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Meeting of the Parliament

Wednesday 17 April 2024

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Scottish Parliament

Wednesday 17 April 2024

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

Portfolio Question Time

Rural Affairs, Land Reform and Islands

The Deputy Presiding Officer (Liam McArthur): Good afternoon. The first item of business is portfolio question time, and the first portfolio is rural affairs, land reform and islands. I remind members that, as questions 2 and 6 have been grouped together, I will take any supplementaries to those questions after both have been answered. Members who wish to ask a supplementary question should press their request-to-speak button during the relevant question.

Water Management (Financial Support)

1. Willie Rennie (North East Fife) (LD): To ask the Scottish Government whether it will provide an update on what new financial support will be available to farmers and land managers to manage water, including to prevent flooding of homes. (S6O-03292)

The Minister for Agriculture and Connectivity (Jim Fairlie): Improving resilience to flooding is a priority for the Scottish Government, which is why we promised to address the issue in our programme for government. Consequently, on 23 April, along with Ms Slater, I will host a round table on water resource, to discuss with stakeholders and individuals how we mitigate and adapt to climate change and the impact of extreme weather events on Scottish agriculture.

In response to storm Babet last year, we provided grants of up to £30,000 to farmers and land managers to help them to repair damaged flood banks. Support is also available to farmers and land managers through the agri-environment climate scheme. Since 2015, the grant that has been issued for options that support the management of water has amounted to £8.1 million.

In addition, we are supporting local authorities with £42 million a year—£150 million over the parliamentary session—to invest in improved flood resilience for local communities, and we will be consulting on a flooding resilience strategy.

Willie Rennie: All of what the Government is doing is incredibly slow, and none of the money from the agriculture budget that the minister

referred to is to do with flooding. All of it is to do with water scarcity and riverbank management, which is not to do with flooding.

For a long time, a wealth of evidence has existed on managing waterways and managing the land. What practical measures will come out of the meeting on 23 April that the minister mentioned? Where are the river catchment management plans? Where are the grants? Where is the clear guidance? Farmers need such guidance in order to better manage their land.

Jim Fairlie: We will discuss all those issues at the flood forum, as I have already mentioned.

I say to Willie Rennie that we are in a season that has been absolutely horrendous for the farming community—this spring has been brutal. If you do not mind, Presiding Officer, I will make a couple of points. I ask members of the farming community to please stay connected and talk to friends and family. Farmers' mental health is at its lowest ebb at the moment, as a result of a lack of sleep, very long and tiring hours, and nature doing its damndest to test every nerve and sinew.

I am well acquainted with that feeling, which is why, at the weekend, I went to help a friend in a lambing shed—not with the physical work aspect, but to make sure that he had someone else to talk to. We understand that flooding issues are a problem, but we are tackling them and doing everything that we can to give the farming community mental health support.

The Deputy Presiding Officer: I will allow a couple of supplementaries, which will need to be brief, as will the responses.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): It is clear that dealing with the impact of flooding and adverse weather is challenging. It is affecting lambing and crop sowing and growth, and it is taking its toll on animals and people, including those in my constituency of Carrick, Cumnock and Doon Valley. What advice and support can the minister offer to farmers and crofters, who are enduring one of the most difficult springs that we have experienced? Given how important land management and flooding are, will he undertake to come back to the chamber to inform members of the outputs from the meeting that he mentioned in his answer to Willie Rennie?

Jim Fairlie: Absolutely—I commit to coming back to the chamber and setting out the outcomes.

I reiterate to my colleague Elena Whitham that, as I said to Willie Rennie, things are really tough at the moment. If people are finding it hard and they need someone else to talk to about the problems that they are facing, I would direct them to the RSABI, which does amazing work in keeping folk's

spirits up and giving practical help and advice on most situations. Its support is available seven days a week, 24 hours a day. People should not feel as though they are on their own, because there is help out there.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): When it comes to supporting farmers and landowners to protect riverbanks, the Scottish forestry grant scheme falls way short of England's woodland creation offer. Just over the border from my constituency, uplift payments for riparian buffers are £2,500, whereas in Scotland, they are just £230.

If, as you say, minister, your Scottish National Party Government takes flood mitigation and prevention seriously, why are you short changing people and scrimping on schemes that support people to do exactly that?

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

Jim Fairlie: The Government has increased the fund. I am happy to come back to the member with the detail later.

Livestock Worrying

2. **Emma Harper (South Scotland) (SNP):** To ask the Scottish Government what action it can take to reiterate the harms caused to both livestock and farmers by livestock worrying. (S6O-03293)

The Minister for Agriculture and Connectivity (Jim Fairlie): The Scottish Government recognises the distress and the serious welfare and financial implications that livestock worrying causes. We continue to consider education a key factor in reducing the number of incidents. The campaigns that have been undertaken in partnership with NatureScot and the Scottish Society for the Prevention of Cruelty to Animals have reiterated the importance of responsible dog ownership.

Our support for Emma Harper's Dogs (Protection of Livestock) (Amendment) (Scotland) Bill gave a clear indication of how seriously we take livestock worrying incidents. Should they be convicted of an attack or of worrying livestock, irresponsible owners, who are in the minority, could be fined up to £40,000 or face prison for up to 12 months.

Emma Harper: I thank the Government for having supported my member's bill.

