel. I said that all hostages must be released. I stand by those comments and fully condemn violence in all its forms.

What has happened since we last debated the issue in the chamber should shock and shame us all. There are more than 30,000 dead in Palestine, including 12,300-plus children and 8,400-plus women. That is children, women and innocent civilians, not Hamas terrorists. Hospitals and schools have been hit hard, and we have all seen the absolutely shocking scenes on television. What could possibly be the justification for the continuation of this slaughter?

Some suggest that, while Hamas still exists, the slaughter is justified. I am fully of the opinion that it is not. Innocent people are being killed and, as we have said, many of them are children. To those who believe in that justification, I say clearly that it is not and cannot be a justification. As we have heard from Ivan McKee and others, Jewish voices are increasingly condemning Israel's actions.

I am pleased that Ivan McKee's motion mentions the ruling by the International Court of Justice, which I hope all Governments of the world will acknowledge. Pauline McNeill mentioned the heartbreaking scenes in Rafah. Many people have fled to the area and now face the threat of continuing attacks there. What the people of Palestine and Gaza must be feeling is just unthinkable.

A ceasefire now is the only option. Why do some politicians still feel reluctant to call for a ceasefire, as we saw in Westminster yesterday? We do not need to worry about other actors to call for the end of the slaughter of innocent civilians. A friend said to me recently:

"If this was literally anywhere else in the world, it would not be tolerated."

He is right, because there are plenty of examples of such actions not being tolerated. In Ukraine, for

example, what we have done is right, and we should be proud of our stance on Ukraine. I am very proud of that and of the fact that many Ukrainians now call Scotland their home, including many in Coatbridge. Of course, there are other examples of the UK and Scotland taking an international stance on war. However, it seems to me that, to the UK Government and other Governments of the world, the children and people of Gaza are second-class citizens.

What do we tell our kids about what we have done at this point in history? Pauline McNeill said it much better than I can: this is a pivotal moment and an issue for everyone of our generation. It is absolutely shocking that our kids and young people are watching the scenes unfold on TV, as is everyone else. What are politicians doing? There must be a ceasefire now. Fighting must end on all sides. A two-state solution must be found, and the state of Palestine must be recognised.

13:23

Ross Greer (West Scotland) (Green): As colleagues have done, I thank Ivan McKee for bringing the debate to the Parliament, and I thank Kaukab Stewart for the work that she did on the issue before her appointment as a minister.

I congratulate those who peacefully protested outside the Parliament building last night and those who took direct action to try to obstruct the arrival of Israel's arms dealers to this nation's Parliament while the nation of Israel and the military forces that are armed by those companies are conducting a campaign of genocide in Gaza. The real shame at the building last night was that a wine reception for arms dealers went ahead during a genocide.

Is there any doubt now that it is a genocide? More than 30,000 Palestinians have been killed, including at least 12,500 children. We know that that number is an undercount, because the reality is that the vast majority of those who have been reported as missing are dead under the rubble—that is why they are unaccounted for.

I want to read from an article in the *Los Angeles Times* by American surgeon Dr Irfan Galaria, who spent time in Gaza in recent weeks. He said:

"I stopped keeping track of how many new orphans I had operated on. After surgery they would be filed somewhere in the hospital, I'm unsure of who will take care of them or how they will survive. On one occasion, a handful of children, all about ages 5 to 8, were carried to the emergency room by their parents. All had single sniper shots to the head. These families were returning to their homes in Khan Yunis, about 2.5 miles away from the hospital, after Israeli tanks had withdrawn. But the snipers apparently stayed behind. None of these children survived."

The Hamas attack on 7 October was horrific. It was evil and unjustifiable. Members will remember

that, in the days after, a lot of attention was paid not to the very real stories of horror from that day but to a false story of 40 babies being murdered in a kibbutz. I note that many of the news organisations that reported that story are silent about the actual massacre—the verified massacre—of children and the deliberate slaughter and execution of toddlers and babies taking place in Gaza, even when it is recorded on video. Children are having their limbs amputated and women are giving birth by caesarean section without anaesthetic, because Israel is blocking medical supplies from getting in.

Gazans are being collectively punished, which is a war crime—we all know that it is a war crime. The shameful events in Westminster last night put the whole country to shame, because one party refused to acknowledge that the use of the phrase “collective punishment” was appropriate. Attempts to bully and threaten the Speaker of the House of Commons to derail a ceasefire debate put the UK to shame. While that farce was taking place, Israel was still bombing Rafah—a refugee camp containing 1.5 million innocent people.

These questions were asked. Why does the UK’s position matter? Why do debates such as those in the House of Commons last night and here today matter? They matter because the UK arms Israel, gives political support to Israel and blocks Israel from being held to account at the United Nations. No one looks back at the international campaign against apartheid in South Africa and claims that it was of no consequence, and nobody will look back at the international campaign of solidarity with the people of Palestine and say the same thing.

We can make a direct impact in Scotland. Instead of inviting arms dealers to wine receptions, we should divest them of all public funds, including our pension funds. We should ban every company that is complicit in the occupation from receiving a public grant or contract. The First Minister agreed to that in principle in December, and we need to see progress.

We need an immediate and permanent ceasefire. We need the release of all Israeli and Palestinian hostages, including the children who are held in Israel’s jails. We need Israel to withdraw to its 1967 borders and end the siege of Gaza and the occupation of the west bank. That is what we need for a lasting peace.

13:27

Foysoyl Choudhury (Lothian) (Lab): Since the motion was lodged, the situation in Gaza has worsened significantly. The daily death rate in Gaza is higher than in any other major 21st century conflict. More than 30,000 Palestinians

have been killed, including more than 12,300 children, and 69,000 have been injured since 7 October 2023. Those numbers do not include the thousands of people who are still missing under the rubble and collapsed buildings.

The Israeli air force has reported that it has struck 30,000 of what it has identified as Hamas targets in Gaza since its offensive began. Those strikes have completely destroyed 70,000 housing units and damaged 290,000 more, with 392 education facilities, 11 bakeries, 123 ambulances, three churches and 184 mosques reported to have been completely or partially destroyed.

The UN Office for the Coordination of Humanitarian Affairs has reported that not a single hospital in the Gaza strip is fully functioning. As a result of the lack of functioning healthcare, more than 200,000 cases of acute respiratory infections and more than 500,000 cases of communicable diseases have been recorded. Supplies of food, proper sanitation and clean water are now seriously insufficient.

Just last month, the IPC warned about serious food security concerns. It said that 2.2 million people are now at imminent risk of famine, with 378,000 of them designated at phase 5, which means an extreme lack of food, starvation and the exhaustion of coping capabilities.

Israel has the right to protect its citizens, but it also has a responsibility to abide by international law and to minimise the number of civilian casualties. The situation in Gaza has gone far beyond a justifiable response to the attacks on 7 October.

The collective punishment of civilians is never the answer. Israel’s war cabinet has now warned that, if the remaining hostages are not released by the beginning of the holy month of Ramadan, it will broaden its offensive in southern Gaza and push into the city of Rafah.

The Rafah crossing to Egypt remains one of the only possible routes out of Gaza. Rafah is currently home to more than a million Gazan civilians who have been displaced and have fled there to seek shelter. If a ground invasion takes place, the death toll could be unimaginable.

An immediate and lasting ceasefire is now imperative. That means diplomatic mediation to ensure a lasting agreement and a permanent two-state solution, an end to rocket fire both in and out of Gaza, immediate humanitarian aid into Gaza and the immediate release of all hostages.

The fighting must stop now, before we are looking at the complete annihilation of Gaza and its civilians. Ceasefire now.

13:31

Marie McNair (Clydebank and Milngavie) (SNP): We need an immediate ceasefire and an end to the collective punishment of the Palestinian people.

As a forward-thinking and compassionate nation, we cannot stand by while an obvious genocide happens. The killing of innocent civilians and the brutal slaughter of children must end. The civilian death toll—which stands at around 30,000 people in Gaza, more than 1,000 people in Israel, and more than 300 in the West Bank—is rising daily. The only way to end the suffering is an immediate ceasefire and the release of all hostages and those who have been detained without charge. The relentless suffering that is being faced by the people of Gaza has been weighing on the hearts and minds of so many across the country.

Two days ago, Andrew Gilmour, the United Nations Assistant Secretary-General for Human Rights from 2016 to 2019, said:

“Israel’s onslaught against Gaza is probably the highest kill rate of any military killing anywhere since the Rwandan genocide in 1994.”

I have joined thousands on the streets to protest and call for an immediate ceasefire, an end to collective punishment and an end to illegal occupation. I am glad to see that, since that, and with the pressure from the Scottish National Party, the new Labour Party has backed calls for a ceasefire—at least of a sort. External pressure does more for Labour at the moment than what is enshrined in its internal principles.

The Tories and the Labour Party made a devastating mistake by opposing a ceasefire in November. Lives have been lost and the death toll has since risen enormously. Their failure to back calls for a ceasefire earlier will be remembered in the history books with their names on it. Yesterday in Westminster, new Labour’s position was appalling. The new Labour cabal came together to deny a motion that called for an immediate ceasefire and an end to the collective punishment of Palestinian people.

“Newsnight” journalist Nicholas Watt said that the House of Commons speaker was left in “no doubt” that new Labour would “bring him down” after the general election unless he allowed a weak new Labour amendment on Gaza. The new Labour junior deputy speaker, Rosie Winterton, was then deployed to defend the indefensible. Like most Labour stitch-ups, it ended in disaster and humiliation, but it was still cheered on by some lapsed Corbynistas in the Parliament who want to be chummed with the arms industry that provides weapons to Israel.

Most of us have never experienced anything close to the level of horror in Gaza, so comments from Dr Salim Ghayyda have stuck with me. Dr Ghayyda grew up in Gaza and he has family there. He now works as a consultant paediatrician in Inverness.

When discussing his family, he said:

“The stories of immense suffering I hear from them every day. Every part of their life turns into an astonishing amount of suffering. There is nothing in their life that you could consider a life, actually. Water is contaminated and they eat one meal a day. The number of children killed is around 12,000 to 14,000. Do you know how many children there are in Inverness? 14,000. Imagine we, the Scottish people, wake up one day and all the children in Inverness have been killed. This is what happened to the children in Gaza. Stop. Enough is enough. Stop this genocide, please.”

Those comments are terrifying. This perpetual cycle of violence has been going on for far too long. We either call for the killing to end or we sit by and let the death total escalate. History will judge us all on that. We need an immediate ceasefire and an end to the collective punishment.

13:35

Richard Leonard (Central Scotland) (Lab): I thank Ivan McKee for leading the debate. I say to Marie McNair that we are here with power borrowed from the people. We are here with a chance to make a difference, to do the right thing and to do the right thing by humanity. What we are debating today is not an electoral calculation but a profoundly moral question. That is also why I say to the Government that it cannot vote in favour of a ceasefire and condemn collective punishment and continue to fund the firms in Scotland that are arming the Israeli Government. International law must apply to all. Supplying arms to a country that is in breach of international law is itself a breach of international law. Why is it so easy to supply a state with weapons but so difficult to supply starving children with food and injured people with medicines?

It is my deepest conviction that all that the people of Israel and Palestine want is the chance to live in peace. In the horror of this war, all that the people of Gaza want is to live. They want their children to live and they want to live free.

We condemn the action of Hamas on 7 October. I do not support Hamas. I want peace. I want the return of all hostages. When we call for a ceasefire, we are calling for a ceasefire on both sides. But history did not start on 7 October. The story of the Palestinian people is a story of injustice, of forced dispossession, of forced displacement, of forced dispersal and of forced disinheritance. Today, once again, innocent people, including thousands upon thousands of

children, are being punished for a crime that they did not commit.

There is a deep revulsion against what is happening, the terror of what is happening, the criminality of what is happening and the morality of the slaughter of innocents, including children. That is why it would be a betrayal to remain silent. That is why the calls that we have heard since October for pauses or de-escalation are tantamount to indecision at best and to compliance with the reign of violence that has so far killed 30,000 people, 40 per cent of whom are children, at worst.

As the Palestinian people are once again being told to flee their homes, we should heed the words of the Palestinian poet Mahmoud Darwish, who wrote:

“Where should we go after the last frontiers?
Where should the birds fly after the last sky?”

To speak out as a member of this Parliament is not an act of protest but the exercise of power. It is to show political and moral leadership. It is to stand up for hope in place of fear. It is to be realistic, because it is to be realistic to want a change from this existing reality to a new one. That is why many of us are here. That is what I am here to support. Justice for humanity. An end to the illegal occupation. Freedom for Palestine. The triumph of peace over war. Ceasefire, now.

13:39

Bill Kidd (Glasgow Anniesland) (SNP): Last November, I said:

“I put on record my condemnation of the horrific, inhumane terrorist attack on Israelis that was carried out by Hamas on 7 October.”—[*Official Report*, 21 November 2023; c 39.]

Today, I reiterate that condemnation, and I add to it my condemnation of the horrific, inhumane actions that we have since witnessed unfolding against the innocent civilian population of Gaza. As I said in November, humanity defines human beings collectively, and collective punishment is, therefore, an act of inhumanity. We do not get to pick and choose which acts are humane or inhumane; if we wish to condemn one act of inhumanity, we must condemn all acts of inhumanity. To do otherwise is simply to debase ourselves as human beings.

Since then, the situation has only worsened and the suffering has only intensified. More than 29,000 Palestinians are dead, and more than 66,000 have been injured. Those figures might seem clinical to some, but I urge members to look beyond mere figures. More than two thirds of those who have been killed—more than 200 a day—are women and children. Families have been torn apart. Of those who have been injured, there are children who are traumatised for life,

their limbs amputated without pain relief, left screaming in the darkness for hours without end. We must condemn that too. We must speak as one on the need to end that inhumanity.

Yesterday, we witnessed the House of Commons descend into chaos when debating the issue. Today, please let us speak with one voice—a voice that echoes and amplifies the overwhelming view of the international community, of the world. That voice says, “Enough is enough.”

The time for a comprehensive ceasefire and a credible peace process is now. Let us speak with one voice for those who are suffering, but let us not forget that we are also a voice for our constituents. It saddens me to listen to young people who are affected by what they hear and see happening in Gaza, but who feel powerless and inexperienced, and unable to speak out, and it saddens me to see the mental distress that that causes them.

In that respect, education about the history and the seeds of today’s conflicts is invaluable. In reading over the material for the debate that was prepared by the Scottish Parliament information centre, which I thank, I was heartened to see an overview of the history of the land front and centre. That gives us context, knowledge and understanding.

Today, as new reports show that around 90 per cent of Gaza’s children under the age of two are malnourished or worse, and as starvation looms for many more, as the relentless bombing continues day and night, and as the spectre looms of a ground invasion of Rafah, where more than 1.5 million Palestinians are sheltering in fear for their lives, there seems to be little hope. However, let us speak as one and offer hope for tomorrow.

13:42

Carol Mochan (South Scotland) (Lab): I thank Ivan McKee for bringing this vital debate to the chamber, for his work in this area and for his kind comments on the work that members on all sides have done together across the chamber.

When all around us is war and the lust for war, it is important to be clear that we, in this Parliament, stand for peace. I do not need to reiterate the sheer number of needless deaths in this conflict or the plight of people who have been taken hostage or tortured. In my contribution, I will, as I have done previously, highlight a terrifying reality that is often left unmentioned by the media: the disgraceful number of pregnant women who have lost the children that they were carrying before or shortly after their birth, and who have, in many cases, simply been prevented from having access to the necessities of childbirth.

There are about 50,000 pregnant women in Gaza, and 40 per cent of those pregnancies have been classed as high risk. Nevertheless, 180 women still give birth daily—can you imagine? Despite the situation, they must carry a child while being exposed to constant bombing and try to give it adequate nutrition in a country that is being starved to death. Can any of us even begin to imagine what that is like? Can we imagine what it is like not to have clean water to hydrate ourselves or to clean and wash our newborn baby?

As the International Court of Justice noted in its recent order, under international law, that is illegal and Israel must stop doing it. Nevertheless, since that ruling in January, reports of exactly the same actions have come out. I cannot adequately explain how I feel about that. How must the families feel? They must be absolutely terrified. To carry a child can be a worrisome experience at the best of times, but to be doing so in a war zone, and to realise that no one is coming to help you, is utterly unimaginable.

As a citizen of one of the most powerful countries in the world, I feel desperately ashamed that weapons that are funded from the UK and, no doubt, manufactured in Scotland have been used to perpetuate that. No amount of GDP is worth being involved in that.

I want to be clear that the time for peace came long ago. The situation has gone well past the point of self-defence, and the leadership of both Hamas and Israel are engaged in a fatal battle to the death that will spill further across the region, which is, of course, a worry. The violence must stop. We must not remain silent. We must have an immediate ceasefire.

I thank members for the opportunity to speak and to raise those voices. I am glad that, on the whole, we have had a constructive tone in the chamber today.

The Deputy Presiding Officer: I invite Kaukab Stewart to respond to the debate.

13:45

The Minister for Culture, Europe and International Development (Kaukab Stewart): I thank Ivan McKee for securing the debate. The conflict in Gaza is a human tragedy, and it is important that the Parliament's voice is heard. The Scottish Government has been consistent in condemning the abhorrent terrorist actions of Hamas, whose vile and merciless attacks on 7 October represented the single worst massacre of the Jewish people since the Holocaust, and in calling for an immediate and permanent ceasefire by all sides in Israel and Gaza. A ceasefire is the only way that we can halt the catastrophic human suffering in Gaza and allow hostages to be

released. I repeat the Scottish Government's demands for Hamas to release immediately and unconditionally all hostages and to cease all missile attacks against Israel.

Hamas can have no future in Gaza. The cycle of violence must end. The bombs and rockets must stop. Humanitarian and medical facilities must be protected, and civilians, wherever they are, must be given unrestricted access to the basic necessities of life. Israel, like any other country, has the right to protect itself and its citizens from terror. However, in exercising its right to defend itself, Israel must abide by international humanitarian law.

The First Minister has urged the UK Government to accept that the time has come to speak out forcefully and make it clear that Israel's military action has gone way beyond a legitimate response to the appalling attacks of 7 October. The Scottish Government respects international norms and the rule of law. It is therefore correct that any potential breach of international law, including the crime of genocide, should be investigated by the appropriate authorities and international bodies. The interim ruling of the International Court of Justice on 26 July was clear: the killing and destruction in Gaza must stop, urgent humanitarian assistance must be provided to prevent more suffering, and hostages must be released immediately.

The Scottish Government's position is consistent with that of the vast majority of the international community. In late October, the United Nations General Assembly voted for a resolution that demanded

"an immediate, durable and sustained humanitarian truce leading to a cessation of hostilities".

In December, a much larger majority of the General Assembly voted for another resolution that demanded "an immediate humanitarian ceasefire", along with

"the immediate and unconditional release of all hostages, as well as ensuring humanitarian access".

Just last week, the Prime Ministers of our Commonwealth partners Australia, New Zealand and Canada issued a rare joint statement calling for "An immediate humanitarian ceasefire" and for hostages to be released. That statement was inspired by increasing indications that Israel is planning a full-scale assault against Rafah, which, until the past few weeks, has been a relatively safe place for displaced Gazans as the brutal conflict has progressed.

The President of the United States has reportedly urged Prime Minister Netanyahu not to launch a military operation in Rafah without a credible and executable plan to protect civilians. Since then, without any mention of how civilians—

most of whom have lost their homes—are to be protected, we have heard the chilling warning from Israeli ministers that such an offensive will take place before Ramadan unless hostages are released.