Cammy Wilson is a sheep farmer in the South Scotland region who is doing excellent work to increase awareness of the seriousness of livestock attacks from an animal welfare perspective as well as a health and wellbeing perspective for the farmer. What consideration

might the Government give to a national awareness-raising campaign to ensure that the menace of out-of-control dogs and livestock worrying is treated with the utmost seriousness that it deserves to have in the minds of the public?

Jim Fairlie: I take on board all the points that Emma Harper has made. I have watched Cammy Wilson's videos, which are pretty brutal. If anyone has any doubt as to what a small family pet can do, they should watch his video of a spaniel worrying lambs—it is distressing.

The Scottish Government recognises the effects on animal and human welfare that livestock worrying has—the effects are not just financial but on the wellbeing of those who are responsible for the livestock. The Scottish Government firmly believes that education is key. We want everyone, including dog owners, to enjoy the countryside via their access rights, and I encourage everyone to familiarise themselves with the Scottish outdoor access code.

Livestock Worrying

6. **Russell Findlay (West Scotland) (Con):** I think that I have to ask the lodged question first.

To ask the Scottish Government what action it is taking to reduce the number of cases of livestock worrying. (S6O-03297)

The Minister for Agriculture and Connectivity (Jim Fairlie): I take the question in the spirit in which it is meant. Any dog attack is one too many, and increasing awareness is a key factor in the prevention of livestock worrying incidents and the associated unnecessary suffering.

We continue to work with partners, including NatureScot, whose message on responsible dog walking is generating some 3 million impressions of and 15,000 visits to the Scottish outdoor access code website every year. We also continue to work with Police Scotland, local authorities, the Scottish Society for the Prevention of Cruelty to Animals and other relevant interests to keep communities safe from the small minority of irresponsible dog owners and their dangerous dogs.

In 2021, the Scottish Government supported the introduction of Emma Harper's Dogs (Protection of Livestock) (Amendment) (Scotland) Bill, which delivers greater powers to Police Scotland and the courts to deal with irresponsible dog owners.

Russell Findlay: I agree with the minister on the need to raise public awareness about livestock worrying, which causes significant distress and even death, but the law must also be a deterrent. My colleague Rachael Hamilton has established that there were only 21 convictions for that crime in the two-year period to last November. How

many reports of livestock worrying were made to the police in that period? Does the minister think that the law is protecting farmers and their livestock?

Jim Fairlie: Unfortunately, that changes the tone. I point out to the member that we have the law in Scotland, which Westminster is only just beginning to follow up on and copy. I cannot give him a definitive number now; we will come back to him with that.

I re-emphasise to people who walk their dogs in the countryside that they should please take a moment to look at the potential damage, that they can watch Cammy Wilson's videos and see what pets can do to livestock, and that they should make sure that they keep their dog under control when they are among livestock.

Land Reform (Scotland) Bill

3. Foysoyl Choudhury (Lothian) (Lab): To ask the Scottish Government whether its Land Reform (Scotland) Bill will help protect communities from development on land of public importance. (S6O-03294)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The Land Reform (Scotland) Bill will ensure that the benefits of land ownership and decisions about how land is owned, managed and used are more widely shared. The owners of very large landholdings will have to engage with local communities about how their land is used. The bill also seeks to empower communities with more opportunities to own land, through introducing advance notice of certain sales from large landholdings.

The bill does not include reforms to development management, which is a matter for the planning system. Development plans guide the development and use of land in the long-term public interest.

Foysoyl Choudhury: Land in Bathgate that was home to a war memorial and a site where veterans scattered their ashes has been the subject of repeated planning applications, which the council has denied. The developers have repeatedly appealed to the Scottish Government, despite previous appeals for less substantial proposals being rejected. Will the cabinet secretary outline the steps that the Scottish Government is taking to prevent vexatious appeals and ensure that communities in all parts of Scotland have a say in how land is used?

Mairi Gougeon: I am not aware of the details of the specific incident that the member mentions, but I am more than happy to look into it. It sounds like a matter that should probably be raised with the planning minister, but I am more than happy to follow it up with the member.

One thing that I would note, particularly when we are talking about significant pieces of land in communities, is that the changes that were introduced in the Planning (Scotland) Act 2019 put community voices at the heart of the planning system. Before preparing a local development plan, planning authorities now have to invite local communities to prepare local place plans. That is where such significant issues can be considered. As I said, I am more than happy to follow up with the member and the relevant minister.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Over the years, we have all seen examples of sales of whole islands or other large estates causing real issues for the people who live there. What steps is the Scottish Government taking to give island residents greater protection from having their communities and, often, their livelihoods being bought and sold in that way?

Mairi Gougeon: The member raises an important point, which is why the measures that we are introducing as part of the Land Reform (Scotland) Bill are so important. The bill will prohibit certain sales of land of more than 1,000 hectares until ministers can consider the impact on the local community. That could lead to some landholdings being lotted into smaller parts.

We believe that the bill will empower communities. It will give communities more opportunities to own land by introducing advance notice of certain sales, and the owners of large landholdings will have to engage with local communities on their plans for the use of the land. Those requirements will apply if a landholding is more than 25 per cent of a permanently inhabited island and if it exceeds 1,000 hectares. I believe that the measures that I have mentioned, as well as the wider proposals that the bill introduces, will benefit many of our island communities.