I pay tribute to those who have spoken in the debate. It has been a respectful and serious debate. I thank Ivan McKee, Pauline McNeill and Richard Leonard, who outlined effectively the historical context in which the conflict lies, for the emotional and heartfelt contributions that they made.

I reassure Jackson Carlaw that, in my opinion, a political intervention, not a military intervention, will bring the situation to an end. Neil Bibby spoke of de-escalation, which is essential, and I have called for it myself. John Mason was correct to point at the international community for not trying harder for peace talks over the years.

I pay tribute to Foysol Choudhury, Pauline McNeill and Carol Mochan, among other members, who mentioned the devastating impact on human life, birth and death, as well as the infrastructure that is being devastated across the region.

I thank Ross Greer for highlighting my previous work on the issue, for his commitment and for pointing out the historical context.

Several members were right to highlight that collective punishment of innocent civilians is unacceptable. I acknowledge Marie McNair, who mentioned marching alongside thousands of people, as have many colleagues in the chamber. The people are on the streets. We need to make sure that we are on the right side of history and that we reflect the views of the people. Members have said that we are speaking for our constituents, and Bill Kidd rightly said that the Parliament should speak with one voice as we go towards a future that has hope.

We must recognise the deep trauma that the Israeli people have suffered as a result of the 7 October attacks and acknowledge that the Jewish communities globally, including those in Scotland, feel that trauma. The conflicts in the middle east do not justify racial or religious hatred of any kind. In recent weeks, we have seen a shocking global increase in antisemitism and Islamophobia. I emphasise that there is no place in Scotland for such behaviour. The Scottish Government is committed to building supportive and safe communities where divisive narratives will not resonate. We will continue to engage closely with our communities across Scotland to provide vital reassurance and ensure that nobody feels marginalised.

I am pleased that the House of Commons has finally agreed to call for an immediate ceasefire,

which the Scottish Government has consistently done for months. Enough is enough.

The Deputy Presiding Officer: That concludes the debate.

13:53

Meeting suspended.

14:01

On resuming—

Portfolio Question Time

Social Justice

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business this afternoon is portfolio questions, and the portfolio on this occasion is social justice. As ever, members wishing to ask a supplementary question should press their request-to-speak buttons during the relevant question.

Housing (Glasgow)

1. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what action it is taking to address the housing emergency in Glasgow. (S6O-03102)

The Minister for Housing (Paul McLennan): Glasgow housing conveners say that their biggest pressure is increasing numbers of newly recognised refugee households, driven by Home Office mismanagement of the asylum process. With no additional support from Westminster, we have provided more than £121 million to Glasgow to fund homelessness services and to increase the supply of social and affordable homes.

Homelessness pressures have been exacerbated by the United Kingdom Government's freeze of local housing allowance. I have today written to the relevant secretary of state, ahead of the UK budget, to urge implementation of the LHA uplift in the years beyond 2024-25, and I hope that the member will help with those calls on her colleagues at Westminster.

Annie Wells: Homelessness is spiralling out of control in Glasgow, and it should never have reached a point where Glasgow City Council had to declare a housing emergency. Unfortunately, the work around Sighthill and the Red Road in the north of the city is moving at a snail's pace, with only a fraction of the demolished homes being replaced with new builds. At the same time, we are faced with a Scottish Government that has cut £200 million from the housing budget. What action is the minister's Government taking right now to increase the supply of affordable homes in Glasgow, so that no one is left on the street?

Paul McLennan: I have mentioned the £121 million that we have used to fund homelessness services in Glasgow and to increase the supply of social and affordable homes, and there are a number of other things that I want to mention. First, the capital budget cut from the member's Government equates to 10 per cent—and there are a few other things, too. The member will be

aware of this year's homelessness monitor from Crisis, which has just come out, and one of the biggest issues that it discusses in relation to the increase in homelessness is LHA rates. Again, I refer the member back to the letter that I wrote today, and I hope that she can support the request contained in it.

As for the asylum process and the dispersal process, it is good that the asylum process has been speeded up. However, no additional funding is coming from the UK Government for that at all—none whatever.

I therefore have a couple of asks of Annie Wells in that respect. First, the capital budget needs to be restored following the cut; LHA uplift has to be brought back; and there must be funding to follow the asylum process.

I have met representatives of the housing associations on a number of occasions. We are looking to work with the Scottish Cities Alliance, of which Glasgow is a part, to bring forward some of its developments as quickly as we possibly can.

Jackie Dunbar (Aberdeen Donside) (SNP): The Scottish Government must adopt a range of approaches to address housing pressures, not just in Glasgow but right across Scotland. I feel that part of the approach should be to ensure that existing housing stock is being used effectively. Can the minister update the Parliament on his work to ensure that long-term empty homes are brought back into use? That would go some way towards addressing the current situation.

Paul McLennan: Our investment of £396,500 in 2023-24 continues our support for the Scottish empty homes partnership, which has worked closely with local authorities including Glasgow City Council to bring more than 9,000 homes back into use since 2010. The partnership's role was recognised by an independent audit of the effectiveness of interventions to bring empty homes back into use, which we commissioned and published last year.

We have already acted on some of the audit's recommendations, such as working with local authorities to improve statistics on empty homes and providing powers to grant a grace period from council tax premiums for new owners of long-term empty homes. My letter of 19 September 2023 to the Local Government, Housing and Planning Committee set out a range of our other activities to bring more houses back into use.

Mark Griffin (Central Scotland) (Lab): The Scottish Federation of Housing Associations released YouGov polling that showed that 80 per cent of people believe that we are in the grip of a housing emergency. Indeed, a number of authorities have declared an emergency, with more to follow. Why is the Government so

reluctant to acknowledge what everyone else seems to see, which is that we are in a housing emergency? I fully accept that, as the minister said in his response to Annie Wells, some factors are outwith his control, but why not declare that emergency and get everyone around the table to start addressing it?

Paul McLennan: I acknowledge that we are in a difficult position at the moment, but it is the same for the United Kingdom Government and the Welsh Government. The most important thing is the actions that we take. Annie Wells talked about Glasgow; when I meet local authorities, as I regularly do, we talk about actions that we need to take.

If there is an incoming Labour Government, I would ask it to look at restoring the capital budget after the cut. I have also referred to the LHA uplift rate, and I hope that Mark Griffin can take that issue back to an incoming Labour Government.

We are working very hard. We have provided £556 million in the draft budget so far, and we are looking at working closely with Glasgow, Edinburgh and other local authorities. However, the actions that we take are the most important thing and, as I have said, I will continue to work as hard as I can to make sure that we build houses as quickly as we can.

The Deputy Presiding Officer: Question 2 has not been lodged.

Best Start Grant (Falkirk East)

3. Michelle Thomson (Falkirk East) (SNP): To ask the Scottish Government what work is under way to ensure that eligible families across Falkirk East, and the wider country, are aware of and can apply for the best start grant before the deadline of 29 February. (S6O-03104)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We have made it easier for families to get the best start grant school age payment, with people in receipt of the Scottish child payment now paid the school age payment automatically. There is no need to apply separately.

Since November 2022, we have made more than 43,000 early learning and school age payments. Some people who do not get the Scottish child payment are still eligible, and Social Security Scotland is actively promoting the payment across different channels ahead of the application deadline.

Michelle Thomson: The best start grant goes hand in hand with the best start food grant to benefit families most in need. The most up-to-date figures show that the pregnancy and baby payment and the best start food grant made up the

majority of applications, at 59 per cent and 81 per cent respectively, while applications to other aspects of the best start grant, such as the early learning payment and the school age payment, remain at 23 per cent and 13 per cent respectively.

Can the minister confirm whether the early learning payment and the school age payment will continue to work through an automatic awards scheme if parents are in receipt of the Scottish child payment? What more can be done to raise awareness of those specific benefits?

Shirley-Anne Somerville: The member raises an important point about ensuring that everyone who is eligible and entitled to a benefit is encouraged and supported to apply, so that they can get what they are entitled to.

I can confirm that the auto awards scheme is in place. Early learning and school age payments are an important part of the work that we are doing on automation, which makes it easier for families to maximise their take-up. Some of the official statistics might be playing catch-up in showing that, but we are confident that the automated payments are working successfully in driving up take-up. Latest estimates of take-up rates indicate a significant impact from automation, with the take-up of the school age payment rising from 77 per cent in 2021-22 to 97 per cent in 2022-23.

Social Security Scotland continues to raise awareness, but I am happy to reassure the member that we are continuing to keep a close eye on that. I encourage all members to work with their constituents to ensure that we do everything that we can to raise awareness of the Scottish child payment and the associated family payments that are associated with and attached to it.

Inward Migration (Rest of the UK)

4. Ivan McKee (Glasgow Provan) (SNP): To ask the Scottish Government what it is doing to attract more working-age people from the rest of the United Kingdom to come and live, work and pay tax in Scotland. (S6O-03105)

The Minister for Equalities, Migration and Refugees (Emma Roddick): We will continue to take action across Government and with partners to promote Scotland as a career destination, highlighting the breadth of job opportunities available across Scotland. The things that set Scotland apart from the rest of the UK, such as free prescriptions and access to a world-class education system, show that Scotland is a welcoming, inclusive and diverse society. As part of this approach, in 2024, the Scottish Government will launch a talent attraction and migration service to help to attract, relocate and settle working-age people and their families in

Scotland, including people who are currently living in the rest of the UK.

Ivan McKee: Scotland already benefits from more working-age people coming here from the rest of the UK to live and work than those who move in the opposite direction. A modest 20 per cent increase in the number of people moving to Scotland would have the potential, if they were all higher-rate taxpayers, to raise an additional £1 billion in income tax revenues over the course of a parliamentary session. What proactive work is the Scottish Government doing to attract more working-age people from the rest of the UK, and what results has that work delivered so far?

Emma Roddick: Ivan McKee is right to point out the economic impact and benefit of having more working-age people. Employers are helping us to develop the talent attraction and migration service to ensure that it can support businesses to attract workers from outwith Scotland who have the skills that are needed.

Our addressing depopulation action plan outlines support for local communities and economies to be sustainable, which includes attracting the skills and people that are needed. Evidence shows that those who choose Scotland as their home help to grow our economy, increase productivity and innovation and address skills shortages. They also contribute positively to communities, culture and public services. As I have already stated, the unique benefits of living in Scotland set us apart from the rest of the UK.

The Deputy Presiding Officer: There are several supplementary questions.

Pam Gosal (West Scotland) (Con): Any understanding of the Laffer curve seems to escape members on the Scottish National Party front benches. Rather than increasing the number of taxpayers, the SNP seems hellbent on sending them away in what has been termed the “tartan exodus”. One of the main deterrents to living and working in Scotland is the widening tax gap, which is also likely to impede the economic growth that is needed to deliver public services. When taxpayers leave—as is inevitable—how does the minister intend to protect spending on public services?

Emma Roddick: Investment in public services is crucial, as the member has said. That is exactly what we are providing through our progressive tax system, which asks those who are on the higher earning scale to pay a little bit more into the public purse to allow us to provide the types of services that will encourage people to live and work in Scotland. I think that people choose where to live based on many factors and not simply because of their tax bracket. I hope that the offer that we have been putting forward to people, as I outlined in my answers to Ivan McKee, will encourage the people

with the skills that we need to make their lives in Scotland.

Willie Rennie (North East Fife) (LD): I am genuinely puzzled. Net migration to the UK was at 750,000 last year, but the population in Scotland is projected to decline. Why are we not managing to attract more of those 750,000 people?

Emma Roddick: I have been clear throughout all engagement in the chamber on the topic of migration that the UK’s migration system does not work for Scotland. The fact that people are not managing to move to Scotland and that they are not seeing the unique offer that Scotland has for them when using the routes that they are able to take to come to the UK, is a symptom of that issue. We are proposing changes to a range of things, including through introducing the talent attraction and migration system, which will allow people to be matched to highly skilled jobs that they can take up in Scotland. We are also proposing to the UK Government that asylum seekers be allowed the right to work in Scotland, and we are asking that the offers in Scotland are communicated properly to people who seek a place where they can contribute positively to a community.

John Swinney (Perthshire North) (SNP): I warmly congratulate the minister on the work that she is doing in relation to tackling the question of depopulation in parts of Scotland. That goes to the heart of being part of a Government that acts in the interests of the whole of the country.

Will the minister commit to work with colleagues with different responsibilities to ensure that we link the work on tackling depopulation to the work on economic opportunity, so that, in some of the more isolated and remote areas of Scotland, we are able to create a growing population based on good, strong economic opportunities?

Emma Roddick: Absolutely. An exciting part of the work on addressing depopulation is the fact that it involves every portfolio across Government. I will work with ministers whose responsibilities cover all areas because we know that the drivers of depopulation and the ways in which we can attract people to those areas that are suffering depopulation, and retain them there, touch on every area of Government. I will work with ministers who are responsible for the economy, transport, housing and the environment to make sure that we empower people to remain in the communities that they grew up in, to take up skilled work in areas that are suffering depopulation and to rebalance our population and ensure that public services can be sustainable, no matter where they are.

The Deputy Presiding Officer: Questions 5 and 6 have been withdrawn.

Benefits Uptake

7. Evelyn Tweed (Stirling) (SNP): To ask the Scottish Government what steps it is taking to ensure that people are claiming all the benefits that they are entitled to, in light of figures obtained by Policy in Practice showing that £18.7 billion of benefits went unclaimed across the United Kingdom in 2022-23. (S6O-03108)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): The Scottish Government asserts that social security is a human right, and we are committed to helping people to access the support that they are entitled to.

Through our benefit take-up strategy, we are implementing a range of take-up initiatives, including access to independent advocacy support and targeted marketing of payments. Local delivery teams assist people in completing application forms and can signpost them to other information and services. The £12.5 million of funding that we are providing this year for income maximisation, welfare and debt advice includes more than £4.59 million to support organisations that help people to access their social security entitlements and maximise their income.

Evelyn Tweed: Scottish Labour leader Anas Sarwar was recently quoted in the *New Statesman* as saying that Holyrood had been largely “a social policy parliament” and that he wanted to correct that. Given that it is clear that social security and benefit uptake are a low priority for the Labour leadership, can the cabinet secretary provide an assurance that, unlike Westminster, Holyrood will continue to challenge austerity and cruel measures such as the bedroom tax and the two-child cap?

Shirley-Anne Somerville: This Government will continue to call for an end to measures such as the bedroom tax and the two-child cap. We will also continue to press the UK Government to implement an essentials guarantee at the forthcoming UK budget. It is deeply disappointing that Labour is simply promising more of the same Tory austerity. It is not necessary to hold a review in order to know that the two-child cap and the bedroom tax are utterly inappropriate parts of any social security system.

Meanwhile, the Scottish Government will continue to provide record investment in benefits expenditure, which demonstrates our commitment to tackling poverty right across the country. That is exactly why we are spending more than £1.1 billion more than the UK Government gives to the Scottish Government for social security. We are there to protect the people of Scotland through continued austerity, regardless of the colour of the Government at UK level.

Miles Briggs (Lothian) (Con): The cabinet secretary and her predecessor said that no one would lose out because of Scottish National Party changes to our social security payments, but we know that that is not true. The winter heating payment has left many people in the Highlands and Aberdeenshire out of pocket. Will the cabinet secretary undertake a review of that policy so that people who live in Aviemore, Braemar and Aboyne do not continue to lose out at the hands of the SNP-Green Government?

Shirley-Anne Somerville: I am happy to provide in writing to Mr Briggs the figures for the number of people who are benefiting from our winter heating payment and the investment that is being put in. Over the years, because of the vagaries of the previous Westminster system, there was doubt about whether people would get any money at all, how much money they would get and when. They now have certainty—*[Interruption.]*

The Deputy Presiding Officer: Mr Lumsden!

Shirley-Anne Somerville: In addition, a much more substantial number of people are getting that funding. The need for such certainty and security for many more people across Scotland came through in our consultation, and that is exactly what we are delivering.

Paul O’Kane (West Scotland) (Lab): The record of the most recent Labour Government in lifting millions of children and pensioners out of poverty by expanding social security payments and encouraging uptake of those payments speaks for itself.

Analysis by the Scottish Government that was published in November last year showed that only three quarters of eligible people had taken up the young carer grant, that only 61 per cent of eligible people had taken up the funeral support payment, which was down from the previous year, and that only 15 per cent of eligible people had taken up the job start payment. Is that not another example of the SNP levelling legitimate and justified criticism at the Department for Work and Pensions and saying that it will do things better, but failing to do so?

Shirley-Anne Somerville: The member fails to point out that many of the benefits that he has mentioned are not even available from the DWP but have been brought in only in Scotland because we are committed to delivering for care-experienced people. The job start payment is one of the benefits that is available only in Scotland.

The Labour Party promises a review to see what it might do at some point in the future, but we have already made changes to the job start payment because we recognise that there is more to do on the take-up of that benefit. That shows a

Government that not only is delivering new benefits in Scotland but is continuously adapting and improving the service that we give to the people of Scotland. That action and delivery does far more to tackle poverty than the promise of a review.

Nappies (Cost)

8. Monica Lennon (Central Scotland) (Lab):

To ask the Scottish Government what action it is taking through the delivery of benefits to help families with the cost of nappies, in light of the reported increase in nappy theft linked to the cost of living crisis. (S6O-03109)

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): We want to give children the best start in life and we are using our new social security powers to make that happen.

Our game-changing Scottish child payment, which is available only in Scotland, provides £25 a week to low-income families for each eligible child, and the best start grant pregnancy and baby payment helps with the expenses associated with pregnancy or with having a new child. Families are able to use those payments to best meet their needs, which could include buying nappies.

Subject to parliamentary approval, we will increase those payments—and indeed all social security payments—by 6.7 per cent from April 2024.

Monica Lennon: Notwithstanding the support that is available, we know that being unable to afford essential baby items is a reality for too many of our constituents. Nappy rationing is a horrible reality for many families and has a devastating impact on babies, children and parents.

The environmental benefits of reusable nappies are well known. They can also save families significant amounts of money, but the up-front costs can be a barrier. Scotland's baby box gives families the opportunity to try reusable nappies, but the opt-in for that is quite low, at around 14 per cent. Will the cabinet secretary outline the ways in which the Government can come to understand that low uptake, raise awareness and make it easier for people to use such reusable products?

Shirley-Anne Somerville: I begin by recognising Monica Lennon's long-standing work on the issue. She is right to point out that the baby box raises awareness of the benefits of reusable nappies, as well as providing a nappy voucher. Provision of that voucher is intended to help families to start using reusable nappies free of charge and also signposts families to the Scottish Government's Parent Club website, which highlights the benefits of using reusable nappies

and provides helpful advice and tips about nappy use.

The James Hutton Institute has commissioned research into the barriers to re-using nappies. The final report is expected by the end of March and I will be happy to ensure that I, or other ministers, provide that information to Monica Lennon if she does not have it to hand when the report is published.

I also ask Ms Lennon to join our calls on the United Kingdom Government for an essentials guarantee. It is not acceptable in this day and age and in this country to have benefit levels that do not allow people to buy the bare essentials of life. Whether those are nappies or baby formula, they are exactly the products that people should not be rationing, which is why this Government has asked for an essentials guarantee. I am disappointed that we have had no reply or commitment on that from the UK Government.