American Mink (Wildlife Management)

4. Jackie Dunbar (Aberdeen Donside) (SNP): To ask the Scottish Government how its work on wildlife management can help address the reported threats to nature and biodiversity restoration posed by American mink. (S6O-03295)

The Minister for Green Skills, Circular Economy and Biodiversity (Lorna Slater): American mink is an invasive non-native species that is contributing to the decline of Scotland's vulnerable native species. The Hebridean mink project shows how investment of £250,000 per year since 2001 has achieved eradication, or very low populations, of mink in the Hebrides to allow ground-nesting birds and wider biodiversity to recover and thrive.

Through the nature restoration fund, the Scottish Government is providing £2.5 million to

the Scottish invasive species initiative and biosecurity for Scotland's seabird islands project to train and work with communities and volunteers to control non-native species, including mink, to allow biodiversity to recover.

Jackie Dunbar: Controlling mink requires extensive surveying of rivers and burns to be carried out by volunteers. What is being done to recruit volunteers in the north-east, where mink are a particular threat?

Lorna Slater: The Scottish invasive species initiative has a dedicated team of around 155 volunteers working on mink control across north-east Scotland. With the aim of building on its success, the SISI has put out a call for more volunteers to tackle mink in an expanded area across northern Scotland. The project will train the new volunteers to operate innovative smart traps and mink rafts to survey for mink. I recognise the hard work and dedication of all the SISI staff and volunteers who are tackling invasive non-native plants, as well as mink, across northern Scotland.

Register of Persons Holding a Controlled Interest in Land

5. Alex Cole-Hamilton (Edinburgh Western) (LD): To ask the Scottish Government what assessment it has made of the impact of the register of persons holding a controlled interest in land since it launched on 1 April 2022. (S6O-03296)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): The register of persons holding a controlled interest in land, which is known as the RCI, is maintained by the keeper of the registers of Scotland. The RCI went live on 1 April 2022, with a two-year transitional period before the offence provisions for non-compliance took effect.

As of 12 April 2024, 12 days after the end of the transitional period, there were 5,438 entries on the RCI. A further 10,273 entries have been submitted and are pending publication, as details are not published until 30 days after submission to the register.

Alex Cole-Hamilton: When Russia invaded Ukraine on a full-scale basis in 2022, there was, rightly, a focus on the Russian oligarchs who own land in Scotland. We know of four such people and that at least two of them have links to the Kremlin and were included on the Putin list that the US Department of the Treasury published in 2018. However, a loophole in the register means that some landowners are exempt from it, which could mean that landowners who may have links to Putin's kleptocracy are still hiding their identity and potential wealth. Is the cabinet secretary satisfied with the existing system? What are the

Government's plans to increase transparency on the issue?

Mairi Gougeon: The measures that we have introduced are very important ones, but, as with anything, as things progress, if there are any improvements to be made to the system, the Government is open to looking at what those might look like and to engaging with the member on the discussions.

I note that this is an area of interest for the member. I think that, in previous responses on the issue, I have outlined that we fully supported the United Kingdom-wide emergency legislation that was introduced under the Economic Crime (Transparency and Enforcement) Act 2022, which was about the register of overseas entities.

I believe that we are making strong progress on the issue, but I am more than happy to keep the matter under review.

The Deputy Presiding Officer: There are a couple of supplementary questions.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Cabinet secretary, my query may be too specific for an immediate response. A constituent of mine represents the Glencorse Centre, which is a Scottish charity that is also registered as a UK company limited by guarantee. He is not clear whether, under the guidance, he is required to register the charity as having a controlling interest in land.

I would be happy to receive a written answer if the cabinet secretary cannot clarify the position now.

Mairi Gougeon: I would be more than happy to follow up with the member on the particular circumstances that she has mentioned. I encourage the organisation to which she referred to get in touch with the Registers of Scotland, which should be able to clarify the position and offer some advice. If members are receiving similar queries, I would encourage them to get their constituents to do that, too.

Rhoda Grant (Highlands and Islands) (Lab): When land is owned through a company and the controlling interest of the company changes, is the register updated automatically? Can triggers be fitted to the system, given that the Land Reform (Scotland) Bill might require that in the future?

Mairi Gougeon: I am more than happy to follow that up afterwards and provide responses to those queries.

Agricultural Funding Post-2025

7. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): To ask the Scottish

Government what recent engagement it has had with the United Kingdom Government regarding Scotland's agricultural funding post-2025. (S6O-03298)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Brexit means that we no longer have long-term certainty of funding. His Majesty's Treasury has provided only yearly allocations for the current UK parliamentary term, and, as it stands, we have no funding commitment from 2025.

The Scottish Government has made repeated requests to UK ministers to engage on the matter, including sending several letters to Steve Barclay since his appointment as the Secretary of State for Environment, Food and Rural Affairs. We are still waiting for a response to those requests.

The Scottish Government has been clear and consistent that we expect the full replacement of European Union funds to ensure that there is no detriment to Scotland's finances.

Audrey Nicoll: Everything about Brexit is last minute. In my constituency, small food producers are now facing a huge hike in fees for imports, which is threatening their viability, and trade bodies are warning about the risk of a hike in food prices. Does the cabinet secretary agree that it is time for Scotland to escape the unrelenting harm caused by the Westminster Government's irrational adherence to a Brexit that is breaking our economy?

Mairi Gougeon: I thank the member for raising that important point, particularly about the recent checks that were introduced. The Scottish Government had agreed to implement the UK Government border target operating model, which is, ultimately, to ensure that we protect our people, businesses and the environment from the biosecurity risks that come with different products entering the country.

Throughout that process, we have worked pragmatically to balance the need for introducing those controls with minimising burdens on traders. However, since publication, the Scottish Government has been locked out of key discussions; we have been asked to make important decisions at very short notice; and we have been faced with the UK Government making unilateral decisions in areas of devolved competence.

Fundamentally, Brexit is the reason that new checks are needed on imports from the European Union and Scotland is now paying a very high price for a Brexit that it did not vote for. We have repeatedly called for the UK Government to sign a veterinary agreement with the EU, which would remove those barriers. Ultimately, the Scottish Government continues to believe that the best

trading relationships for Scotland will be found when we are an independent member of the EU in our own right.

Finlay Carson (Galloway and West Dumfries) (Con): The cabinet secretary may stand on her soapbox, blaming uncertainty on the UK Government, but the fact is that the UK Government has provided multiyear, ring-fenced funding since the UK left the EU and has also uplifted payments after the Bew review. It is the Scottish Government that continues to raid the agricultural budget. It is clear to farmers—but perhaps not to the cabinet secretary—that this Government is wholly responsible for the uncertainty surrounding future farm payments through not publishing the future rural support plan. Can the cabinet secretary set out exactly when the working draft of the plan will be available?

Mairi Gougeon: First, there are a number of points of misinformation there that I would be happy to clarify for Finlay Carson. The UK Government provides funding on an annual basis. Rather than having the seven-year block funding that we previously had as members of the EU, which came through as a mixture of resource and capital, we now receive funding on an annual basis and only as resource funding. We are not receiving any of it as capital replacement.

We have also received the worst budget settlement since devolution, with significant cuts to our capital budget of around 10 per cent, which means that we have had to make difficult choices. However, the ring-fenced funding—I think that it is important to clarify this, since the Tories continue to perpetuate this misinformation—will be returned in full to the portfolio, as has been committed to by me, by the Deputy First Minister and by the First Minister himself. The nature of that funding is ring fenced, which means that it must be returned to the portfolio—£15 million of it has been returned this year.

Marine Tourism (Crown Estate Scotland)

8. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government how Crown Estate Scotland supports marine tourism in coastal communities. (S6O-03299)

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Since 2020, Crown Estate Scotland has distributed more than £1.4 million through its sustainable communities fund to support local regeneration and development, including several marine tourism projects.

Crown Estate Scotland has three community marine officers in place to enable Scotland's people and communities, along with visitors, to

make the most of our coastal waters. It also co-funds a marine tourism officer in Mr Gibson's own constituency.

Since 2019, over £50 million in revenues from Scottish Crown Estate marine assets have been allocated to local authorities for local spending to support priorities in their areas, including tourism.

Kenneth Gibson: In June 2021, Crown Estate Scotland earmarked £3 million for boat-based tourism. In my constituency, Millport marina—an Ayrshire growth deal project—is reliant on that funding, given the impact of inflation on other funding streams. Despite a duty to support coastal communities, Crown Estate Scotland recently reneged on its commitment to support marine tourism. Can the cabinet secretary advise us on how local stakeholders can help the Crown Estate to deliver its stated objectives to islands such as Cumbrae?

Mairi Gougeon: I thank the member for raising that important point. Ultimately, Crown Estate Scotland's fundamental role is to maintain and enhance the value of the Scottish Crown estate. That is a key aspect, which is included within the criteria when assessing the investment proposals of the bids in relation to the particular scheme that the member is talking about.

Criteria also include the nature of the investment and how it aligns with Crown Estate Scotland's statutory duties, how it delivers wider sustainable development benefits, financial value and requirements relating to fair competition. I know that applications to the fund are still undergoing assessment, and I know that additional information has been requested from applicants to ascertain whether their investment proposals meet the fund's criteria, so, at the moment, I cannot comment on specific bids. However, I know that Crown Estate Scotland has been engaged in dialogue with the applicants to the fund and I would also encourage anyone to engage with Crown Estate Scotland directly regarding any specific issues or queries around the fund and the processes.

The Deputy Presiding Officer: That concludes portfolio questions on rural affairs, land reform and islands. There will be a brief pause before we move to the next item of business to allow members on the front benches to change over.

NHS Recovery, Health and Social Care

The Deputy Presiding Officer: The next item of business is portfolio questions on national health service recovery, health and social care. If a member wishes to ask a supplementary question, I invite them to press their request-to-speak button during the relevant question.

Health Secretary (Meetings)

1. **Jamie Greene (West Scotland) (Con):** To ask the Scottish Government when the health secretary last met with the chief executives of NHS Greater Glasgow and Clyde and NHS Ayrshire and Arran, and what was discussed. (S6O-03300)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray): Ministers and Scottish Government officials regularly meet representatives of all health boards, including NHS Greater Glasgow and Clyde and NHS Ayrshire and Arran, to discuss matters of importance to local people.