The Deputy Presiding Officer: That concludes portfolio questions on social justice. There will be a brief pause before the next item of business in order to allow front bench speakers to change over.

Grangemouth Oil Refinery

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by Màiri McAllan on the Grangemouth refinery. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:24

The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan): I am pleased to have the opportunity to update members on the Scottish Government's response to the announcement by Petroineos that it will begin preparatory works on an import terminal at the Grangemouth refinery. I begin by acknowledging the significant contribution that the Grangemouth refinery makes to Scotland's economy, both in meeting domestic road and air fuel demand and in providing highly skilled and well-paid jobs. I also place on record my support for the workforce and highlight their unique importance in delivering Scotland's transition to net zero. I express my gratitude to them, as well as to the operator, as they continue to maintain operations through what has been, and continues to be, an extremely challenging time with the global market.

The decision by Petroineos, which was confirmed to its workforce on the same day that it was announced to the Scottish Government—21 November 2023—was a commercial one that was made by the company. Petroineos has made it clear that the announcement responds to prevailing and expected global market conditions and, importantly, that it does not convey closure. Indeed, Petroineos has stated that the anticipated changes are expected to ensure security of supply for road and aviation fuel in Scotland long into the future.

However, I absolutely understand the concerns and questions that have been raised in recent months, primarily in respect of the refinery's workforce. I therefore wish to use my statement to set out two principal matters. First, I will confirm the Scottish Government's resolute commitment to playing our part in ensuring a just transition for the cluster and the wider community, and to co-operating with all those with responsibility in that regard. Secondly, I will set out the activity and engagement that we have undertaken, and will continue to undertake, pursuant to that.

The Grangemouth refinery is of strategic importance to Scotland. Therefore, as members would expect, the Scottish Government has, for some time, engaged with Petroineos and other businesses, as well as with our public sector

partners, on the future of the cluster. However, following Petroineos's announcement last year, ministers have spearheaded an enhanced programme of engagement with the business and its shareholders, trade unions, the United Kingdom Government, Falkirk Council and others.

In the days immediately following Petroineos's announcement, the First Minister met Grangemouth senior management, and my colleague Neil Gray, the former economy secretary, met Unite the union and the Scottish Trades Union Congress and held a parliamentary briefing for MSPs. The following week, ministers held meetings with their UK Government counterparts and, thereafter, with constituency representatives and the leader of Falkirk Council.

Neil Gray proceeded to meet Petroineos's senior management and shareholders, and, on 13 December, he appeared in front of the Economy and Fair Work Committee on the matter. Then, on Thursday 18 January, he chaired the inaugural meeting of the Grangemouth future industry board's leadership forum, which was attended by Scottish ministers including my colleague Gillian Martin; Scottish Enterprise; Falkirk Council; union representatives; Petroineos; the UK Government Minister of State for Energy Security and Net Zero, Graham Stuart; and others, including those from Forth Valley College.

That engagement has centred on reaching a collective understanding on how to realise the potential of the cluster and secure a truly transformative and sustainable future for those who live in and work at Grangemouth. That includes our commitment to explore every avenue to accelerate the build-out of new low-carbon projects at the cluster.

That remains my priority as I take up my post. In my first few days as Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, I have already exchanged letters with the business, and I plan to meet it soon. I have also corresponded with Minister Stuart, I have responded, today, to the committee's most recent correspondence and I am now giving this statement.

Importantly, I have set a date and circulated a focused agenda for the next meeting of the GFIB leadership forum. When we meet, I will restate the Government's commitment to encouraging new low-carbon projects, and I will emphasise the need for urgency to ensure that we maximise new opportunities and minimise the gap between the refinery's transition and those new opportunities becoming available.

Members will be aware that such matters engage both reserved and devolved responsibilities. I therefore welcome the UK energy security minister's commitment to attend

the GFIB meeting and his confirmation to me in writing that the UK stands ready to

“engage with the business on any proposals it presents”.

We have seen elsewhere—most recently, in Wales—how the UK is able to provide significant financial support to aid industrial transition. Given Minister Stuart’s confirmation in particular, I trust that the UK Government will bring that same commitment to Scotland, to Grangemouth and, very practically, to our next GFIB meeting.

I mentioned that the development and deployment of emerging technologies is a critical part of a just transition for Grangemouth. Avenues such as hydrogen production and biofuels manufacturing offer potential opportunities to transition to new sustainable jobs in technologies that are critical to our path to net zero. I assure members that work is under way in pursuit of that.

First, Petroineos has commenced early study work that is focused on the future establishment of a biofuels refinery at Grangemouth that is capable of producing sustainable aviation fuel. If that project is taken to fruition, Grangemouth could become home to Scotland’s only SAF production plant capable of meeting future aviation demand for decades to come.

The Scottish Government supports that project. In my former role as transport secretary, I commissioned an expert working group on SAF, of which Petroineos is a part. It met for the first time in mid-February this year.

There are technical and regulatory issues to resolve. Businesses have been clear that the UK’s post-Brexit proposals on a cap on hydroprocessed esters and fatty acids present a barrier to their biofuels considerations. We stand ready to work with all stakeholders to overcome those issues and to promote the feasibility of a biorefinery at Grangemouth.

Separately, Ineos is considering fuel switching at Grangemouth. That project would involve the transitioning of the power source of Ineos’s assets at Grangemouth from natural gas to hydrogen, enabled by the construction of a low-carbon hydrogen plant connected to carbon capture and storage. The business believes that, if connected to the Scottish cluster, the project could evacuate approximately 1 million tonnes of carbon emissions per annum, which would significantly contribute to the net zero ambitions of Scotland and of the UK.

The deployment of carbon capture, use and storage via Scotland’s Acorn project is critical to that. UK Government progress on that is long overdue. Although I sincerely welcome recent developments, progress is still too slow, so I use

this opportunity to urge the UK Government to urgently provide clarity.

Grangemouth has a long industrial tradition, which the Scottish Government is determined to preserve. I have given just two examples of how that might be done. Of course, those opportunities sit alongside what could be realised via the Forth green freeport and the Falkirk growth deal. Ultimately, it is clear to me and to those with whom I have been working that the infrastructure, skills, knowledge and industrial expertise with which Grangemouth is synonymous will be fundamental to unlocking our transition.

As members know, the refinery sits within a wider industrial cluster that provides a home to 10 large operators, which employ approximately 3,000 people—upwards of that number at different times—all of whom have a variety of skills and expertise in chemicals, oil and gas, and wider manufacturing sectors. Given that combination, the cluster is Scotland’s leading manufacturing hub, providing a range of products and services that are vital to the functioning of our economy.

In that context, I raise my final point, which is the development of our Grangemouth industrial just transition plan. Development of the plan commenced early last year, through extensive work with members of the GFIB, industry operators, workforce representatives and the Grangemouth community. That early work has allowed us to develop key aspects of the plan—including, first and foremost, setting a vision for the cluster in 2045.

Through our work, we have heard from a range of stakeholders across industry, who have outlined their ambitions for the future as well as some of the challenges that we will face in seeking to achieve those. We have also heard from workforce and community members, who have outlined their priorities for improved access to jobs and training and a desire to foster civic pride in Grangemouth as a place that will undoubtedly help to drive Scotland’s net zero transition.

As we move towards our spring publication, we will continue to work with a broad range of stakeholders to articulate the action that is required to deliver that vision. Although the development of our just transition plan predates Petroineos’s announcement about preparation works on the import terminal, work in that respect will be captured in the plan and will inform our thinking.

I am pleased to give my first statement in my new role on this important topic, which spans economic, social and environmental issues. I restate the Scottish Government’s commitment to working with all interested parties to plan for and realise the fairest and most prosperous transition

possible for Grangemouth and for Scotland, and I commit to updating members on progress.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for that, after which we will need to move on to the next item of business. Members who wish to ask a question and who have not already done so should press their request-to-speak buttons.

Douglas Lumsden (North East Scotland) (Con): I thank the cabinet secretary for advance sight of her statement and welcome her to her new role. I acknowledge the significant contribution that the Grangemouth refinery makes to Scotland's economy. On my visit to Grangemouth earlier this month, I met some of the workforce, and I know how much they care about the future of the terminal.

The news that shocked most people in November was no surprise to the Scottish Government. From a freedom of information request response, we have seen that the disgraced former Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson, met Petroineos in February 2022. In his letter from April 2022, we see that options were being evaluated and that the Government committed to a just transition for Grangemouth workers. It is clear that it knew what was coming. What preparation work to protect the workforce was carried out between April 2022 and the making of the Petroineos announcement? Why are options not further advanced, considering that the Government has had two years to prepare?

Unite the union's survey of the workforce found that 88 per cent of respondents said that politicians were not doing enough to protect and support jobs at Grangemouth. They have been let down by the Scottish Government, have they not, cabinet secretary?

Màiri McAllan: I will open my response to Douglas Lumsden by reiterating something that has been put to me frequently, even in the number of days that I have been leading on the matter, which is a plea from those involved not to politicise the matter. I therefore urge Douglas Lumsden and his colleagues to resist the urge to do so.

With regard to when the Scottish Government was aware of matters, I made it clear in my statement that we were informed of Petroineos's decision to begin preparatory works to assess an import terminal on the same day as the workers and the UK Government. I was equally clear in my statement that, as a responsible Government, we have been engaged for years with the owners and operators of Scotland's central industrial

complex—of course we have. It would be a complete dereliction of our duties if we were not.

Future planning is, of course, part of that, but what is crystal clear is that the decision was announced to us at the same time as it was to the wider community. My focus now is on doing two things: maximising the opportunities for new and emerging technologies, and minimising the gap between any transition and their becoming available.

Daniel Johnson (Edinburgh Southern) (Lab): I welcome the cabinet secretary to her role. In a portfolio that often talks about growth, it is good to see her leading by example with her expanding range of responsibilities.

This is a very serious matter. The cabinet secretary was right to pay tribute to the workforce, who are highly skilled. This is, after all, a profitable site, and although she has asked us not to politicise the matter, I note that in its statement yesterday Unite itself said that it was angry at the failure of both the Scottish Government and the UK Government to bring forward proposals. I must therefore press the cabinet secretary on when the Scottish Government first received an indication from Petroineos that this was a possibility.

In addition, what will be the impact on the future footprint and possibilities, given the cessation of refining on the site? Has the Scottish Government discussed whether it could take steps to maintain current operations? In other words, has the Scottish Government asked Petroineos what it would take to keep refining at Grangemouth?

Màiri McAllan: I am happy to respond in similar terms to Daniel Johnson as I did to Douglas Lumsden. The announcement was made to the Scottish Government on 21 November 2023, the same day as it was confirmed to the workforce, the UK Government and wider stakeholders.

I reiterate what I was keen to stress in my statement, which is how important the views of the workers at Grangemouth are. They are being articulated through the unions, with whom we have had considerable engagement, and I intend to ensure that that continues to be the case. Their role on the Grangemouth future industry board leadership forum will be critical to that multilateral discussion that we need to have.

As for future activity, I have already spelled out our intention to maximise the opportunity for new and emerging technologies. The decision to consider preparatory works for an import terminal has been made by the company against prevailing and expected global market conditions, and I understand that it will secure fuel supply in Scotland for years to come. Because of that combination of matters, my focus is on looking forward and not back.

Michelle Thomson (Falkirk East) (SNP): I thank the cabinet secretary for her statement. For a just transition to be successful, the community must feel that it is an integral part of the change. I appreciate that the cabinet secretary referenced this in her statement, but can she give more detail on how the community can be actively, rather than passively, involved? Any change can be judged a success only if it is delivered through people and not to people.

Màiri McAllan: I entirely agree with Michelle Thomson's sentiments. To me, the core definition of a just transition is that it is made for people and by people. That is why, in everything that we have sought to do in developing our Grangemouth-specific just transition plan, we have sought to co-develop it with those who work and operate at the Grangemouth complex and, vitally, those who live around it.

The work that we have done to date on developing the plan has very much embedded the community's views. If Michelle Thomson, as the constituency MSP, has views on how we can enhance that, I will always be very glad to hear them. Equally, the Grangemouth future industry board leadership forum will continue to be a key forum through which we hear the community's views, not least from local council leaders, Forth Valley College and others. I am always interested in ways of maximising community engagement.

Stephen Kerr (Central Scotland) (Con): I welcome the cabinet secretary to her new role. There was new information in *The Herald* on Monday about the hydrocracker, but she did not mention that. Can she comment on that now? Also, I worry that she is expecting too much of the Grangemouth future industry board, which she has just mentioned—it is pretty much stacked with public bodies. Why is there no wider private sector involvement? What exactly is she expecting the board to do, and by when? What resources does it have at its disposal?

Màiri McAllan: Under a previous formulation, the Grangemouth future industry board was about the coming together of public sector bodies to provide a united public sector front through which to engage with industry. After consideration from the Scottish Government and recommendations from the Economy and Fair Work Committee, it has been reformulated to include industry. Petroineos is on that board, too, so Mr Kerr might wish to revise his comments about industry not being represented.

Petroineos said in its statement to the Economy and Fair Work Committee that the hydrocracker is currently offline because of operational issues. It is my understanding that the business is in the second root cause analysis, and I await the outcome of that.

Evelyn Tweed (Stirling) (SNP): What assessment has been made of the potential impact of the closure of Petroineos Grangemouth on supply chains and associated businesses in areas surrounding Grangemouth, such as Stirling?

Màiri McAllan: I understand Ms Tweed's interest in the wider economic impact. We are seeking to establish an analysis of the economic impact of the proposals. Owing to the complexity of the corporate structure of the companies, it is essential that Petroineos assists us in that, and I am pleased to say that it has agreed to work on that issue. That assessment will look at the potential impact of closure, but, equally, it will consider how that could be mitigated with the transfer to an import terminal. I also want it to consider how that could be further mitigated by the coming on stream of the new technologies that we are working to pursue.

Richard Leonard (Central Scotland) (Lab): I remind members of my voluntary registration of trade union interests.

The cabinet secretary tells us of meetings and correspondence. Well, what the workers at Grangemouth want is not talking shops but workshops. They want action and not words. Can the cabinet secretary tell us the powers that the Scottish Government does have and is prepared to use to invest in infrastructure and energy diversification projects—including hydrogen, CCS and biofuels—at the Grangemouth complex, how the Scottish Government intends to apply those powers and on what timescale?

Màiri McAllan: I hope that it has been clear in my contributions that we are very much working with the company, including via investment, to support the development of early studies in respect of the development of biofuel refineries and fuel switching. Those are, I believe, the means to ensuring that we deliver a just transition for the very workers whom Richard Leonard is rightly concerned about—and whom I am concerned about, too.

As we do that work, I will absolutely ensure that workers' voices and their unions' representatives are at the heart of its development. Frankly, many people are engaged with the work and many have responsibility for its delivery. The coming together of all those actors is, I believe, the only way in which we will make the progress that is needed.

Kevin Stewart (Aberdeen Central) (SNP): The head of the International Air Transport Association, Willie Walsh, warned recently that sites such as Grangemouth cannot produce sustainable aviation fuel due to regulatory barriers imposed by the UK Government. What calls has the Scottish Government made for the UK Government to remove those serious regulatory

barriers and allow the production of SAF at Grangemouth? After all, that is a viable and sustainable economic opportunity for the Grangemouth area.

Màiri McAllan: I am as enthusiastic about the prospect of SAF development in Scotland as Mr Stewart is. He is right about the regulatory barriers to the production of a biofuel refinery that have been identified. The most prevalent of those is the UK Government's proposed HEFA cap. The issue was raised by Petroineos at the recent meeting of the Grangemouth future industry board, where Scotland's energy minister, who is sitting beside me, pressed the UK Government to give full consideration to the UK position and, in particular, to any changes that could be made to support Grangemouth. After all, the proposed cap sets us apart from the position that prevails in the EU, and Petroineos has made it clear that it is a concern and a barrier to what it is seeking to do.

I will continue the work that has been done by my colleagues Gillian Martin and Neil Gray in pressing the UK Government on that, and GFIB will be an appropriate place for us to do that.

Gillian Mackay (Central Scotland) (Green): I welcome the cabinet secretary to her new portfolio. Many of the potential changes for the site in Grangemouth that the cabinet secretary has set out will functionally change both working in and living beside the refinery. Will the cabinet secretary outline what work is under way to ensure that the current workforce, where it is needed, can be reskilled in the potential industries that she has mentioned? Given the proximity of the site to homes, what work is being done to ensure that those in the community know how any operational changes at the site will impact on their lives and the local environment?

Màiri McAllan: Gillian Mackay is absolutely right, and her question goes to the heart of what I have been seeking to stress, which is that there are many parties whose views and opinions on all of this are absolutely critical. The point that she makes about future skills is particularly important. That is why I am very pleased that Forth Valley College is a member of the board, which is a multilateral forum through which we will take forward a just transition plan for Grangemouth.

Equally, I stress again to Gillian Mackay the community co-development that we have sought to put at the heart of how we do the just transition plan. I say to her what I said to Michelle Thomson, which is that, if she has any recommendations on how we can improve that, I am always glad to hear them.

John Mason (Glasgow Shettleston) (SNP): The cabinet secretary seemed to indicate in her statement that there was quite a good working

relationship with the UK Government. Can she assure us that that will continue, and can she give us any update in relation to it?

Màiri McAllan: I believe that the UK Government's part in this is absolutely vital. If we consider the ambitions to consider biorefinery, we can see that the HEFA cap is a potential issue. If we consider the ambitions to consider fuel switching, we can see how critical CCUS is to the development of that. Those are deeply intertwined devolved and reserved issues.

I note that the UK Government has been willing to provide substantial sums of money towards industrial transition in other parts of the UK—namely Wales—and I would expect the same for Scotland. The Minister of State for Energy Security and Net Zero, Graham Stuart, has attended GFIB at our request, and I was disappointed to receive a letter from him yesterday that said that he did not think that another meeting with me and the Government was required in the meantime. I disagree, and I will press him for another meeting. In any case, I hope to see him at the next meeting of GFIB, at the end of the month.

Willie Rennie (North East Fife) (LD): Clearly, there has been a lot of activity, but I think that Richard Leonard is right. It sounds to most people in Grangemouth as though there has been a series of meetings, letters and dates for more meetings. People will not believe it until they see it, so can the minister be a bit more tangible with timescales and outcomes? Can she also set out what the longer-term commitment from the company will be, including its financial commitment?

Màiri McAllan: I understand the desire for haste, but, equally, some of the really important building blocks of a just transition for Grangemouth cannot be developed overnight. That is why I am determined that the work that we do now, particularly with the board, is as focused and businesslike as it possibly can be, in order to drive the change that Willie Rennie is right to push for.

It is important to note that no formal decision has been made on the future of the refinery and that, currently, nothing will change from day to day. As far as Petroineos is concerned, it is business as usual. The timescale for operational change has not yet been determined, which members can understand means that the timescale for transition cannot be set in stone. However, I am determined to ensure that we do the work now to minimise any gap between the transitions.

Murdo Fraser (Mid Scotland and Fife) (Con): I, too, welcome the cabinet secretary to her new role. In her statement, she referenced the HEFA

cap as being a barrier to the development of sustainable aviation fuel. The European Union is currently considering a HEFA cap for member states, with at least five EU members actively pushing for it. Is the Scottish Government's position that there should be no HEFA cap? If it agrees that there should be one, what level should it be set at, and is that position shared with the Scottish National Party's coalition partners, the Greens?