Jamie Greene: Here is something that is of importance: the referral to treatment waiting time standard is 18 weeks, yet, in NHS Greater Glasgow and Clyde, just 68 per cent of patients have been seen within that time. In NHS Ayrshire and Arran, it is only 66 per cent. Over a third of people in my region are waiting for more than four months to start treatment. Those health boards have not met the target, or anywhere near it, for nearly a decade. The problem is that people are dying while they are waiting for treatment. The big question is this: when will those health boards meet those targets, if ever? How many more people will needlessly die while they are waiting for treatment?

Neil Gray: First, I say that it is not just regrettable—I am very sorry for all those who are having to wait too long to receive the treatment that they need. We are not complacent about that; as Jamie Greene will have seen, we are investing £30 million of the first tranche of the £300 million that the First Minister committed to in order to tackle the longest waits. We have seen some improvements. A number of specialties have eradicated all out-patient waits over two years, and many have made significant progress compared to 30 June 2022. That includes gastroenterology, where they are down by 99 per cent; general surgery, where they are down by 91 per cent; general practitioners, where they are down by 83 per cent; and ear, nose and throat, where they are down by 97 per cent. In-patient day-case activity for quarter 3 last year was at its highest since the start of the pandemic.

Jamie Greene is right to point to the fact that there are still too many people who are waiting for too long. However, there have been improvements and recovery is happening. We will continue to invest in order to make sure that that continues to be the case.

Paul Sweeney (Glasgow) (Lab): The adult eating disorder service in Glasgow works with people who have anorexia and bulimia, both of which have the highest mortality rate of all mental

health conditions. I understand that the contracts for five key roles in that service are due to end in the coming months. Did the cabinet secretary discuss that issue in his most recent meeting with NHS Greater Glasgow and Clyde? Will he commit to adding that to the agenda for his next meeting?

Neil Gray: That is not an issue that was discussed the last time I met the chair or the chief executive. However, I would be more than happy to write to Paul Sweeney about that in more detail.

Gender Dysphoria (Model of Care for Children)

2. Meghan Gallacher (Central Scotland) (Con): To ask the Scottish Government whether it will review the current model of care for children with gender dysphoria. (S6O-03301)

The Minister for Public Health and Women's Health (Jenni Minto): The Scottish Government is already supporting NHS Greater Glasgow and Clyde, as provider of the young people's gender service, and NHS National Services Scotland to consider how best to provide specialist young people's gender care in Scotland. That is part of the implementation of the "NHS gender identity services: strategic action framework 2022-2024". Last week, the independent review of gender identity services for children and young people, chaired by Dr Hilary Cass, published its final report. The findings of the review into services in NHS England are being closely considered by both the Scottish Government and wider partners.

Meghan Gallacher: The minister will be aware of my efforts to secure a ministerial statement on the Cass review, as a portfolio questions session is not enough time in which to scrutinise a near-400-page report. The Scottish Government may not wish to talk about the issue, but parents, campaigners and young people deserve answers. I ask the minister a simple yes or no question: will the Scottish Government adopt the recommendations of the Cass review, including limiting the use of puberty blockers and cross-sex hormones?

Jenni Minto: As Meghan Gallacher pointed out, it is a long report but very much worth reading. It is very accessible and I encourage as many people as possible to read it. We—the Scottish Government, our officials and our senior clinicians—are all looking at what the report contains and we will give an initial view on that as soon as possible.

Bill Kidd (Glasgow Anniesland) (SNP): I fully associate myself with the minister's answer and with Dr Hilary Cass's comments that the

"increasingly toxic, ideological and polarised public debate ... does nothing to serve the ... young people"

who access that care. Instead, our focus should be on supporting and improving gender identity healthcare. What steps is the Scottish Government taking to improve access to and delivery of national health service gender identity services for all, including children and young people?

Jenni Minto: I note that behind every headline there are children, parents, carers and clinicians who are all impacted. I agree with Bill Kidd and reiterate the Government's absolute commitment to improving the lives of trans people living in Scotland. In order to improve access to and delivery of gender identity healthcare in Scotland, we have invested more than £2.8 million since December 2022, of which £2.2 million is being allocated directly to NHS health boards with gender identity clinics to support local improvement work—in particular, to address waiting times and service capacity.

As I said, we are working with Healthcare Improvement Scotland to develop national standards for gender identity healthcare and we are supporting NHS National Education Scotland to develop new training materials for staff.

Carol Mochan (South Scotland) (Lab): The publication of the Cass review is undoubtedly significant. I know that the cabinet secretary and the First Minister have continually said that they will leave the decision to the clinicians but, ultimately, the Scottish people expect the Government to step up and make a decision on whether it will implement well evidence-based recommendations to protect Scottish children. If not, why not? I ask the minister not whether, but when, a statement will be made to Parliament on this important issue so that members have time to discuss it.

Jenni Minto: I reiterate that the Government, our officials and senior clinicians are reviewing the report. I do not think that it is appropriate to respond quickly. We have to do that in the appropriate time, so that we understand exactly what the implications are of the Cass review to gender identity services in Scotland. I want to make sure that we put the children, their families and the clinicians at the centre of that work.

Gillian Mackay (Central Scotland) (Green): Many people will be watching the chamber this week as MSPs discuss their healthcare. I want to send solidarity and support to all the young people who are watching. Can the minister outline, for any young people who are distressed by the discourse that is currently happening around their healthcare, what services there are to support their on-going wellbeing?

Jenni Minto: I agree with Gillian Mackay entirely that it is the young people who we have to

put at the centre of this, and we have to ensure that they get the support that they need. I am pleased that NHS Greater Glasgow and Clyde and Sandyford are still providing that support to young people and their families through a multidisciplinary team.

Diabetes Improvement Plan

3. Sarah Boyack (Lothian) (Lab): To ask the Scottish Government what progress it is making in implementing its diabetes improvement plan. (S6O-03302)

The Minister for Public Health and Women's Health (Jenni Minto): The Scottish Government is committed to ensuring that everyone living with diabetes can access clinically appropriate, safe, effective and person-centred healthcare treatment and support. The implementation of the diabetes improvement plan is overseen by the Scottish diabetes group. Delivery is under way on work on improving diabetes education, prevention of foot ulceration, in-patient care and supporting people with diabetes during and after pregnancy. A key commitment in the plan is to increase access to diabetes technology. Since 2021, the Scottish Government has provided £19 million of additional funding to national health service boards to support that commitment.

Sarah Boyack: In a letter to me last April, the minister stated:

"our aim is to improve access to closed loop and artificial pancreas systems at the earliest opportunity."

However, patients across Edinburgh have told me that they will not get those innovative solutions because, even though they are clinically appropriate, the health board faces a severe financial situation. Even worse, a patient who was on a trial that was successful has been told that she will have to return to her glucose pump system, even though the closed-loop system has made a huge difference to her health and quality of life. Will the minister meet me and patients who are affected? Although there is a real opportunity to improve diabetes patients' quality of life, that opportunity is not just being denied to my constituents—it is now being snatched away.

Jenni Minto: I sympathise with the situation that Sarah Boyack's constituents find themselves in. I am happy to meet her and her constituents to hear directly about how the situation is impacting them, and to continue discussions with the clinical leads, as we do on a regular basis.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Can the minister outline how much funding the Scottish Government has invested in recent years into the provision of diabetic technologies, and what has been achieved as a result?

Jenni Minto: Between 2016 and 2022, we invested £29.6 million specifically for diabetes technologies. That was in addition to baseline funding to NHS boards. In 2023, we also invested £350,000 to pilot a national on-boarding pathway to support the roll-out across Scotland. That funding supports people—including more than 1,700 children—who live with type 1 diabetes to access life-changing technologies, such as insulin pumps.

We know that there is a lot more that we can do to increase access to diabetes technology, and we continue to work with key stakeholders to determine the best way to do that and how to fund it.

Foyso Choudhury (Lothian) (Lab): A constituent in Lothian, Stephen, was granted access to an insulin pump after a shocking three years on the waiting list, and there are reports that Lothian waiting times could increase to 10 years by the end of 2024. Waiting times in parts of England for the same technology are 14 months. Will the minister advise what action is being taken to reduce those terrible waiting times?

Jenni Minto: We are working closely with NHS boards on the way in which they choose to spend their money. I am also working closely with my officials to see what else we can do from a Government perspective.

Cancelled Operations

4. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government, in light of recent reports that one in 10 planned operations in the national health service were cancelled this January, what steps it is taking to reduce the rate of cancelled operations. (S6O-03303)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray): Surgical procedures can be cancelled for various reasons. In the year to February, 6.3 per cent of all planned procedures were cancelled for either clinical reasons or by the patient, and only 2.2 per cent were cancelled due to capacity or non-clinical reasons.

In fact, there has been a general upwards trend of operations performed since May 2020, with a 10.3 per cent increase in the year to February, compared with the previous year. Activity will further increase through our investment of £30 million to target pandemic backlogs, including in orthopaedic treatments.

The revised waiting times guidance, which was published in December, also instructs health boards to complete waiting list validation on a regular and continual basis. That ensures that waiting lists are accurate and helps to identify

patients whose needs have changed, which, in turn, reduces the number of cancellations.

Alexander Stewart: The message that such a level of cancelled operations is standard fare is simply not good enough. A teenager who had only months in which to undergo life-changing spinal surgery was woken after being prepared for surgery and told that the operation had been cancelled due to staff shortages.

The situation is intolerable for parents, patients and families. What action can be taken to ensure that other people who are in similar positions are treated with the urgency and respect that they deserve?

Neil Gray: I think that the case that Alexander Stewart referred to was in NHS Lothian. He might be aware that I met both the medical director and the chair of NHS Lothian off the back of some of the coverage of the situation regarding spinal surgery there. I have also asked the chief medical officer and the chief nursing officer to intervene to look at what support could be provided to ensure that, when cancellations happen because of a capacity issue, we address those concerns.

As I said in response to Mr Stewart's initial question, the number of procedures is going up and the number of cancellations is coming down. A recovery is under way, and we will continue to invest in it so that the situation that Mr Stewart outlined can be improved.

Foyso Choudhury (Lothian) (Lab): My constituent, Liz, unfortunately suffered a bad prolapse in 2021. She was told that, as her womb was bearing down on the prolapse, she would need a hysterectomy, the waiting list for which could see Liz wait for up to two years in pain and discomfort for her operation. What urgent action is the Scottish Government taking to reduce those long, painful hysterectomy waiting times?