Màiri McAllan: I am aware that there are on-going consultations. My view is that we should seek to minimise regulatory barriers that get in the way of Scotland's premier industrial complex being able to undertake a successful transition, which pertains to the HEFA cap and to CCUS coming on stream. I will not state an opinion on behalf of the Government, but I will say that Petroineos has made it absolutely clear that the cap is a barrier. I will use the multilateral forum to work through those issues and to seek to deliver the just transition that I think we all want.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The Forties pipeline system is a main artery that transports North Sea oil to the Grangemouth oil refinery. Although the transition away from oil and gas is essential for Scotland's energy future, the potential closure of the refinery has implications for the north-east's energy sector. Given the lack of levers available to the Scottish Government that would allow it to invest, can the cabinet secretary outline what engagement has taken place with the UK Government regarding the broader impact that a decision about Grangemouth would have on the wider Scottish economy, including in the north-east?

Màiri McAllan: The member is absolutely right to raise the importance of the Forties pipeline. Presently and historically, the vast majority of crude oil that is transported into Grangemouth via the Forties pipeline system is exported and it is not refined at Grangemouth, according to market demand. It is my understanding that the Forties pipeline system will continue to act as a means by which crude oil is extracted from the continental shelf and can then be sent via Cruden Bay to the Grangemouth industrial cluster and onward to Hound Point for export. I hope that that clarifies the position in respect of the Forties pipeline.

On the question about economic analysis, I referred in an earlier answer to the work that is on-going with Petroineos in that regard.

The Deputy Presiding Officer: That concludes questions on the statement. There will be a brief pause before we move to the next item of business, to allow members on the front benches to change position.

Regulation of Legal Services (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-12248, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 1. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

14:55

The Minister for Victims and Community Safety (Siobhian Brown): I welcome the opportunity to open the debate on the general principles of the Regulation of Legal Services (Scotland) Bill.

I thank the Equalities, Human Rights and Civil Justice Committee, the Delegated Powers and Law Reform Committee and the Finance and Public Administration Committee for their careful and considered scrutiny of the bill, and I thank all those who submitted views and gave evidence at stage 1. I very much welcome the lead committee's stage 1 report, in which the majority of members agreed with the general principles of the bill.

The current legislative framework that underpins regulation of legal services and complaints handling is complex and dated. The bill presents a modern regulatory framework that is designed to promote competition and innovation, while improving the transparency and public accountability of legal regulation and the legal complaints system, and placing the public and consumer interests at its heart.

The bill sets out the regulatory objectives that must be complied with as legal regulators exercise their functions, including consideration of consumer principles, better-regulation principles and human rights principles. It is a highly technical bill that builds on existing legislation from 1980, 1990, 2007 and 2010.

The bill proposes a number of significant and positive changes to the legal services regulatory framework in Scotland, so I will take the opportunity to outline the many benefits that it will bring. It will streamline the legal complaints system, which many stakeholders have called for, thereby making the process faster and simpler for the consumers and the legal practitioners who find themselves involved in it. That includes introducing a new ability to make complaints against unregulated legal services providers, which will increase consumer protection.

The new regulatory framework will introduce greater transparency and accountability for our

legal services regulators, in order to deliver a framework that maintains public trust and ensures that regulators are operating their regulatory functions independently of any other function.

The Deputy Presiding Officer: I am sorry to interrupt, minister. Could you possibly move your microphone?

Siobhian Brown: I apologise, Presiding Officer.

There will, for the first time, be a power to review the regulator's performance and ensure their compliance with their statutory duties and the regulatory objectives. Regulators will be required to submit annual reports on their performance, as category 1 regulators.

Liam Kerr (North East Scotland) (Con): To be up front in this afternoon's debate, I declare an interest as a practising solicitor who is regulated by the Law Society of Scotland.

The bill will introduce new powers for Scottish ministers to intervene directly in regulation of legal services. Clearly, the minister thinks that the powers that are set out in section 19 are needed. Can she give me an example of any previous occasion on which the Government would have used those powers, had it had them?

Siobhian Brown: I will come to that further on in my speech, if I may.

A regulator will also be required to create a register of all its members that is "free" and "accessible" to the public, thereby enabling consumers to access useful information about legal service providers. A total of 94 per cent of respondents to our consultation on the bill agreed that it was "important" that the regulatory framework should

"Enable access to justice including choice and diversity".

The bill includes proposals to increase access to justice by removing restrictions on third sector organisations directly employing solicitors to support their clients in court proceedings. Scottish Women's Aid welcomed that measure, advising that it

"will assist ... in securing dedicated and innovative provision of domestic-abuse competent legal services for women, children and young people experiencing domestic abuse."

Through the bill, we are introducing regulation of legal businesses, which will provide greater powers of oversight for regulators and additional protections and consistency for consumers. In addition, the bill will ease ownership requirements for alternative business structures and allow innovation, such as community ownership of legal businesses, which will benefit the legal sector in attracting investment and in succession planning. Those measures are intended to support and promote sustainable legal services that benefit

citizens. Some 93 per cent of respondents to our consultation supported those principles.

The bill will also protect members of the public against wrongful use of the title "lawyer" by people who seek to deceive consumers and imply that they are fully regulated, with the protection that regulation affords.

The bill will expand the remit of the statutory consumer panel and give it a role in undertaking research to provide good-quality evidence-based advice to the sector in order to ensure that decisions are shaped around the needs of the various consumers of legal services.

I acknowledge that the bill has attracted differing views from stakeholders, as did the consultation ahead of the bill. We have had to strike a balance with those differing views as we aim to modernise the regulatory system.

John Swinney (Perthshire North) (SNP): I understand the different and competing views that have been expressed about the Government's proposals, but I will convey to the minister a word of advice from somebody who has been around the Parliament for a long time. Every time there is an attempt to reform regulation of the legal profession, it is vigorously resisted by the legal profession. The minister should retain her resolve in taking the steps that she is taking.

Siobhian Brown: I thank John Swinney for his intervention.

Following the introduction of the bill, and having carefully considered the responses to the committee's call for views, I acknowledge the concerns that have been raised about the role that was placed on the Scottish ministers, and I have committed to addressing those at stage 2. The provisions are only one part of the bill and are based on existing legislation. Nonetheless, I have sought to address those concerns, and my officials have been working closely and collaboratively with stakeholders and, in particular, the Lord President's office and the Law Society of Scotland.

Meghan Gallacher (Central Scotland) (Con): The bill was linked to the Esther Robertson report, but it appears that the Government has not accepted the recommendations of that report. It does not look as if the bill has united anybody, whether they be consumers or the legal profession. How can the Government progress to stage 2 when we have not even completed stage 1 and are not in a position to do so?

Siobhian Brown: As I have said, there were polarised views going back to 2015 and from the Scottish Government's consultation. Members will note from the briefings about stage 1 that have been sent to MSPs in the past few days that the Scottish Legal Complaints Commission, Citizens

Advice Scotland, Consumer Scotland, the Competition and Markets Authority and the Law Society of Scotland all welcome stage 1 and urge the Parliament to agree to the general principles of the bill. I think that there will be collaborative agreement on aspects of the bill, moving forward.

Following the introduction of the bill, and having carefully considered the responses to the committee's call for views—

I am sorry; I have read that paragraph.

The provisions are only one part of the bill and are based on existing legislation. Nonetheless, I have sought to address those concerns, and my officials have been working closely and collaboratively with stakeholders and, in particular, the Lord President's office and the Law Society of Scotland.

The bill has received much support during stage 1, and I would like to note some of that support, for members in the chamber today. Consumer Scotland welcomed the fact that the bill will require legal regulators to exercise their regulatory functions in a manner that is compatible with consumer principles. I was also pleased to read the Law Society of Scotland's comments to the Equalities, Human Rights and Civil Justice Committee: it has said that the bill contains many important reforms.

The committee also heard broad support for proposals in the bill that will reform the legal complaints system. The Scottish Public Services Ombudsman, Rosemary Agnew, said of measures in the bill that they enable

"the development of best practice."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 14 November 2023; c 23.]

As I said, in developing the bill, the Scottish Government sought to ensure that it strikes the right balance between the various interests of stakeholders. The committee's stage 1 report recognised that and raised a number of important points. I have addressed those in my written response, and I will continue to update the committee after further consideration of the recommendations, ahead of stage 2.

The bill will provide a modern and forward-looking regulatory framework for Scotland that will best promote competition, innovation and public consumer interest in an efficient, effective and independent legal sector, while placing the consumer public interest at heart.

Liam Kerr: Will the minister take an intervention?

The Deputy Presiding Officer: I think that the minister is bringing her remarks to a close.

Siobhian Brown: I move,

That the Parliament agrees to the general principles of the Regulation of Legal Services (Scotland) Bill.

The Deputy Presiding Officer: I call on Karen Adam to speak on behalf of the Equalities, Human Rights and Civil Justice Committee.

15:05

Karen Adam (Banffshire and Buchan Coast) (SNP): Before I begin, I thank Kaukab Stewart for her time as convener and congratulate her on her new role.

I thank all those who provided evidence to the committee. We are grateful for all the views that were expressed to us by representatives of consumer groups and the legal sector, including the senior judiciary. I also thank the clerks, the Scottish Parliament information centre and the wider team who supported us through stage 1 scrutiny of the bill and our report.

Reform of the regulation of the legal profession in Scotland has long been called for. Although it is not perfect, the bill seeks

"to introduce a modern set of regulatory objectives and professional principles, incorporating key aspects of the Better Regulation Principles and Consumer Principles."

There was much discussion about the approach that is being taken to build on the existing regulatory framework rather than introducing an independent regulator, as was proposed in the Robertson report. As we note in our report, there is a sense that the framework that is proposed does not satisfy consumer groups or the legal profession. However, our role is to scrutinise the bill that is before us, so I will cover areas that are included in the bill.

Anyone who has been following our scrutiny of the bill closely will be aware that concern has been expressed by the Law Society, the Faculty of Advocates and the senior judiciary that some of the delegated powers that are proposed in the bill will have a significant detrimental impact on the independence of the judicial system.

The Delegated Powers and Law Reform Committee reported that it

"found it challenging to meaningfully report on a number of delegated powers in the bill".

Its report reflected much of what we heard in evidence.

Although the minister indicated that the Scottish Government is engaging with the Lord President and others to lodge amendments at stage 2 to address the concerns, when it came to considering the general principles, it was unclear how different the bill might look subject to those amendments. On balance, however, and in light of the reassurance that the minister offered, a

majority in the committee were content to agree the general principles.

We welcome the Scottish Government's prompt response to our stage 1 report. We note that it contains a summary of the Government's position on the DPLR Committee's recommendations. However, should the Parliament agree to the general principles of the bill, we are likely to require an extended deadline at stage 2 to be confident that the amendments are sufficient to allay the concerns that have been expressed.

Liam Kerr: I am listening carefully to what has been said. The Law Society has also said that many of the powers that it had requested from the reforms have been left out. Does the committee know why they were left out in the initial drafting of the bill and whether they will be included at stage 2?

Karen Adam: The bill is very technical and detailed. The committee did its job by scrutinising what was before us at the time, and it is not for us to say what will be presented at stage 2.

I turn to other parts of the bill. There was a view among witnesses that the current complaints system is "slow" and "overly complex". The bill seeks to simplify the complaints process, but the creation of two categories of regulators with different regimes might mean that a lot of complexity will remain. We recognise that it will be for the Scottish Legal Complaints Commission to establish its own rules on how complaints are analysed to determine whether they relate to conduct issues, service issues or both. That highlights the importance of annual reporting to help understand whether the operational mechanisms are robust.

The bill proposes changing the name of the Scottish Legal Complaints Commission to "Scottish Legal Services Commission". We welcome the fact that the Scottish Government has listened to the concerns that were expressed about how that might cause unnecessary confusion and it has indicated that it will amend the bill at stage 2 to retain the SLCC's current name.

We heard broad support for proposals to update the rules on alternative business structures to increase the number of businesses and other bodies operating as such and to encourage innovation.

There were queries about how the ownership threshold figure of 10 per cent was reached, and the committee was not quite convinced by the rationale provided by the minister. The Government's indication that it

"will bring forward amendments to remove the ownership requirement"

and that it

"will liaise with the Law Society to develop a greater risk based and proportionate system to the fitness test"

is therefore welcome.

We heard conflicting views on the proposal to change the route of appeal in relation to service complaints from the Court of Session to an internal review committee of the SLCC. The Law Society and the Faculty of Advocates considered that the right to appeal to court should be automatic, whereas the SLCC supported the introduction of an internal review committee. On balance, we were content that the proposed internal review committee process should provide a more proportionate approach and resolution that will benefit consumers and those who are the subject of a complaint.

The committee agreed that there is a perception that the term "lawyer" is interchangeable with the term "solicitor". It is important that consumers are absolutely clear about what service they are being offered and by whom. We therefore support the proposal in the bill to regulate the term "lawyer".

The introduction of entity regulation to regulate legal businesses as well as individual solicitors received broad support. The committee welcomes the potential benefits that that will bring for regulators and consumers as part of a modern regulatory framework. Concerns were raised by the Law Society about the special rule exemptions, and we welcome the fact that the Government is engaging with the Law Society to address those concerns.

This is a very technical bill, with a lot of detail to be considered. We acknowledge that parts and sections of the bill will need to be amended at stage 2. That could leave us with a different bill as we move on from stage 2 to stage 3, but many aspects of the bill are welcome and will help us to move towards a more modern and accessible regulatory framework.

Michelle Thomson (Falkirk East) (SNP): Does the member recognise the commentary that part of the reason why we ended up where we are is that previous attempts to change things resulted in quite a muddle? Does she share my concern that, in effect, we could end up in the same position at the end of stage 3 as a multitude of amendments are lodged?

Karen Adam: I am quite confident in the committee's ability to work on that as it takes the bill through the different stages of the process.

Many aspects of the bill are welcome as they will help us to move towards a more modern and accessible regulatory framework. That is why the majority of the committee agreed to the general principles. Should the Parliament agree to the

general principles, we will scrutinise the amendments fully at stage 2 and, if we consider it necessary, we might invite additional evidence before formally commencing stage 2 proceedings.

15:12

Annie Wells (Glasgow) (Con): My party has long supported changes to the regulation of legal services in order to improve the system. We believe that improvements are necessary for victims and ordinary people who can be let down by a legal services system that is often complex, difficult to understand and outdated. We hope to see simple and effective legislative changes to tidy up the system, smooth the complaints process and modernise elements that need changing. Unfortunately, the bill that is before us is not the answer.

Before I address the issues that we have with the proposed legislation, I will outline where we can agree. We support many of the changes that the bill proposes. We agree with the new rules to increase transparency, we are behind updating the rules on business structures and we support the updating of legislation and professional principles. We believe that it is right to create an offence to prevent people calling themselves “lawyers” in order to deceive the public. On all those points, we are behind the principle of what the Government is trying to achieve, although we believe that some of the proposed changes could be improved with reasonable amendments.

However, we are disappointed by many of the elements of the bill. It does not provide many solutions. It leaves untreated too many problems that have been clearly identified. It fails to overhaul the system for the public.

The Government seems to have lost its way during the creation of the bill. It ended up rejecting the central recommendation of the Robertson review, which the Government commissioned: my colleague Russell Findlay will go into that in more detail in his contribution. That meant that many parts of the draft legislation were left until the very last minute, which provoked a lot of valid criticism from the judiciary and legal experts. The original stated aims for the bill have not been achieved, and the lack of progress with improvements to the complaints process represents a huge missed opportunity.

The bill is not ambitious enough at tackling the issues around the complaints process, which should have been one of its top priorities. It does not seem to make things much faster or easier for ordinary people, and it does not give much extra help or support to victims of crime and people who have been failed by the justice system.

There seem to be concerns across the Parliament, including in the Scottish National Party. Michelle Thomson recently asked in the chamber whether the bill would

“meet the original objectives of the Robertson review regarding consumer complaints.”

She went on to point out:

“There is a clear and fundamental conflict of interest in having consumer complaints processed by bodies that exist to protect the interests of their profession.”—[*Official Report*, 15 November 2023; c 15-16.]

Ministers have not yet done enough to address those concerns.

Moving on to other issues that we have with the bill, we share the concerns of the senators of the College of Justice, the Law Society of Scotland, the Faculty of Advocates and the International Bar Association about the proposed new powers for Scottish Government ministers. Those powers are ripe for political abuse, and they could be misused by politicians of any party in government. The prospect of any Government having a lot of power to interfere in the judicial process is troubling, and the bill looks like a power grab that could have worrying consequences for free and fair justice in Scotland. It goes too far and risks the independence of the judiciary, which must be protected.

In summary, the bill sought to strike a balance between retaining elements of the current system and overhauling it completely. The Government has not got that balance right. Instead of real progress, we have a bill that nobody really wants—it has barely been welcomed by anyone. In short, our objections to the bill are that it goes too far on powers for SNP ministers and not far enough on powers for the public. On powers for the SNP Government, it leaves too many grey areas where ministers could choose to intervene, and it opens the door for political abuse.

Siobhian Brown: Would the member acknowledge that I have recognised the point about the ministerial powers and am engaging to remove them from the bill? I have written to the committee about that.

Annie Wells: I recognise that, but we have not yet seen that, and we do not know whether the Government will actually do the right thing to get the bill to the place where it should be.

On the matter of powers to victims and the public, my party believes that the bill falls short of what was anticipated regarding the complaints process. It does not achieve the Government’s original ambitions, and it barely changes the system for the better. It does not deliver a faster and easier process for victims and the public.

Stuart McMillan (Greenock and Inverclyde) (SNP): Will Annie Wells take a brief intervention?

Annie Wells: I am just coming to a conclusion—sorry.

For those reasons, we cannot get behind the bill at this stage. We hope that it can be improved by amendments at later stages, but the flaws are substantial and the missed opportunities are vast. It will take a lot to improve the bill.

15:18

Paul O’Kane (West Scotland) (Lab): I am pleased to open for Scottish Labour in the debate. We recognise the importance of the bill, the debate and the issues contained therein. Listening to the speeches so far, we have already started to see the emerging issues that have been debated in committee, which I think will be a feature as the bill continues its progress.

I wish to start from a position of some consensus. There are things in the bill that are to be welcomed and encouraged regarding the improvement and delivery of legal services. It is clear from all the evidence that was heard in committee that many people feel that the complaints system, as it currently exists, is in need of reform and is not fit for purpose, and that work needs to be done in that regard. It is clear that there is support for reforms on regulating legal businesses, providing more protections to safeguard consumers—and, indeed, the public—and ensuring that access to justice is easier for people in the full knowledge that there will be a right of recourse where there are issues.

As we have heard in the debate, there are clearly areas that need further development. Of course, everyone would want to engage fully in the process to ensure that, at stages 2 and 3, we look in great detail at where changes can be made to the bill to make it better.

In saying that, it is clear to me that there is work to be done to the bill at quite a fundamental level, specifically around the current drafting, which grants significant power to ministers, which could compromise the independence of the judiciary and the judicial system.

Michelle Thomson: I am well aware of the stooshie around that, but I am sure that I recall Esther Robertson saying that it would be relatively easy for a role to be maintained for the Lord President and, therefore, for us to forgo that issue. Is that the member’s recollection from all the evidence sessions? In other words, the situation is not impossible with goodwill on all sides.

Paul O’Kane: The committee heard a variety of evidence on either side of the argument. I acknowledge what the member is saying. What

was clear to me was the significant concerns that were raised by not just the judiciary but by the Faculty of Advocates, the Law Society of Scotland and many other bodies in the legal profession. I have significant concern about the wider issue of ensuring that the independence of the judiciary is protected. We heard that quite clearly in our consideration of the evidence. That is part of the reason why I advocated that the committee should not take a position on stage 1 of the bill and should not recommend whether to support it. I do not think that we have had enough clarity on what amendments might be brought forward by the Government on that issue. I asked the Government, because I do not think that it is unheard of to bring forward amendments in draft form so that they can be considered in more detail.

The convener made an important point about the requirement for further scrutiny. If the Government is to lodge substantive amendments that will change the core of the bill in that regard, there will have to be a level of scrutiny of those, and people will have to give evidence and give their view on either side of the debate. The Government has given a commitment in writing to the committee, and the minister made that commitment when she gave evidence, but we could have been further along if we had been able to discuss the amendments in draft form before we got to the stage 1 debate.

Liam Kerr: I am really enjoying listening to the member’s contribution—he makes important points. Did the minister give the committee any indication as to when the draft amendments might be lodged, so that we can scrutinise them?

Paul O’Kane: That point came up in the committee. The timescale was given that it would happen in the course of stage 2, but I do not think that we had any further clarity at that point, and I was concerned by that. The minister has said clearly that she will lodge the amendments and that she is in dialogue with the Lord President on a variety of issues. However, for me, the issue was the lack of certainty. I do not doubt the minister’s intent, but I would like to see the detail of those amendments.

Siobhian Brown: Does the member acknowledge that I have been advised that it would be inappropriate to share the amendments ahead of stage 2? Does he agree that I have committed that, at stage 2, I will share the amendments with the committee?

Paul O’Kane: I absolutely accept the minister’s commitment. It is not unheard of to have amendments shared ahead of stage 2. Indeed, in bill consultations in Parliament, draft sections have been shared ahead of the drafting of a bill. It is possible to do that, particularly in order to build the consensus that we would seek.

The Government has recognised the challenge of trying to bring people together on the issue and that the bill has not commanded a huge degree of enthusiasm from all sides. There are significant challenges from those who want stronger representation for consumers and from those who want to ensure that we protect the independence of the profession.

It remains my view, as it has been the view in committee, that we must build as much consensus as possible. If the bill passes stage 1 this afternoon—which I imagine that it will, given the support that the Government has for it—there will be opportunity through the stage 2 process, and we must ensure that the process is robust, allows amendments to be lodged and allows sufficient evidence on amendments to be acquired and given to the committee to ensure that we move forward with the best bill possible.

I am very conscious of the time, Presiding Officer, so, rather than take the opportunity to sum up, I will leave my remarks there. We look forward to the rest of the debate and to ensuring that these points are made and that assurance by the minister is given once again in the chamber so that it is on the record.

15:25

Liam McArthur (Orkney Islands) (LD): I thank the Equalities, Human Rights and Civil Justice Committee for its work. I welcome Karen Adam to her new role and congratulate her predecessor, Kaukab Stewart, on her promotion to ministerial office.

The committee's stage 1 report is considered. Producing it has not been an easy task, particularly given the divisions in the committee. As a former member of the Justice Committee who was on that committee when the Robertson review was published, I met representatives of the legal profession and of consumer groups and Esther Robertson herself. It comes as no surprise that views remain polarised, as any decision or compromise was likely to prove unpopular on both sides.

I probably disagree with Meghan Gallacher on the idea that unity has not been achieved, because it has—in relation to the unpopularity of needless ministerial overreach, about which outrage has been inevitably and, I think, quite rightly expressed across the board. That issue, which I will come back to shortly, has come to dominate the consideration of a bill that has many other aspects to it.

It is worth reminding ourselves that reform is long overdue. The current framework for legal services complaints is outdated and confusing, and it does not meet the needs of either the public

or the profession. For members of the public, the complexity makes it difficult for them to engage. It creates doubt and suspicion, and, as a result, there is often reluctance to submit a complaint. For practitioners, the delays affect confidence and can cause frustration, and there is even the potential for reputational risk as well as for an impact on other work that they might be undertaking. The case for reform is compelling and the bill is, therefore, desperately needed.

It is true to say that there are many welcome measures in the bill, which have been recognised across the board. A more streamlined, flexible and less legalistic process is undoubtedly in the interests of everybody concerned. The checks and balances to protect consumers and promote transparency are welcome. The more robust requirements around the use of the term “lawyer” have probably come as a surprise to many people, but they certainly need to be addressed. On those areas, greater clarity and more detail will be needed, but they are at least in the bill.

Liam Kerr was right to point to concerns that have been raised by the Law Society and others about the absence of certain provisions that were expected to be in the bill. That goes to the nub of the problem that we now see. In its rush to introduce the bill, the Government has found itself in a mess of its own making, with a bill that was not ready to be introduced.

The burden now falls largely on the committee at stage 2, although the risk will still be there at stage 3, as Michelle Thomson rightly said. It is not impossible to resolve, but it puts a lot of pressure on the committee and, subsequently, on the Parliament at stage 3. I do not hold the minister responsible for that. Clearly, she has inherited the bill, and some of the undertakings that she has made to address the concerns are welcome.

However, the ministerial overreach and the unprecedented powers to regulate legal services have set alarm bells ringing. It is not often—despite what Mr Swinney suggested earlier—that the Lord Justice Clerk intervenes in a debate to suggest that, in a sense, the rule of law is under attack.

John Swinney: I take very seriously the point that Mr McArthur makes and the comments that the Lord Justice Clerk put on the record—and, indeed, what the Lord President has said. I will say something about that if the Presiding Officer calls me to speak in the debate. However, there has to be a responsibility on the leaders of the judiciary and the legal system to accept that, if there is public dissatisfaction about the system over which they preside, they must act to resolve some of those questions into the bargain.

Liam McArthur: I would not disagree with Mr Swinney at all. Michelle Thomson said that there needs to be good will on all sides in reaching a compromise, but it is fairly clear to see that we are not where we should be at the end of the stage 1 process.

The lack of consultation on that specific proposal is all the more surprising given that the process has been on-going for the best part of a decade. The minister's commitment that she will lodge amendments at stage 2 is very welcome. We have not yet seen the detail of those, as Paul O'Kane pointed out, but I think that there is precedent here. I well remember the now First Minister giving an undertaking to the Justice Committee to lodge amendments to the Hate Crime and Public Order (Scotland) Bill on intent, so such a commitment is not wholly unprecedented.

However, Parliament is now engaged in a high-wire act. As things stand, Scottish Liberal Democrats could not support the bill at stage 3—we would vote against it at stage 3—and we will find it difficult to support it at stage 1, although it will be agreed to at stage 1 this evening, as Paul O'Kane acknowledged. I commit to working with the minister and others to ensure that this much-needed bill provides proportionate and effective protections and improvements that support the public and those in the legal profession.

The Deputy Presiding Officer: We move to the open debate. I advise members that, at this point, there is some time in hand for interventions, should members wish to take them.

15:31

John Swinney (Perthshire North) (SNP): On 2 May 1997, the day after my election as the member of the United Kingdom Parliament for North Tayside, my campaign office took my first call from a constituent, who sought an urgent meeting with me as his newly elected member of Parliament. My constituent had been working for some years with my predecessor, the Conservative MP Bill Walker, to resolve difficulties that he had experienced with the legal profession. My involvement with that case lasted for more than a decade. During that time, I observed my constituent assiduously and tenaciously pursue his concerns, with my active support, but in a way that consumed a huge part of his life.

That case, and others like it with which I have dealt, led me to take an active part in the proceedings on the Legal Profession and Legal Aid (Scotland) Bill, which this Parliament passed in December 2006. That bill was designed to improve the system for regulating the legal profession and to make it easier for complaints

about poor conduct and service to be handled effectively. Eighteen years later, we find ourselves having to revisit those issues because significant concerns remain about the conduct of some elements of the legal profession and there is a lack of confidence in the current arrangements to adequately protect the consumer interest.

That is not where the historical comparisons end. During the passage of the Legal Profession and Legal Aid (Scotland) Act 2007, the legal profession pushed back against some of the reforms. That is exactly what Parliament faces in today's consideration of the Regulation of Legal Services (Scotland) Bill. I believe that the Scottish Government is absolutely correct and absolutely justified to confront the issues in question and to propose reforms to the way in which the system operates.

Many strong words have been used to express opposition to the bill—we have heard some today. The most significant of the accusations is that the bill is a threat to the independence of the legal profession. I have no desire for the independence of the judiciary or the legal profession to be compromised in any way, and I believe that the minister has given assurances that such concerns will be adequately addressed in the later stages of the bill. However, concern about that point cannot be used as a reason for refusing to proceed with the reform agenda.

Michelle Thomson: I note that, in the debate thus far, with the exception of Mr Swinney's speech, all the airtime seems to have been given to complaints of the Law Society of Scotland, rather than to recognising the real voice of consumers. Does Mr Swinney agree?

John Swinney: I could not agree more with my colleague Michelle Thomson. In all of this, it is the voice of the consumer that I am concerned about. It was the voice of the consumer that I was concerned about in 2006, when I sought a number of reforms and changes that would have strengthened the process then. Unfortunately, I was unsuccessful on that occasion. On this occasion, I might be more successful in addressing the consumer interest issues that Michelle Thomson has correctly put to me.

Liam McArthur: It is absolutely right that consumer interests should be taken on board, but is there not a danger that, by not recognising the concerns of the legal profession, one might put undue weight on one side, which might mean that reaching the compromise position that Michelle Thomson referred to earlier could become more difficult as a result?

John Swinney: I am going to burst into violent agreement with Mr McArthur today, although it is not particularly new for Mr McArthur and me to

agree on many things. There is a sensitive balance to be struck. However, the point that I am making in my speech—if I can cut to the chase—is that some of us here are not going to allow the consumer voice to be emasculated, as has happened in the past.

I am not going to raise specific cases of poor conduct: several have been well rehearsed in the public domain and we all know who they involve. What is clear is that the current arrangements have not adequately addressed those cases.

In their submission to the Scottish Government's consultation, the senators of the College of Justice say:

"At present the legal profession is regulated by the Lord President. He is a regulator who is independent from government and parliament, and independent from those whom he regulates."

I accept that that is the case, but what flows from that statement is that the Lord President must understand and address the fact that many of us deal with members of the public who are fundamentally dissatisfied with the effectiveness of the arrangements over which he presides.

The Government has introduced the bill to address the concerns of the consumers of legal services, who are our constituents and whom we represent. Those reforms are unpopular with some parts of the legal profession. The Government has indicated that it will lodge amendments after dialogue with the Lord President. Parliament is yet to see those amendments, although we have seen a letter from the minister that sets out the territory in which they will be set out.

That sums up the uncomfortable spot in which Parliament finds itself today. As the Government tries to reach agreement with the Lord President about how to reform the regulation of the legal profession while maintaining its independence, I encourage it to hold fast to the necessity of delivering measures that will effectively address the genuine and legitimate concerns that previous reforms have failed to address. Many of us will engage in the debate to ensure that we deliver reforms that do exactly that.

15:36

Russell Findlay (West Scotland) (Con): In my old life, members of the public would turn up at the front desk of my newspaper office and ask to speak to a journalist. I never knew what I would get: sometimes it would be a front-page story; more often than not, it would be a poor soul in need of help. Many had experienced problems at the hands of lawyers, just as John Swinney describes. They had folders stuffed with carefully indexed documents, were desperate for help and had nowhere left to turn.

Once a journalist writes about a particular subject, that generates much more of the same. I ended up investigating the antics of lawyers across Scotland. Some were utterly incompetent, some were completely criminal and others managed to be both useless and crooked. To the broken clients, the impact was often life changing and usually came at a devastating financial cost. To attempt to negotiate Scotland's byzantine and bewildering complaints process was daunting. To help members to understand what I mean, in one hand I am holding up page 8 of Esther Robertson's report "Fit for the Future", which shows a diagram of the regulatory system, and in the other, I am holding a map of Tokyo subway stations, which, frankly, is easier to follow.

Simple injustices that should have resulted in a quick and easy fix became bogged down in a quagmire of endless process, tainted by bad faith. Lawyers who committed fraud were not always treated in the same way as everyday criminals. Instead of being put in the dock, they were subject to glacially slow and painfully weak regulatory action, controlled by their lawyer colleagues. Far too often, the crooked and useless got away with devastating people's lives. Put simply, there was either no meaningful redress, or it was too little, too late. Lawyers were protected by a system that should have protected the public.

There is little that is more corrosive than suffering an injustice and it is even worse when that injustice is caused by the justice system. Victims felt hopeless and I felt helpless on their behalf. I became passionate about that regulatory scandal, as well as puzzled by it. How could it be allowed to destroy lives and effectively get away with it? Why would the vast majority of decent and diligent lawyers tolerate the protection of rotten practitioners?

Fundamental to that issue is the role played by the Law Society of Scotland. Its primary function is to represent the interests of its 13,000 solicitor members across Scotland. It is very good at that, but it has another role, which is to regulate the misconduct of its members. That is a glaring conflict of interest, no matter how it is spun.

Michelle Thomson: Will the member take an intervention?

Russell Findlay: Is there time?

The Deputy Presiding Officer: I can give a brief amount of time back.

Michelle Thomson: I will be very brief. Having gone through all the evidence sessions, I was surprised that nobody on the committee had asked the Law Society how much revenue is embedded in its role as regulator and what percentage that represents of its overall revenue. Does Russell Findlay think that that might be significant?

Russell Findlay: That is an interesting point, which, not being a member of the committee, I did not have an opportunity to explore.

The Robertson review, which was, of course, commissioned by none other than the Deputy Presiding Officer, for the SNP Government—

The Deputy Presiding Officer: Mr Findlay, please resume your seat for a wee second. That is, of course, a matter of fact, but I am in the chair in my role as the Presiding Officer. That is my role here today.

Russell Findlay: I do not say that as any form of criticism or anything of that nature. It is just a matter of fact that you were the minister at the time and responsible for ordering the review.

Esther Robertson found the system to be not fit for purpose. She made 40 recommendations, with the main one being to create a single regulator for all providers of legal services in Scotland, and that it should be independent of both Government and those whom it regulates. That was more than five years ago, but the SNP Government rejected her key recommendation. Somehow, it has managed to make the situation even worse by seeking to exert inappropriate ministerial power over legal regulation.

Siobhian Brown: Will the member take an intervention?

Russell Findlay: If I have time.

The Deputy Presiding Officer: Please be brief, minister.

Siobhian Brown: Would the member acknowledge that ministers have had a role in legal regulation in Scotland since 1990? In 2007 and 2010, Parliament placed further functions on Scottish ministers in respect of legal services regulation. Having said that, I understand the concerns that have been raised and I will be lodging amendments. I simply note that there have been ministerial powers previously.

Russell Findlay: I appreciate that there have been historical ministerial powers, but what is being proposed goes well beyond that. I look forward to hearing what the suggested amendments will be.

Esther Robertson's recent evidence to Parliament was absolutely scathing. She said:

"there is no compromise. Either you believe in independent regulation, as I do, or you do not."

She went on to say that the SNP's bill makes the complaints process

"much more complex".—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 28 November 2023; c 20, 26.]

How could it get any more complex than what is shown in the diagram that I am holding? The bill has been a massive waste of time, a missed opportunity and, frankly, a disservice to the people of Scotland.

15:43

Michelle Thomson (Falkirk East) (SNP): Today, I intend to speak on just one element of the bill—the process of complaints. I am probably the only member who has been through the entire process, which took more than six years after I submitted a complaint about a solicitor some years back. I have had dealings with all the bodies involved—the Scottish Legal Complaints Commission, the Law Society of Scotland and the Scottish Solicitors' Discipline Tribunal.

I regard myself as pretty resilient, yet I found the process extraordinarily complex, opaque, time consuming, traumatic and lacking in justice. It takes no account of the impact on the complainant and is, frankly, biased in favour of the solicitor and the legal profession. When, at the outset, I asked about the process, little further detail was given; however, it was made clear in the response that I received, and from which I quote, that:

"We normally take the solicitor's word at face value."

I was told to gather evidence, but no advice was given on what was meant by evidence. I recruited a KC, who is now a judge, but his evidence on my behalf was given scant attention when compared with the solicitor about whom I had complained. The Law Society gave no consideration to the retraumatisation that I suffered as a result of its process, despite my making it aware of that, and my confidence in the committee to whom case decisions go for final sign-off was fatally compromised when a lay member told me:

"We don't have time to read all the case work. We simply sign off on what the investigator says."

I do not intend to give any more detail today but I thank the minister and Ash Regan, when she was in post, for meeting me, and I undertake to speak individually with any MSP, member of the Equalities, Human Rights and Civil Justice Committee and, indeed, the minister again. I extend that invitation to the Lord President, too, who is merely accountable, not responsible, for what goes on under his watch and who I feel sure would be shocked by the details that I can articulate.

John Swinney: I am interested in Michelle Thomson's point about the accountability of the Lord President. I believe that there has to be some degree of accountability, but I am unclear about the mechanism in that respect. Can Michelle Thomson enlighten me as to what that is in the current environment?

Michelle Thomson: I must admit that I am not entirely sure. We understand the meaning of the term “accountability” and how it is differentiated from “responsibility”, but I would ask the Lord President about the active interest that he takes in the multitude of situations that we as MSPs have all come across as well as the situation that I have described.

This is not really about process; it is about power and the lack of independence. Undue power is given to the legal profession, while far too little is given to our fellow citizens who have genuine complaints. Like most people, I am not trained in the process of weighing evidence or in being able to assess the bar for the “beyond reasonable doubt” standard required for the SSdT or the “balance of probabilities” standard required for the SLCC. The lawyer about whom I made my complaints held many of the cards, not least of which was the fact that this was not the first time that he had been through the process. Meanwhile, the lawyers who assessed my complaints held the rest.

I have thought a great deal about the original situation. The only way in which I could have protected myself from the original solicitor would have been to record every meeting, ask for everything in writing and seek independent verification of any claim that they had made or advice that they had proffered. The only way in which I could have protected myself from the complaints process would have been not to bother, and to go straight to legal action. However, as somebody who holds her society dear, I thought that I would do the right thing—and I thought that the legal profession would do the right thing, too. What I actually experienced is hardly a ringing endorsement.

The experience led me to recognise the need for independent regulation. If it is good enough for multiple other professions, such as architects, dentists, doctors and teachers, why is it not good enough for the legal profession? Other countries recognise its benefits—why not Scotland? Why should our consumers be expected to settle for second best?

Despite recognising the minister’s efforts, which we have discussed, I have to say that I believe the proposed legislation to be inadequate. I agree with the comments of Professor Stephen Mayson, who noted:

“The Government has boxed itself into a corner. It has said that we cannot have independent regulation and can no longer sustain self-regulation. We have to fudge something in whatever the mix is and I am afraid that the fudge will not work.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 7 November; c 17.]

Given that the bill’s principles do not place our citizens at the heart of the complaints process, I

urge the minister to be bold, but today, for the reasons that I have set out, I shall be abstaining.

15:48

Katy Clark (West Scotland) (Lab): I declare that I am a former member of the Law Society of Scotland and the Law Society of England and Wales and that I have worked as a solicitor in both jurisdictions. However, I agree with much that has been said.