Neil Gray: I thank Foyso Choudhury for raising the issue of his constituent's hysterectomy. If he wishes to send me further details, I would be happy to consider what more can be done in that case. I point him to the response that I gave to Alexander Stewart regarding the investments that we are making, the reduction in waits that we are seeing as a result of some of the interventions that we are making, the reduction in the number of cancelled operations and the increase in the number of operations being undertaken. If he would like to write to me with the details, I would be happy to do what I can within the limits that he would expect.

National Care Service (Headquarters)

5. Keith Brown (Clackmannanshire and Dunblane) (SNP): To ask the Scottish Government what consideration it has given to the

location of the headquarters of the proposed national care service. (S6O-03304)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): We are currently at stage 2 of the National Care Service (Scotland) Bill and, at this point, consideration has not been given to the location of any potential premises. I set out in my letter to the convener of the Finance and Public Administration Committee in December that we anticipate that existing premises will be used, removing the need for additional cost. That aligns with Scottish Government policy on the new single Scottish estate approach and its more efficient use of existing public sector assets, which the Deputy First Minister set out in our recent budget statement and the programme for government.

Keith Brown: As the minister will be aware, a significant amount of innovative work is under way in the Clackmannanshire part of my constituency, including the growing partnership between NHS Forth Valley, the University of Stirling and Forth Valley College, as well as the sector-leading work on sustainable ageing, which is planned as part of the Stirling and Clackmannanshire city region deal. The minister will also be aware of how central and fantastic the locations of Clackmannanshire and Stirling are.

Does the minister agree that locating the headquarters of Scotland's national care service alongside that centre of innovation would align with its goal of future proofing the social care sector for generations to come, and will she meet me to discuss potential opportunities further?

Maree Todd: As I mentioned in my previous answer, we have not considered the potential location of premises for the NCS. As ever, though, I am pleased to hear about innovation, and I would be very happy to learn more about the project involving NHS Forth Valley, the University of Stirling and Forth Valley College at an appropriate time.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising national health service general practitioner. Minister, you said that we are at stage 2 of the National Care Service (Scotland) Bill, so when will we see the amendments that you have failed to produce as promised?

The Deputy Presiding Officer: Please speak through the chair.

Maree Todd: I will continue to update the lead committee. As members would expect, I have provided a response to the report from the stage 1 proceedings, and we will proceed as normal. I expect us to treat each other with courtesy and respect over this issue.

Sandesh Gulhane: When?

Maree Todd: As members know, this is not entirely in my control.

Sandesh Gulhane: You are the minister.

Maree Todd: We have to work with Parliament and other bodies to ensure that we can absolutely see through the passage of the bill, and members will hear through the lead committee.

The Deputy Presiding Officer: Let us listen to both the questions and the responses with respect.

Craig Hoy (South Scotland) (Con): Is the minister aware that the Abbey care home in North Berwick, the Edington care provision in North Berwick and the Belhaven care provision in Dunbar are all set to close? Should the minister's attention not be focused on the crisis in Scotland's social care sector, not on where the Government might house bureaucrats in a £2 billion national care service bureaucracy?

Maree Todd: As I said in my response to the original question, we have not given any consideration to the premises for the headquarters of the national care service as yet. We are simply at stage 2 of that legislation. The member points out a number of issues that are acute in the social care sector, and we are working very carefully through them with our partners in local authorities, which have the responsibility for commissioning and procuring social care at present.

Infrastructure Investment Plan

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government what discussions the health secretary has had with ministerial colleagues regarding the plans for health infrastructure investment in its revised infrastructure investment plan, including the likely publication date of any such plans. (S6O-03305)

The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray): The capital position is extremely challenging. The United Kingdom Government has not inflation proofed its capital budget, and the latest forecasts show that our block grant for capital is expected to reduce in real terms by 8.7 per cent by 2027-28, which is a cumulative loss of more than £1.3 billion. As a result of that cut, all capital projects are now under review. I expect the Deputy First Minister to set out the results of the review soon, following Cabinet consideration.

Murdo Fraser: It was long before the current budget issues that he mentioned were identified, back in the spring of 2021, that plans for the new elective surgery centre at Perth Royal infirmary were announced. There was a promise that it would be completed and receiving patients by the end of this year. Three years on, an outline

business case has still not been approved, the costs have spiralled and nothing seems to be happening. Will the much-needed and long-awaited facility for the people of Perthshire ever be delivered, or was that just an empty pre-election promise?

Neil Gray: A number of projects are before me that I wish to see happen. Murdo Fraser listed one for which the case is well and truly made. However, the situation that we have is a financial reality that Murdo Fraser may not wish to hear about, which is that UK-based inflation—especially construction inflation—means that the cost of the projects has spiralled upwards thanks to uncontrolled UK inflation. Meanwhile, the UK Government does not appear to see the merit in inflation proofing its capital investment for the economy or the health service. As a result, we have a diminished capital budget, which means that we have to review our capital projects. We are committed to that undertaking, including by looking at alternative forms of finance to see as many projects as possible come about, because, like Murdo Fraser, I wish to see them happen for the improvement and recovery of our health service.

Jackie Baillie (Dumbarton) (Lab): Unfortunately, the plan—when it is published—may make rather thin reading, as almost all capital projects in health have been cancelled. I want to focus also on national treatment centres and cancelled projects in Ayrshire and Arran, Lanarkshire, Lothian, Grampian and Tayside, because they were central to the Government's plans to tackle long waiting lists. What is the cabinet secretary's plan to deliver those projects, and when will they start?