I believe that there is widespread consensus in society that the reform of legal services is required and that it is often the case that many who use such services or who try to get legal help have concerns about the quality of the service that they receive, the transparency of the feeing process and the inability to complain in any meaningful way. Although most people who use legal services will no doubt be very pleased with what they receive and will, on many occasions, feel that solicitors and indeed advocates offer excellent services at a very reasonable cost—on occasion, pro bono—we have to focus on what happens when things go wrong.

I have sympathy with some of the bill’s general principles. It is unfortunate that there are still ministerial powers on the face of the bill as we have today’s discussion, as that has distorted the nature of the debate.

In its briefing for MSPs, Citizens Advice Scotland, which provides advice on legal processes to thousands of people every year, gives details of the YouGov public opinion poll that it commissioned in late 2022 and in which it found that two thirds of those who responded would prefer an independent regulator to oversee the legal profession, compared with one in eight who would support the status quo. Of the respondents to that survey, 74 per cent felt that an independent regulator would increase public confidence. As I have said, there is widespread support for some of the bill’s general principles, but I hope that, once amendments come forward, we will be able to focus on some of those challenges.

As outlined in the committee’s report, there are strongly held views on whether the decision to adopt the principal recommendations of the review for independent regulation was correct. I would have hoped that that would have been the focus today. It is also significant that the committee report noted the broad and significant opposition to the initial proposals to give powers to Scottish ministers in certain parts of the bill. The bill is potentially a great opportunity to strengthen consumer rights, but unfortunately, as it stands, I do not believe that that can be the focus.

The current complaints process clearly needs urgent and drastic reform, and the bill’s provisions

simply do not go far enough. Scottish Labour shares the concerns expressed by the Law Society of Scotland and others about the new powers in the bill to intervene directly in the regulation of legal services. We agree with Esther Robertson, who led the independent review into the reform of regulation of legal services in Scotland, that Government involvement is not in the interests of the Government itself, the legal profession or, most important, the public. We believe that the independence of the legal profession from the state lies at the heart of the rule of law and, indeed, of public trust.

I am very interested in the fact that the minister will be lodging amendments. I am not a member of the committee that scrutinised the bill, so I am not clear how substantive those amendments will be. The sections that seem to present a great deal of concern—that is, sections 19 and 20, schedule 2, section 41 and section 49—do give extensive powers to ministers. I hope that the Scottish Government will be able to give a clearer position as to whether it will be proceeding with those powers when we get to the bill's next stages.

15:53

Fulton MacGregor (Coatbridge and Chryston) (SNP): As others have said, reform in this area is overdue. Proposals to change the current regulation of legal services began nearly a decade ago in 2015, when the Law Society of Scotland's case for change paper was submitted.

What followed was an independent review of the regulation of legal services in Scotland, which made 40 recommendations that sought to modernise the current regulatory framework in order to ensure that a proportionate approach was taken that supported growth and competitive provision in the legal services sector while placing consumer interests at its heart. Following that, a public consultation on the recommendations was launched, and I thank all of those who engaged with and responded to it. Those invaluable contributions shaped the early stages of the bill, which seeks to implement a number of the recommendations from the independent review.

As a committee member, I thank all stakeholders who gave evidence to the committee at stage 1. Consumer Scotland, in particular, was right to point out that those in need of legal services often use them while dealing with challenging and potentially traumatic experiences. Indeed, we have heard a wee bit about that in the chamber today, and understandably it can cause stress and confusion for those engaging with the system. That stress and confusion can be compounded if there is any difficulty in understanding legal terms or jargon or laws themselves, all of which can be extremely

daunting for anyone outwith the sector, never mind those who have experienced grim personal circumstances.

Consumer Scotland also noted:

"48% of adults in Scotland ... had experienced"

events

"in the last two years that indicated they may have needed legal support."

That statistic alone underlines the need for a modernised and accessible regulatory framework for legal services in Scotland.

Although there are further discussions to come, I note that Citizens Advice Scotland articulated the current problems well when it acknowledged that the current system is

"too rigid and ... unsuitable for supporting and engendering a thriving and dynamic legal services landscape"

as well as being

"too complex and difficult"

for the public to understand. I would note, though, that evidence from stakeholders such as the senators of the College of Justice, the Faculty of Advocates and the Law Society of Scotland suggested that the current model of regulation was already effective and independent.

In our committee sessions, we stressed the importance of resolving concerns as efficiently as possible, as any delays could risk undermining the independence and efficacy of Scotland's legal system. I therefore welcome the Scottish Government's assurance that, although it is perhaps a bit of an unorthodox step, it will lodge at stage 2 amendments to address such issues and ensure that the reforms will not be delayed. Given the large body of evidence that we heard, and the Scottish Government's assurances and commitment to addressing any concerns fairly, as well as the undeniable need for reform, I believe that the bill's broad provisions have strong benefits, which the committee has scrutinised.

Although the majority of committee members voted to support the general principles as they relate to the improvements that would be made to legal regulation in Scotland, that was not, as we have heard, achieved without great difficulty. There were polarised views on the proposal for an independent regulator, with those against it expressing strong views. Moreover, as other members have mentioned, there were concerns about the initial proposals on ministerial powers and the fact that the minister had committed to coming back with amendments at stage 2, which is an unusual approach. We took all of that into account in our committee report.

There was also a fear that the bill might try to strike a balance that, in the end, would please no one. Indeed, it was a common theme in our committee evidence sessions, and perhaps in some contributions to the debate, too. For example, Annie Wells said that the proposals went too far, while other members, including Katy Clark, said that they did not go far enough. Perhaps that will give members who were not on the committee a wee indication of what we regularly faced in our evidence sessions, where the bill's proposals appeared not to please anyone.

Liam Kerr: Will Fulton MacGregor take an intervention on that point?

The Deputy Presiding Officer: The member is about to conclude.

Fulton MacGregor: I urge members to agree the bill's general principles. There is much work to do to get the bill to where we want it to be at stage 2, and the minister has committed to doing that. I hope that, today, we will agree to those principles, as that will allow us to move forward.

15:58

Maggie Chapman (North East Scotland) (Green): The bill has been a long time coming. For more than a decade, consumer groups and members of the legal profession, in various forms, have called for reviews, updates or changes to the regulation of legal services, the associated complaints systems and the mechanisms for ensuring that consumers—our citizens—get the services and support that they need. I will therefore be pleased to support the general principles of the bill. That is not to say that I am content with everything in it, as it stands—far from it—but the bill matters for the citizens of today.

I record my sincere thanks to everyone who has contributed to the committee's work on this important bill over the past six months. The detailed evidence that we received, and the care and commitment that witnesses have shown towards some pretty technical aspects, are very much appreciated.

I am grateful, too, to Esther Robertson for laying the groundwork for the bill, and to my committee colleagues, our clerks and the Scottish Parliament information centre team for guiding us through stage 1.

Some aspects of the bill are very much needed if we are to make things better and fairer for the citizens whom we represent. Indeed, Consumer Scotland told the committee that reform of the current system is necessary and long overdue.

As Fulton MacGregor outlined, when people engage with legal services, they are often going through stressful or difficult situations. They might

be vulnerable, experiencing personal tragedy or trauma, or have specific issues relating to illness or disability that require care and compassion. Their having to deal with technical legal language and formal structures can exacerbate their stresses and anxieties. It is only right that those citizens have confidence in the legal system that they need at times of stress and difficulty.

Strong checks and balances clearly need to be in place, and the system must be transparent, accountable, easy to understand and the subject of appropriate oversight. I look forward to discussions during forthcoming stages to ensure that the legislation gets all that right.

I warmly welcome the proposal that regulatory bodies must take into account consumer principles. We know that principles linked to public interest, access to justice, quality and innovation are understood and widely accepted. The need for effective communication across the system is also clear, but the explicit inclusion of the principles of access, choice, equality, safety, representation, fairness, information and redress will, I hope, deliver tangible benefits and improvements in consumer outcomes. We must ensure that there is appropriate monitoring and evaluation to provide evidence of those improvements.

I welcome the widening of the consumer panel's remit. We all share the responsibility for ensuring that the panel has the resources that it needs to do its job well. Providing clarity for consumers on what they will get when they engage a lawyer is also very welcome.

Others have highlighted the complexity of the current complaints system. I do not have time to go into that just now, but we must work on further simplification, in the coming stages.

In the chamber this afternoon and elsewhere, there has been much discussion of ministerial powers and concerns about the genuine independence of the judiciary. I look forward to working with colleagues in subsequent stages on the amendments that the minister has promised, and I remain—as committee colleagues will know—keen to ensure that we achieve effective and appropriate oversight of the overseer.

I am heartened by Marsha Scott's recognition that the bill is

"an opportunity ... to pivot the system away from ... the imbalances of power and the privilege ... inimical to human rights for women and children".—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 3 October 2023; c 21.]

There is much for us to do at stage 2, including addressing some things that are not currently included in the bill. I look forward to working with our new committee convener and others on that important work over the coming months.

16:02

Stuart McMillan (Greenock and Inverclyde) (SNP): I am speaking today not as the convener of the Delegated Powers and Law Reform Committee, but as a back-bench MSP. I am delighted to be speaking in the debate and I thank colleagues from the Equalities, Human Rights and Civil Justice Committee for their helpful report.

The Scottish Women's Aid briefing that we all received was tremendously helpful. I will read out two of the bullet points that it highlighted. The first is:

"The current process fails to recognise the barriers vulnerable people face when engaging with systems where there is a power imbalance. This is very specifically in relation to women experiencing domestic abuse who are reluctant to complain in the first instance."

The second is:

"The professional bodies' role in complaint handling carried out in tandem with their role as representative bodies for their respective professions has not instilled confidence in consumers around the independence of the process."

Those two points, particularly the second one, are related to the backdrop to my consideration of the bill, which is the situation with McClure Solicitors and its collapse in 2021. Members will know that I have highlighted the issue in the chamber before. My comments today will be focused, because I have a members' business debate on the issue next Tuesday, when I will say more.

Ultimately, I have never before had a single issue that has taken up so much of my time and the time of my staff. More than 300 constituents have been in touch with me, and other people from across Scotland and England have been in touch with my office. My staff have referred them to their MSP or MP.

Two public meetings that I have hosted had more than 260 people in attendance. I record my thanks to the Scottish Legal Complaints Commission for supporting both the events and for having direct engagement with my constituents.

Under the current legal framework, the SLCC is limited in what it can do, as was clear from answers that Neil Stevenson, the chief executive officer of the SLCC, provided. However, the bill is an opportunity to improve the process.

Currently, the SLCC can be only responsive—not proactive. It is also limited in respect of taking on group issues. I appreciate that that would always be hugely complicated, because every case is different. However, there will undoubtedly be some common issues that would, if taken as group complaints, allow the SLCC to deal with more complaints in a shorter timeframe.

The SLCC's briefing highlights why the bill is needed and why it is hugely important. The briefing says that

"The proposals in the Bill to reform the complaints system seek to reduce complexity and prescription and to increase flexibility. This will help to drive efficiency and proportionality as far as possible within the current model."

The briefing goes on to say that the SLCC believes

"that this Bill will create a complaints system closer to the public, the profession and the Parliament's expectations of an appropriate system for delivering consumer redress and administrative justice."

I welcome those comments and I hope that they will be considered by colleagues from across the chamber.

However, if someone needs to make a complaint to the SLCC, that indicates to me that there might have been a problem with the legal process beforehand—which Mr Swinney and Michelle Thomson touched on—so it is right to consider the overarching question of legal regulation of the whole system.

I know from my constituents that there is a great deal of frustration and anger with the Law Society of Scotland because of the events that I articulated earlier. The question of industry regulation certainly has not convinced many people, irrespective of what happens with the bill. I know that there will be considerable interest in the bill, and that proposed changes and amendments will be lodged at stage 2.

However, I welcome the Law Society of Scotland's description of the bill as

"an important opportunity to introduce major and long overdue regulatory changes in the public interest, for the benefit of consumers and those working within the sector."

The minister is aware that I have called for an inquiry into what happened at McClure Solicitors. I do not believe that an inquiry now would be of any assistance at all, but would, in fact, only delay and hinder people from getting legal paperwork amended. In the two public meetings that I hosted and discussions that I have had with constituents and lawyers, a unanimous view has been taken of my position.

The reason why a future inquiry will be important is clear. I am under no illusion: whatever legislation we pass—I hope—after the bill's passage through Parliament, an independent inquiry would, no doubt, provide suggestions for further regulatory changes.

I hope that we can all agree across the chamber that we want the legal profession and the complaints process to be of the highest quality, with consumer protection at their heart. The bill

makes progress on that journey, but I am under no illusion that it will be the end of the journey.

I will support the bill at stage 1, and I certainly look forward to it making its way through the parliamentary process.

16:07

Jeremy Balfour (Lothian) (Con): I am pleased to speak in the debate.

Several decades ago, I was a member of the Law Society of Scotland and, in fact, my late father was a fiscal for the society's disciplinary tribunal for many years. It is interesting to hear the various comments that have been made. I also thank all the organisations that have provided submissions over the past number of days.

I will focus my brief remarks on my reflections as a member of the Delegated Powers and Law Reform Committee. I am grateful for the evidence that the minister gave us, and for that of others who gave written and oral evidence. There is no doubt that we all agree that there needs to be change from what is happening at the moment.

It is not clear, however, whether the change that we will be making will make things any better. One of the criticisms—my remark is not aimed at the minister, because this was before she was appointed—is that there was, perhaps, a lack of consultation of some key stakeholders before the bill was published and brought to Parliament. The committee heard in evidence that some of the pitfalls that we are facing could have been avoided if the Government had engaged more constructively with the Law Society of Scotland, the Faculty of Advocates and the judiciary.

We have ended up in an interesting place. Senior judges, advocates, lawyers and consumer groups are all critical of the bill. It is interesting that, in her evidence to the Delegated Powers and Law Reform Committee, Esther Robertson felt very let down that the Government had not listened about her work. She felt that that was a missed opportunity.

With regard to the more controversial areas, the minister will be aware that many of those will be covered in the delegated powers that will come after the bill is passed, if it is passed. I am grateful that the minister wrote on three occasions to the lead committee to at least acknowledge that there were problems, and to say that she and the Government would address them. However, we still have not seen amendments, and we do not know the detail of how they will work.

I welcome Karen Adam to her new role. I am interested in her comment that the lead committee might take evidence on some amendments before it decides to vote on them. My concern is that the

Delegated Powers and Law Reform Committee will not have the opportunity to take evidence on amendments that the minister lodges. Perhaps she, along with others who are above my pay grade, can give some thought to whether the DPLR Committee should have an opportunity to take evidence once amendments have been lodged, so that some of the concerns that the whole committee holds could be addressed before the lead committee comes to vote on the amendments.

I hear what Mr Swinney and others have said with regard to the judiciary, but I think that it is important that the Lord President and the whole judiciary are independent. Yes—we have to work together, and I absolutely accept what Mr Swinney and others have said, but it is nonetheless important that, whatever we hear today, we future proof the bill not for the current Government but for future Governments, so that no Government can overreach into the judiciary.

John Swinney: Will the member give way?

Jeremy Balfour: Yes.

The Deputy Presiding Officer: Be brief, Mr Swinney.

John Swinney: I am grateful, Presiding Officer.

I very much associate myself with how Mr Balfour has put that particular point. We must maintain the independence of the legal profession, but the consumer interest must also be strengthened. That is an objective that Mr Balfour and I perhaps share at this point in the debate.

Jeremy Balfour: Absolutely—for once, I agree with Mr Swinney. My slight concern, however, is that we are not doing either: we might reach in and take power from the judiciary while not strengthening consumer rights. That is why we need to see what amendments the Government will lodge at stage 2, and why the Delegated Powers and Law Reform Committee should—I appreciate that this does not happen often—take more evidence after the amendments have been lodged.

I would have preferred the Government to have stopped the bill process, then gone away and developed a bill that would have had far more support—not only from members, but from people outside Parliament. That is not the case, however, so if the motion on the bill is passed today, I hope that scrutiny by the lead committee and other committees will continue so that we can get this area of law right for every consumer in Scotland.

The Deputy Presiding Officer: Before we move to closing speeches, I advise members that we have, in fact, used up all the time in hand. I ask members who are making closing speeches to

keep to their agreed allocated speaking times. Any interventions should, therefore, be absorbed.

With that, I call Paul O’Kane to speak for up to five minutes.

16:13

Paul O’Kane: The debate has been constructive in terms of the interactions with and interventions from members, which have been helpful. In concluding, I will reflect on three points: why we are where we are, how we got here and where we are going next.

We have heard eloquently from a number of members about the importance of access to justice, to a complaints system that works and to a robust system when someone has been wronged at the hands of a solicitor or lawyer. We heard eloquently from John Swinney and Stuart McMillan about what is going on with McClure’s, which is known to many of us.

We also heard from many other members, including Russell Findlay, about the challenges that people face when they are in such a situation, which may have had a huge impact on their life. They may have been given bad or wrong advice, and they feel that they have no recourse in the process, or that the process is too slow or does not act to hear all that they have to say and what they feel.

Michelle Thomson’s explanation of some of that, and of her own experience, was helpful. In committee, I was keen that the contributions that she made in parliamentary questions were recorded in the committee’s report, because it is important that we capture that aspect.

Many members have reflected on how we have ended up here, with the current bill. Liam McArthur outlined that the minister has inherited the bill, in many ways, and that it has come out of different processes of consulting on the principle of reform that have never managed to get to the point at which there has been a wider consensus.

Many concerns have been raised about how we can balance the need for an independent judiciary with the need for better reform of the legal services sector. Katy Clark laid out some of the thinking among Labour members about how we can look at the bill that is before us, acknowledge how we got here, and find a way, in amending the bill, to make it better.

John Swinney: I very much welcome the comment that Mr O’Kane has just made. Notwithstanding how people vote at 5 o’clock, there is a willingness to engage. As he has acknowledged, the debate has helpfully aired where members of the Scottish Parliament wish to get to. Nobody wants to undermine the

independence of the judiciary and the legal system, but we need to strengthen the position of the consumer interest. I look forward to engaging with Mr O’Kane on that point.

Paul O’Kane: Given that we do not have much time in hand, Mr Swinney has very helpfully moved me to my final point, which is about where we go next and how we can create the consensus that we all want to see. For Labour members, it is about the amendments in respect of the ministerial powers, and ensuring that we see the details of those amendments; that we, as a committee, have time to scrutinise them; and that we can scrutinise them in the chamber. It is also about looking at all the other aspects that have been raised in the debate and where further amendments might be made to support the many good contributions from organisations such as Citizens Advice Scotland and Women’s Aid and those who have a view in this space. The Law Society of Scotland, of course, also wishes to see other amendments to the bill.

Although we will abstain on the general principles of the bill today, that is with the view of trying to make the bill better at stage 2, so that we can all support it by stage 3. I would be keen to hear an undertaking from the Government in that regard when it comes to its summation.

16:17

Meghan Gallacher (Central Scotland) (Con): Every party in the chamber believes that we need to reform our legal services. Access to those services must be simplified but, for the bill to be good law, we need to ensure that all stakeholders are on board with the proposed changes.

Rape Crisis Scotland has condemned the current legal complaints system, as have members in the chamber today. To provide reassurance, I say that there are no disagreements on that position.

As a serving member of the Equalities, Human Rights and Civil Justice Committee, I feel that we have been through the mill with the bill. During the scrutiny process, we had an unprecedented intervention from two of the most senior legal figures in Scotland. Then there was the backlash from those in the legal profession who are still concerned about the Scottish Government’s handling of the bill, especially in relation to the additional powers that could, as the bill stands, be given to Scottish Government ministers, which could threaten the independence of our legal sector.

John Swinney: I want to take Meghan Gallacher back to a comment that she made a little while ago, on our needing to get to a position where everybody agrees on this. Does she

accept—this is, in a sense, a hypothetical question—that it is sometimes difficult to get all stakeholders to agree on something? Does she see it as a necessity that everybody has to agree on everything? Alternatively, do we need to apply some of the judgments that Mr Findlay and Mr Balfour have put on the record today about addressing the consumer interest while taking account of legitimate issues on which we might not get universal agreement?

Meghan Gallacher: The bill had so much potential to bring everybody together, but what we heard—certainly what I heard—in the evidence sessions was that it has not brought everybody together. Everyone seems to see something wrong with the bill, which is why I have made the points that I have made. There was an opportunity but, in my view, it has, unfortunately, been a huge missed opportunity for the Scottish Government.

Stuart McMillan: Will the member take an intervention?

Meghan Gallacher: I will make some more progress, because I know that time is tight.

In its current draft, the bill repeatedly seeks to draw the Lord President into administrative collaboration with Scottish ministers. The fact that that was drafted in the bill to begin with shows that, somewhere, someone misunderstands the concept of the separation of powers and the respective roles in the spheres of the Executive and the judiciary.

We heard from Esther Robertson, who conducted the review on which the bill was structured, only to be told that her central recommendation of the introduction of a single regulator had not been included in the bill. What was the point of the review and what was all that hard work for? Esther Robertson's review was essential to the reform of legal services in Scotland.

The committee was informed that the Scottish Government would lodge amendments at stage 2, but the committee has not seen those amendments and we do not yet have an exact timescale for them. As far as I am aware—unless the minister can update us otherwise today—the Lord President has not seen those amendments in full either. We are in the dark about what the bill will look like moving forward, and we will not know more until we hit stage 2.

It has been said many times today that the minister has inherited the bill, but the bill has not united consumers or the legal profession—it has managed to disappoint both sides. That point was raised by Jeremy Balfour during his speech. I do not buy the argument that it would be inappropriate for amendments to be shared. Exceptions could be made, which could have provided reassurance to those who are

scrutinising the bill and to those whom the bill will directly impact. It is fair to say that the bill has created division instead of bringing all stakeholders together to create good, solid legislation.

In her opening speech, the minister moved that the Parliament accepts the principles of the bill at stage 1, but my question to her is: how can she ask the Parliament to support a bill when we do not know how far it will be amended? We do not know whether the amendments will address all the issues that were raised by stakeholders during our evidence sessions. I raised that issue time and again during the committee sessions. I asked questions about having to rescrutinise the bill and going over previous work because the Government has not managed to get its act together when introducing the bill at stage 1.

I congratulate Karen Adam on her appointment as convener, but I am less than enthused that we will have to revisit some of the scrutiny and evidence sessions. As Jeremy Balfour pointed out, it does not look as though the Delegated Powers and Law Reform Committee will be afforded the same opportunities to scrutinise amendments that we on the Equalities, Human Rights and Civil Justice Committee will have. That does not make for good overall scrutiny.

I am not prepared to vote for a bill that stands as open to political abuse—

Stuart McMillan: Will the member take an intervention?

The Presiding Officer (Alison Johnstone): Ms Gallacher must begin to conclude.

Meghan Gallacher: Apologies—I am beginning to conclude.

There is a lot that I would like to say, but time is moving on. The complaints system is costly, complex, outdated and needs to be simplified. However, that does not mean that we need to vote for a bill on a whim, in the hope that the Scottish Government gets its act together and gets it right at stage 2. That will not help consumers who need a simplified process and protection when making a complaint, and it will not bring the legal sector on board to make sure that the legislation works and works well.

16:23

Siobhian Brown: I will draw the debate to a close by thanking all the members for their views today. Of course, I will consider carefully everything that has been said in the debate.

Once again, I thank the committee that has considered the bill, and I thank all those who provided and gave evidence at stage 1 for their

careful consideration and views. It is fair to say today that there has been a wide-ranging debate, and the different views and opinions among members have been very well expressed.

Esther Robertson said in her report:

“I believe that professional bodies providing both regulatory and representative functions can lead to the perception that the two roles are in conflict. It is this perception that risks compromising public trust.”

Legal regulators view that there is no genuinely true conflict of interest, nor any risk of the perception of one, once one properly understands the regulatory process. However, perception has a powerful influence over opinion, and the approach that is outlined in the bill will do much to deliver the priorities of maintaining the independence of the legal profession and strengthening the regulatory duty to work in the public interest. I want to ensure that the bill strikes the right balance between the various interests.

It will be to everyone’s benefit if greater trust can be developed in the integrity of the regulatory framework for those providing legal services. The bill seeks to address concerns from consumer groups that legal regulation does not offer sufficient accountability to protect the public and consumer interests by improving the transparency and accountability of legal services regulations in Scotland.

I have a few things to address in reflection of today’s debate. A few members have reflected on how we got here today. This issue has a history in Parliament of nearly 10 years. Many members have not been here for the entirety of that time and are quite new to the Parliament, so it is important to give a bit of context and history.

Back in 2015, there were calls for reform from stakeholders. The Law Society of Scotland set out reform proposals, as did the Scottish Legal Complaints Commission. The Scottish Government then established an independent review to develop views on potential reforms, which was carried out by an independent panel led by Esther Robertson. “Fit for the Future: Report of the Independent Review of Legal Services Regulation in Scotland” was published in October 2018 and made 40 recommendations. Its primary recommendation was that

“There should be a single independent regulator for all providers of legal services in Scotland”.

In June 2019, the Scottish Government published its response to the Robertson report. The Government’s analysis established that, although many of the report’s recommendations were widely supported, views from the legal and consumer landscape on the primary recommendation that there should be an independent regulator were very polarised.

As a result, the Scottish Government made a commitment to hold a public consultation based on the Robertson report’s recommendations, with the intention of seeking to build consensus on the way forward for the much-needed reform. The Scottish Government worked collaboratively with stakeholders from the legal and consumer perspectives to design the consultation. In seeking to build agreement around the proposals for reform, the consultation contained two alternative, viable models of regulation in addition to the Robertson report’s primary recommendation.

The analysis of the consultation showed that views were evenly split between support for and opposition to an independent regulator. However, in many other areas there was broad agreement. The analysis highlighted that all respondents, regardless of affiliation, shared a common aspiration for any future model to be transparent, open to public scrutiny and efficient to ensure that justice remains accessible to all. The bill will allow a proportionate approach that seeks to balance and deliver the key priorities of the stakeholders and the much-needed reform.

I appreciate Jeremy Balfour’s comments about the engagement prior to the bill being published. I assure him that I am keen to engage with all members and stakeholders. I am happy to look into the possibility of the DPLR Committee being involved in an evidence session when the stage 2 amendments are lodged.

Liam Kerr: Will the minister take an intervention?

Siobhian Brown: I have a lot to get through, so I will come back to the member if I have time.

Regarding the complexity of the Scottish legal complaints system, it is important that we highlight what the Scottish Legal Complaints Commission has said in the briefing that it sent to all members:

“the Bill is a very welcome and significant step forward in a number of areas, and we now want to see it delivered and implemented to realise those benefits for consumers and lawyers alike”.

I turn to Katy Clark’s comments regarding the sections where ministerial powers will be removed from the bill—they are sections 5, 8, 20, 29, 41, 35 and 49. In recognition of the comments from the senior judiciary, we intend to lodge amendments that will transfer the powers in sections 19 and 20 to the Lord President and to continue to explore with the office of the Lord President what further adjustments will be made.

Stuart McMillan has done a lot of work on the topic of McClure Solicitors. I am aware of the issues that a number of families are facing as a result of that firm going into administration. Although I cannot comment on individual cases, the Scottish Government has taken proactive

steps to strengthen the legislation in respect of legal regulation, which will help to mitigate the effect of such situations in the future. If a client is dissatisfied with the service or conduct of a Scottish solicitor, they have the right to complain through the Scottish Legal Complaints Commission.

I return to a few points that Liam Kerr raised during the debate regarding the Law Society, I think in an intervention on Karen Adam regarding some of the powers that it thought had been left out of the bill. I can confirm that we will be introducing amendments at stage 2 that will make many of the changes that the Law Society has been seeking, especially regarding the conduct complaint process. We are working very closely with the Law Society on that.

Liam Kerr was also asking for examples of how the powers in sections 19 and 20 of the bill might have been used previously. The current lack of transparency in relation to legal services regulation makes it difficult to say when such powers may have been used previously. It may be helpful to reflect on the comments that were made to the committee by Tracey Reilly of Consumer Scotland. She highlighted that, if the powers were removed entirely, primary legislation would be the only recourse if the system was not delivering the regulatory objectives.

For my part, I will continue to engage with stakeholders and members to address any concerns that are raised with me as we go through the parliamentary process. I am committed to working constructively with the committee and members ahead of stage 2, and my door is always open to anyone who would like to discuss the bill.

Russell Findlay: Will the minister take an intervention?

The Presiding Officer: The minister must conclude.

Siobhian Brown: I know that some of the provisions in the bill have led to differing views, including within the committee, and it is that balance that the Parliament needs to consider if we are to deliver the significant improvements to the regulation of legal services that are really needed.

The Presiding Officer: Minister, you must conclude.

Siobhian Brown: I believe that, if we all work constructively across the chamber, we will end up with a bill that is appropriate, proportionate and effective. I therefore urge the Parliament to agree to the principles of the bill.

The Presiding Officer: That concludes the debate on the Regulation of Legal Services (Scotland) Bill at stage 1.

Regulation of Legal Services (Scotland) Bill: Financial Resolution

16:31

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-11800, in the name of Shona Robison, on a financial resolution for the Regulation of Legal Services (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Regulation of Legal Services (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—
[*Siobhian Brown*]

The Presiding Officer: The question on the motion will be put at decision time.

Scottish Income Tax Rate Resolution 2024-25

The Presiding Officer (Alison Johnstone):

The next item of business is a debate on motion S6M-12252, in the name of Shona Robison, on the Scottish income tax rate resolution for 2024-25.

Motion moved,

That the Parliament agrees that, for the purposes of section 11A of the Income Tax Act 2007 (which provides for Income Tax to be charged at Scottish rates on certain non-savings and non-dividend income of a Scottish taxpayer to be charged above the personal allowance), the Scottish rates and limits for the tax year 2024-25 are as follows—

(a) a starter rate of 19 per cent, charged on income up to a limit of £2,306,

(b) the Scottish basic rate is 20 per cent, charged on income above £2,306 and up to a limit of £13,991,

(c) an intermediate rate of 21 per cent, charged on income above £13,991 and up to a limit of £31,092,

(d) a higher rate of 42 per cent, charged on income above £31,092 and up to a limit of £62,430,

(e) an advanced rate of 45 per cent, charged on income above £62,430 and up to a limit of £125,140, and

(f) a top rate of 48 per cent, charged on income above £125,140.—[*Shona Robison*]

16:33

The Minister for Community Wealth and Public Finance (Tom Arthur): I draw the Parliament's attention to the procedural connection between this debate and rule 9.16.7 of standing orders, which states that a Scottish rate resolution must be agreed before stage 3 of the budget bill can proceed.

This rate resolution debate is set against a backdrop of one of the most challenging periods for public finances in the devolution era. Our economy has been damaged by Brexit, we have faced a period of continued high inflation, and the Tory United Kingdom Government is failing to deliver the investment that is needed in public services. Just last week it was confirmed that the UK has entered a technical recession.

UK Government spending decisions have resulted in a real-terms cut of 1.2 per cent in our block grant funding since 2022-23. That presents huge challenges for the Government here in Scotland, which is committed to progressing our three core missions of equality, opportunity and community. In the 2024-25 budget, we have therefore taken the difficult but necessary decisions that will allow us to sustain investment in our vital public services, upon which so many people rely.

Our principles as a Government—commitment to progressive taxation and investing in the people of Scotland—have guided our income tax policy decisions for the budget.

For 2024-25, we propose that no changes are made to the starter, basic, intermediate and higher rates of 19, 20, 21 and 42 per cent. We also propose that the starter and basic rate bands are increased by inflation. We propose that the higher rate and top rate thresholds are maintained at their current levels of £43,662 and £125,140 respectively.

Finally, we propose the introduction of a new advanced rate band of 45p, which will be applied on income between £75,001 and £125,140, and an increase in the top rate by 1p to 48p. That proposed policy package will see more than half of taxpayers in Scotland continue to pay less than they would in the rest of the UK. The Scottish Fiscal Commission estimates that the advanced rate will impact only the highest earning 5 per cent of taxpayers in 2024-25. In fact, when recent changes to national insurance are accounted for, only employees who earn in excess of £100,000 will pay more tax in the coming financial year than they did in this year.

Liz Smith (Mid Scotland and Fife) (Con): Can the Scottish Government tell the chamber what analysis it has done of comments by the business community, most especially people such as Sandy Begbie, who put on record last weekend that Scotland is becoming a “dangerous place” in which to create wealth?

Tom Arthur: What I would note is that, in 2023, earnings grew by 8 per cent, which was faster than in any other part of the UK. Strong public services are vital for the success of business and our overall economy. Had we not taken the decision to have a progressive tax policy in Scotland, we would have found ourselves having to replicate the real-terms cuts to public services that are being inflicted in England.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Will the minister give way?

Tom Arthur: I am afraid that I have to make some progress. I will try to take an intervention shortly.

This is a targeted tax package that will raise vital revenue to invest in public services, while protecting the majority of taxpayers. The Scottish Fiscal Commission has forecast that the introduction of the advanced rate and increase to the top rate will raise an additional £82 million in revenue next year. In addition, we estimate that maintaining the higher rate threshold at its 2023-24 level will raise a further £307 million.

Alex Cole-Hamilton (Edinburgh Western) (LD): Will the minister take an intervention?

Tom Arthur: I am afraid that I have to make progress, given the limited time that I have available.

The Scottish Fiscal Commission also estimates that our decisions on income tax since devolution could raise £1.5 billion more in 2024-25 than if we had matched UK Government policy. Our progressive approach means that we can continue to support the most generous social contract in any part of the UK. That includes our flagship Scottish child payment, free prescriptions and free higher education, all of which represent an investment in the people of Scotland.

I understand that many members of the Parliament have questions about how those policies could affect taxpayer behaviour and the economy. As always, we have relied on independent forecasts by the Scottish Fiscal Commission, which show that our policy raises revenues. However, given the influence of tax policy on the economy, I agree that it is essential for us to continue to monitor closely and further build our evidence on what we are doing.

Critics of our approach also need to remember that slashing taxes and running down our vital public services would not make Scotland a better place in which to live, work and do business. Despite all the uncertainty that we face, our economy has been resilient. As I said, earnings in Scotland grew by 8 per cent in 2023, which is faster than in any other part of the United Kingdom, including London and the south-east. That provides a further boost to our tax revenues.

There is, of course, one great uncertainty that hangs over our plans, which is the UK Government's spring budget. That budget will have a material impact on Scotland's budget, yet we are not sighted on any of those plans whatever. Bluntly, we are left to guess, based on speculation in newspapers. If the various media trails are to be believed, the UK Government's spring budget will see further cuts to spending on vital public services and further cuts to tax. It goes without saying that that approach would be unsustainable. Just last month, the International Monetary Fund warned the UK Government against further tax cuts, stressing the need to boost key areas of public spending instead.

Having no clarity on the chancellor's intentions puts us in a difficult situation. Although we can continue to prepare for possible outcomes, a late announcement of tax cuts would highlight that, with the limited powers of devolution, we are still beholden to the whims of Westminster. It is only with the Scottish Parliament having full powers that we can have a fiscal policy that is fully

designed for and delivered to Scotland to benefit Scotland.

The Government is clear on its priorities. We are choosing to invest in our social contract, the people of Scotland and the Scottish economy. That is why I ask members to vote to ratify the proposed changes to Scottish income tax in 2024-25.

16:40

Liz Smith (Mid Scotland and Fife) (Con): On Tuesday next week, the Parliament will hold its stage 3 debate on the Budget (Scotland) (No 3) Bill. I am sure that the debate will be just as robust as it was at stage 1 and just as robust as the questions were from all members of the Finance and Public Administration Committee at stage 2 consideration earlier this week. Today, however, is about standing orders procedure, which states that a rates resolution must be agreed ahead of the stage 3 process.

I want to use today's debate not just to respond to some of the issues—it is already very clear why the Scottish Conservatives are so concerned about the Scottish Government's current tax policy, which we believe echoes the concerns of many sectors across the country—but to consider some of the inherent difficulties in the budget process, which are difficulties not only for MSPs who have been engaged in the scrutiny of the budget, but for local government.

Back in October, we learned from the First Minister that there was to be a council tax freeze, even though such a move is under the remit of local authorities rather than for the First Minister to decide. It was abundantly clear that there was no consultation about that—in fact, allegedly, some members of the Cabinet did not even know about it. Local authorities certainly did not know about it. At a time when they were starting to plan ahead for their budgets, they had no idea whether the council tax freeze was to be fully funded. In the budget statement on 19 December, the Deputy First Minister said:

“the Government will fully fund the council tax freeze.”—
[*Official Report*, 19 December 2023; c 11.]

However, the accompanying arithmetic made it abundantly clear that that was not the case, which is probably why Argyll and Bute Council has just voted to increase its council tax by 10 per cent.

Kate Forbes: Will Liz Smith give way?

Shona Robison (Dundee City East) (SNP): Will Liz Smith take an intervention on that point?

Liz Smith: I will in a minute.

Shona Robison has finally admitted that the council tax freeze will not be fully funded. The

letter that councils received yesterday from the Deputy First Minister makes that very clear. That has been an issue for this budget.

I give way to the Deputy First Minister to tell us why she did not say anything about that at stage 2.

Shona Robison: Liz Smith is conflating two things. One is the general revenue grant position, which we are funding by £62.7 million, and the other is the council tax freeze money of £147 million. The two things are different pots of money.

I hope that Argyll and Bute Council will reconsider its position, because it will leave itself £400,000 worse off than if it had accepted the money that is for that purpose. Does Liz Smith think that that is a sensible decision by Argyll and Bute Council?

Liz Smith: What Liz Smith thinks and what councils think is that the decisions that have been made by the Scottish Government completely undermine the Verity house agreement and the ability of the Scottish Parliament to improve financial scrutiny of the budget. That is the issue for this particular rates resolution.

There have been other significant scrutiny issues during the budget process. During stage 2, the convener of the Finance and Public Administration Committee put on record concerns about potential behavioural changes following the tax changes. The minister has just said that the Government will keep a watching brief on that. The problem is that that watching brief will take place after the changes have been made, so the modelling—which I do not think the Scottish Government has actually done—is no more extensive than some of the recommendations that have been made by the Scottish Fiscal Commission. We do not know what the modelling process is.

It is exactly the same for the proposed surtax on business rates. I come back to the stage 2 discussions, during which the cabinet secretary said that there had been no discussion about that as yet, because the evidence had not been put before her. I do not understand how that can become a proposal if there is no evidence and the modelling has not taken place. That is a serious issue for the Parliament when it comes to the budget, because we must engage in the proper scrutiny process, and the rates resolution should reflect that.

As we know, it is clear that businesses in Scotland are extremely worried about the effect of the budget, of which there has been universal criticism. When I asked the cabinet secretary to name those sectors that supported the Government's income tax changes, she could not provide me with any names, which is pretty telling.

Such scrutiny matters a lot. The Finance and Public Administration Committee fully accepted that the Scottish Government faces difficulties in light of the timing of the Chancellor of the Exchequer's spring budget. However, in paragraph 142 of its "Budget Scrutiny 2024-25" report, the committee noted that the Scottish Government has so far failed to produce a full response to the Scottish Fiscal Commission's fiscal sustainability report, which flags up the large, persistent black hole in the Scottish Government's finances. In recent weeks, the Parliament has witnessed a great deal of discussion about that, and I am sure that we will come to that again at stage 3 of the budget bill.

On Tuesday, we will, I am sure, yet again debate our very different party-political approaches to the budget, but what really matters for the rates resolution is the Parliament's ability to scrutinise what is behind the Scottish Government's decisions. As Conservatives, we will not be the only people to express our deep-seated concerns about that.

16:46

Michael Marra (North East Scotland) (Lab): Scottish Labour will not support the rates resolution today. Scottish Labour believes in progressive taxation, but the proposals before us are far from progressive. As with the rest of the Scottish National Party's budget, the rates resolution is devoid of any strategy to grow our economy.

Changes to the top of the income tax system will raise a paltry £8 million. A far more significant contribution—£307 million—comes from the fiscal drag that will be created by freezing the threshold for the higher rate at £43,663.

Shona Robison: Will the member take an intervention on that point?

Michael Marra: No, thank you. I am just getting started.

The fact that the most significant decision that it has made is to do nothing epitomises this Government.

The Deputy First Minister told Parliament that her Government believes that the people with the broadest shoulders should pay a higher rate of tax. Who earns £43,000 in Scotland today? Nurses, teachers and police officers. Do they feel rich?

Shona Robison: Will the member take an intervention?

Michael Marra: No, thank you.

Mortgages are up, rents are up, energy bills are up and the price of the weekly shop is up—all of

them are up. People are accounting for every penny, eking out their household budgets and hoping that the car will not need new tyres, that the boiler will not need to be fixed and that the kids will not need new shoes.

Every person in this country who earns £28,850 per year pays more tax than people elsewhere in the UK and is getting less and less in return.

Ross Greer (West Scotland) (Green): Will Michael Marra take an intervention on that point?

Michael Marra: No, thank you, sir.

Those people do not have broad shoulders, and they are not rich—far from it. In a cost of living crisis, the SNP wants nurses, teachers and police officers to pay more to bail out a profligate and incompetent Government that has wasted their money.

This week, we heard the SNP's latest tax position: oil and gas companies, which are raking in record profits, should get a free pass. There are tax rises for nurses and tax cuts for oil giants.

The flagship changes to tax policy—the introduction of the new advanced rate of 45p and the increasing of the top rate to 48p—are forecast to raise £82 million, with more than half of the unadjusted revenues being wiped out by behaviour change. No work whatsoever appears to have been done on the labour market effects of the SNP's tax changes.

Labour remains deeply concerned about the impact on Scotland's ability to recruit and retain key workers in our national health service and in our wider economy. We are recruiting breast cancer oncologists from abroad. The Finance and Public Administration Committee has heard that those who come here negotiate net pay, while those who do not come here end up in places that have tax rates that they prefer. All the while, the waiting lists in our NHS continue to grow and grow.

What about headteachers in our primary schools, of whom there is a national shortage, when the work does not seem worth the wages? They will be caught by the Government's proposed tax hikes. Nothing has been done to mitigate the impact in key labour shortage areas through adjusted pay rates or conditions.

Shona Robison: Will the member take an intervention on that point?

Michael Marra: No, thank you.

The very concept of that appears to be alien to a Government that sees tax solely as a means of plugging the hole that has been left by its failure to grow the economy. Those tax rates will not plug the overall gap. The national shortfall is forecast to

grow still further, to as much as £1.9 billion by 2027-28, so it will be back for more.

I have seen nothing from this Government that resembles a plan to address the most pressing of challenges, which is the need to grow our economy. Instead, it is out of ideas and continually tries and fails to use tax as a substitute for economic growth.

Getting our economy growing should be the Government's number 1 priority—that is an idea for the Deputy First Minister. If Scotland's economy had grown at the rate of the economy in the north-west of England in the past decade, it would be £11.5 billion bigger. Just think what that could mean for investment in our public services and communities. Instead, we have a chaotic budget of cuts across the board, including cuts to key areas that would support economic growth, such as colleges, universities and housing. There is no strategy for growth—[*Interruption.*]

The Presiding Officer: Let us hear Mr Marra.

Michael Marra: There is no strategy for growth, only for ever-increasing taxes on hard-working Scots while Humza Yousaf lets oil and gas giants off the hook. [*Interruption.*]

The Presiding Officer: Let us hear Mr Marra.

Michael Marra: In a cost of living crisis, as Rishi's recession bites, hard-working Scots should not have to pay the price for the failures of two incompetent Governments.

16:51

Ross Greer (West Scotland) (Green): One of the Scottish Government's defining missions is to tackle poverty, especially child poverty. In this financial year alone, 90,000 children are being lifted out of poverty as a result of Scottish Government policies, and the budget for the coming financial year includes £1 billion of additional social security spending, alongside actions that the Scottish Greens have been proud to champion, such as wiping out all school meal debt and expanding free school meals.

Tackling big challenges such as child poverty and the climate crisis requires huge state intervention. There is no free market solution to either of those problems, and nor is there a free market solution to issues in healthcare, justice and education, so we have to pay for those things, primarily through taxation.

Scotland has the most progressive tax and social security system anywhere in the UK, as has been confirmed by the Institute for Fiscal Studies. Through our income tax reforms over the past few years, by doubling the council tax on second homes, increasing the additional dwelling

supplement and bringing in other measures, we are redistributing wealth from the richest to the most vulnerable in our society. That is the litmus test for a progressive Government, which is why Labour's opposition today is so revealing.

The specific further reform set out in today's resolution ends the frankly somewhat absurd situation in which one income tax band, the higher band, spans £82,000 of income, which is twice the range of the three lower bands and the personal allowance combined. The Scottish Greens were proud to argue for that change and I believe that it was a personal commitment made by the First Minister during his leadership campaign. I particularly thank the Scottish Trades Union Congress for its leadership on this matter, which answers Liz Smith's question about who supports these tax proposals. Scotland's trade union movement supports the proposals and advanced them in the first place.

I expected and understand the Conservatives' opposition to progressive taxation and well-funded public services, but there is a dichotomy when they simultaneously oppose tax rises for the better off and demand more spending on a wide range of services.

Liz Smith: What concerns us is the fact that the business community and those who are most likely to be in a position to stimulate economic growth are deeply concerned about the extent of the problems in this Government's budget. Those problems relate not only to raising tax, but to the differentials between Scotland and the rest of the UK. Does Mr Greer accept that there is deep-seated concern in the business community?

Ross Greer: I accept that that concern exists, but, as I will address later, I do not think that that is borne out by the past five years' evidence on progressive income tax reform.

I will focus first on Labour's position. It is astonishing that the Labour party is now adopting a near word-for-word repeat of Tory tax policy. Labour members are fond of saying, as Michael Marra just has, that those on £28,500 a year pay more tax in Scotland. They do: they pay £6 more per year, and for that they get free bus travel for under-22s and over-60s, free college and university education, free prescriptions and the best-paid public sector workers—such as the teachers whom Mr Marra referred to—anywhere in the UK.

Michael Marra: Will the member accept an intervention?

Ross Greer: Mr Marra has to be joking—he would not take a single intervention.

Workers in Scotland get so much for that £6 a year, yet the Labour Party rejects it. It is

abundantly clear to all of us that Keir Starmer—not Anas Sarwar or Michael Marra—sets Scottish Labour's tax policies, but they are the ones who are left owing the public an explanation of where the £1.5 billion of Labour cuts to public services would land.

There is an element of the boy who cried wolf from some opponents of progressive taxation. We have been making such changes for five years and, every time, they have declared that this would be the tipping point resulting in less revenue coming in as people change their behaviour or move south. The reality is that the total tax take is up and net migration from the rest of the UK to Scotland is positive.

A higher quality of public services is a pull factor, which people are willing to pay a little bit more for if they are on an above-average salary. Liz Smith mentioned Sandy Begbie, for whom I have a great deal of time, but I have to say that every worker is a wealth creator, not just those at the top. Too often, these debates proceed as if the only people driving our economy are the high earners, the chief executives and the company owners. That is not, and has never been, the case. Ordinary workers are clearly better off in Scotland than in the rest of the UK in terms of the balance of tax and the public services that they receive.

The Presiding Officer: You must conclude, Mr Greer.

Ross Greer: I believe that a broad majority in this chamber and across the country want to see a more social democratic and fairer Scotland. By voting for the rates resolution today, we are taking one further step towards that.

16:55

Alex Cole-Hamilton (Edinburgh Western) (LD): Scotland needs predictability and a long-term plan for tax and the wider economy, not erratic changes that will undermine confidence. Scottish Liberal Democrats voted for the tax resolution last year, but I warned then about tipping points. High earners are mobile and can shift earnings to their pensions. UK firms that want to expand their workforces can look to places such as Newcastle and Manchester.

The Fraser of Allander Institute's analysis suggests that raising the top rate of tax to 48 per cent will raise just £8 million against behavioural change. That is chickenfeed in the context of the SNP's ferry fiasco, which stands at about £250 million over budget.

Let us listen to what the British Medical Association says. On the new advanced £75,000 tax band, Dr Iain Kennedy said:

“this measure may push more of these doctors out of the NHS, to jobs elsewhere or retirement.”

Between the changes in the top rate and the advanced rate, the Scottish Fiscal Commission said that the impact of behavioural changes could amount to as much as £118 million next year.

However, there is a con trick, too, because the biggest increases in the overall tax take will come from fiscal drag on low and middle-income earners. The SNP-Green Government is taking tax to higher and higher levels without understanding the impact on behaviours, the economy or those who are already struggling to get by.

Tom Arthur: Will the member take an intervention?

Alex Cole-Hamilton: I am afraid that the minister had no time for interventions, and I have considerably less time than he had. I have to make progress.

Taxpayers and businesses have no idea what will happen next. That is not an environment that is conducive to growth or which gives people the confidence to invest here. Moving overnight from a position of hiking council tax by record amounts to freezing it speaks again to a Government that is reactionary and operating without any vision for a tax strategy.

SNP tax plans just do not work. The SNP added a further penny on tax last year with the defined purpose—which we supported—of supporting our national health service. However, the crisis in our health service has not got any better, while the IFS has warned that health spending is set to drop in 2024-25, so the social contract at the heart of that is being stretched to breaking point.

Tax is being ramped up in an attempt at covering the SNP’s failure to grow our economy and hiding the incompetence and waste that are embodied by the ferries but which exist in many other portfolios. The SNP’s choices mean that Scotland has missed a big opportunity to raise revenues that could have allowed different decisions on tax and public spending.

Members will recall my long-standing objections to how the ScotWind leasing process was run. It sold Scotland’s prized sea bed for wind farms on the cheap and achieved only a fraction of the prices that are seen elsewhere in the world. It inexplicably capped the price that companies were allowed to pay for ScotWind sites, which botched the best chance for generations of bringing serious money into our Scottish economy.

Almost half that money—£310 million from the 10-year licences that were sold in the auction—will be spent in the current year alone to prop up SNP-Green spending and financial mismanagement. The problem is that, once that money is gone, it is

gone. Those rights are sold only once. No annual payments exist, as happens in England, and we will be waiting for five to 10 years for more money to start arriving in the form of rents on the as-yet-unbuilt wind farms.

The Government is burning through that cash without a plan for what will happen to public services afterwards. The excuse that it is spending money on the journey to net zero does not fly when we have a budget before us that strips money out of green initiatives left, right and centre.

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

16:59

Tom Arthur: I thank members for their revealing contributions. Liz Smith always makes measured contributions that reflect her political philosophy, over which we have a fundamental difference. However, there is a key issue. She spoke about modelling and what the consequences of decisions may be. That is something that will come out, and we will monitor it. We will have an updated forecast and an outturn eventually. However, we know what the consequences would be of not taking the decisions. As I touched on in my opening remarks, that would mean cuts to public services, which we cannot sustain. We are committed to our social contract and to investing in the people of Scotland. We put forward progressive tax policies to enable us to achieve that.

Liz Smith: Will the minister give way?

Tom Arthur: I am afraid that I have only a very small amount of time, and I want to address a few other points before concluding.

I am grateful to Ross Greer for his contribution. He made a powerful point about recognising the contribution of everyone across Scotland to creating wealth in our society and to supporting a sustainable and prosperous economy. We have to bear that in mind and recognise that the majority of taxpayers in Scotland will pay less tax than they would if they lived south of the border. Simultaneously, they enjoy a range of benefits that are not afforded to our friends and neighbours in England.

I turn to the Labour Party’s contribution. Mr Marra had two principal criticisms on the rate resolution. One was about the point at which people in Scotland pay more tax than they do in England; the other was about the higher rate threshold. That situation prevails today because we had a rate resolution vote in the Parliament in February last year. The Labour Party voted for that. Not only did it vote for that; its finance spokesperson stated that he welcomed the

proposals and that they were “progressive”. We are not even at the end of the tax year, and proposals that were described by the Labour Party as “progressive” are now traduced by the leader of the Labour Party as “ludicrous”. They have gone from progressive to ludicrous in one financial year. That is not a sustainable position from which to engender credibility.

Mr Marra also criticised the introduction of an advanced rate at £75,000, which has been welcomed and called for by the STUC and anti-poverty campaigners. Again, the Labour Party finds itself on the wrong side of the STUC and anti-poverty campaigners. That is shameful. As I touched on in my earlier remarks, because of the changes to national insurance, no employee in Scotland who earns less than £100,000 will pay cumulatively more tax next year than this year.

I take members back to the Labour manifesto of 2021, which said:

“Scottish Labour believes that income tax should be fair and progressive ... If there is a need to increase income tax revenues during the next parliamentary term, Scottish Labour would support changes that generate income from those earning over £100,000”.

The Labour Party has contradicted its position of last year; it is against the STUC and anti-poverty campaigners; and it is against its own manifesto. If I was being charitable, I would characterise that as a U-turn but, to make a U-turn, it would have to be in the driving seat, and we know that the Labour Party’s front bench is being taken for a ride by Keir Starmer.

I urge members to back our progressive rate resolution this evening.

The Presiding Officer: That concludes the debate—[*Interruption.*] Members, let us cease the conversations. That concludes the debate on the Scottish income tax rate resolution 2024-25.

Rule 11.3.1 of standing orders requires the question on the Scottish rate resolution to be put immediately after the debate. Therefore, the question is, that motion S6M-12252, in the name of Shona Robison, on the Scottish income tax rate resolution 2024-25, be agreed to. Are we agreed?

Members: No.

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

17:05

Meeting suspended.

17:07

On resuming—

The Presiding Officer: We come to the vote on motion S6M-12252, in the name of Shona Robison, on the Scottish income tax rate resolution 2024-25. Members should cast their votes now.

The vote is closed.

Neil Bibby (West Scotland) (Lab): On a point of order, Presiding Officer. I do not think that my app connected; I would have voted no.

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

Jeremy Balfour (Lothian) (Con): On a point of order, Presiding Officer. I am not sure whether my vote was counted; I would have voted no.

The Presiding Officer: 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Baillie, Jackie (Dumarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Dowey, Sharon (South Scotland) (Con)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Eagle, Tim (Highlands and Islands) (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)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Gulhane, Sandesh (Glasgow) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 O’Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)

White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on motion S6M-12252, in the name of Shona Robison, on the Scottish income tax rate resolution 2024-25, is: For 62, Against 54, Abstentions 0.

Motion agreed to,

That the Parliament agrees that, for the purposes of section 11A of the Income Tax Act 2007 (which provides for Income Tax to be charged at Scottish rates on certain non-savings and non-dividend income of a Scottish taxpayer to be charged above the personal allowance), the Scottish rates and limits for the tax year 2024-25 are as follows—

(a) a starter rate of 19 per cent, charged on income up to a limit of £2,306,

(b) the Scottish basic rate is 20 per cent, charged on income above £2,306 and up to a limit of £13,991,

(c) an intermediate rate of 21 per cent, charged on income above £13,991 and up to a limit of £31,092,

(d) a higher rate of 42 per cent, charged on income above £31,092 and up to a limit of £62,430,

(e) an advanced rate of 45 per cent, charged on income above £62,430 and up to a limit of £125,140, and

(f) a top rate of 48 per cent, charged on income above £125,140.

Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill

17:09

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-12249, in the name of Shona Robison, which is a legislative consent motion on the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill, which is United Kingdom legislation. I invite Shona Robison to move the motion.

Motion moved,

That the Parliament agrees that the relevant provisions of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill, introduced in the House of Lords on 8 November 2023, relating to procurement, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*Shona Robison*]

The Presiding Officer: The question on the motion will be put at decision time.

Animal Welfare (Livestock Exports) Bill

17:10

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-12250, in the name of Jim Fairlie, which is a legislative consent motion on the Animal Welfare (Livestock Exports) Bill, which is United Kingdom legislation. I invite Jim Fairlie to move the motion.

Motion moved,

That the Parliament agrees that the relevant provisions of the Animal Welfare (Livestock Exports) Bill, introduced in the House of Commons on 4 December 2023, relating to animal welfare, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Jim Fairlie*]

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

17:10

The Presiding Officer (Alison Johnstone):

There are four questions to be put as a result of today's business. The first question is, that motion S6M-12248, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. I ask members to refresh the voting app before casting their votes.

Members should cast their votes now.

The vote is closed.

Bill Kidd (Glasgow Anniesland) (SNP): On a point of order, Presiding Officer. My vote appeared to go through, but then something went wrong. I would have voted yes.

The Presiding Officer: I can confirm that your vote has been recorded, Mr Kidd.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): On a point of order, Presiding Officer. I am not sure whether my vote has gone through. The app says that it is still connecting. I would have voted yes.

The Presiding Officer: I can confirm that your vote has been 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)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowe, Sharon (South Scotland) (Con)
 Eagle, Tim (Highlands and Islands) (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)
 Gulhane, Sandesh (Glasgow) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hoy, Craig (South Scotland) (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)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)

Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O’Kane, Paul (West Scotland) (Lab)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the vote on motion S6M-12248, in the name of Siobhian Brown, on the Regulation of Legal Services (Scotland) Bill at stage 1, is: For 62, Against 29, Abstentions 25.

Motion agreed to,

That the Parliament agrees to the general principles of the Regulation of Legal Services (Scotland) Bill.

The Presiding Officer: The next question is, that motion S6M-11800, in the name of Shona Robison, on a financial resolution for the Regulation of Legal Services (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Regulation of Legal Services (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament’s Standing Orders arising in consequence of the Act.

The Presiding Officer: The next question is, that motion S6M-12249, in the name of Shona Robison, which is a legislative consent motion on the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Bill, introduced in the House of Lords on 8 November 2023, relating to procurement, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

The Presiding Officer: The final question is, that motion S6M-12250, in the name of Jim Fairlie, which is a legislative consent motion on the Animal Welfare (Livestock Exports) Bill, which is United Kingdom legislation, be agreed to.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Animal Welfare (Livestock Exports) Bill, introduced in the House of Commons on 4 December 2023, relating to animal welfare, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: That concludes decision time.

Meeting closed at 17:14.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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