Neil Gray: I wish to correct Jackie Baillie's initial assertion that capital projects in health have been cancelled. They have not been cancelled; they have been paused while the capital position is under review. The Government wishes for as many of those projects as possible to be able to get the go-ahead. I would love to be in a situation in which the UK Government saw the merit in investing in capital projects. Whether it is a Labour Government or a Conservative Government, I wish that it would see the merit of that not only for the health service but for the economy, and then we could see about ensuring that all the projects get off the ground.

Beatrice Wishart (Shetland Islands) (LD): The Gilbert Bain hospital, in Lerwick, is one of the oldest hospital buildings in the Highlands and Islands—as the cabinet secretary will know from his recent visit to Shetland. When will my constituents learn of the timetable for crucial work to replace the 1950s-designed building? Will we need to wait until the publication of the revised infrastructure investment plan, or can it be

confirmed now that the anticipated timeline has not changed?

Neil Gray: Beatrice Wishart is correct in saying that I was at the Gilbert Bain hospital a couple of weeks ago, when I was in Shetland. Thanks to the tour that I was given of it by Gary Robinson, the chair of NHS Shetland, and others, I am aware of the acute situation at the hospital. There are areas of it that are in a particularly bad state—I understand the issues—but I cannot give any further commitment on the timescale while the review of capital projects is under way. As per other projects that are paused at the minute, the case for it has been made and it is about raising the finance and ensuring that the project can be delivered. That is what the Deputy First Minister and me are embarking upon.

The Deputy Presiding Officer: Question 7 has been withdrawn and question 8 was not lodged.

That concludes portfolio question time. There will be a brief pause before we move to the next item of business, to allow the front benches to change.

Hate Crime and Public Order (Scotland) Act 2021

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a debate on motion S6M-12855, in the name of Russell Findlay, on repealing the Hate Crime and Public Order (Scotland) Act 2021. I invite members who wish to speak in the debate to press their request-to-speak buttons.

14:50

Russell Findlay (West Scotland) (Con): Three years ago—

Keith Brown (Clackmannanshire and Dunblane) (SNP): On a point of order, Presiding Officer. I wonder if it is possible for you to clarify, given the terms of the motion that we are about to discuss, which is on repeal of the 2021 act, that the actual effect of a majority vote for the motion—which I do not expect to happen—would have no impact on the 2021 act or on the law as it currently stands.

The Deputy Presiding Officer: I thank the member for his point of order. That is the position as per the standing orders of Parliament, which I think that everybody is aware of.

Please resume, Mr Findlay.

Russell Findlay: Thank you. In the sweepstake, I had a Keith Brown intervention after 30 seconds, not three seconds.

Three years ago, Humza Yousaf was standing here in Parliament, lapping up applause and basking in adulation, having delivered the act. He described it at the time as being “truly transformative”, and he was right. It was transformative, just not in the way that he thinks it was. From April fools’ day, it has transformed Scotland into a place of international mockery. It has transformed the birthplace of the enlightenment into a place where free speech has been debased and devalued, where sinister police billboards instruct people to snitch on those who hurt their feelings, where contentious discussions and disagreements in one’s own home can result in a knock at the door from the police, and where every single complaint—no matter how groundless or absurd—is subject to police investigation, while despairing officers are being told not to pursue real crimes. Welcome to Scotland, home of Humza Yousaf’s hate crime law, AKA the “clypes charter”.

Kevin Stewart (Aberdeen Central) (SNP): It seems that Mr Findlay has swallowed his own publicity on all of this. Does he think that the

harassment and hate of disabled people is a real crime?

Russell Findlay: That is a preposterous intervention. I am talking about the many thousands of crimes that have been deemed not to have been crimes at all—that is, the vast majority of the 9,000 hate crimes that have been reported to the police. That is what we are talking about.

As the Scottish Conservative Party and many others warned that it would be at the time of its passage, the legislation is a disaster. It is a disaster on paper and in reality. The Scottish National Party backslapping of 2021 was crass and ill-judged. It was the celebration of bad legislation by a Government that specialises in bad legislation.

Liam Kerr and others worked hard on amendments to fix the worst elements of the bill. Back then, just two SNP members defied Nicola Sturgeon's whips to abstain on it. How many will find the bravery and the steel to do the right thing today? How many will listen to senior nationalist figures who understand that freedom of speech is much more precious than party loyalty?

What of Scottish Labour? Former leader Johann Lamont tried to protect the rights of women and girls. The legislation protects men wearing women's clothing, but not women. When Johann Lamont's amendments failed, she voted against the bill, along with one other Labour member. As usual, Anas Sarwar sided with the SNP—not for the first or the last time. Will he repeat that same mistake today?

The chilling effect of the legislation is real. Some fear being subject to investigation and prosecution for stating the truth about biological sex. When J K Rowling put that to the test on social media, Police Scotland confirmed that she had not committed a hate crime, but what about those without her cash and clout? Even if prosecutions are unlikely, being subject to an investigation can be daunting, disruptive, humiliating and financially costly. Police arrive at a person's home or workplace, the person is taken away in handcuffs, their phone is seized and they are forced to pay for a lawyer—that is stigmatising and damaging to personal reputations and employment prospects.

I am particularly struck by the phrase "the process is the punishment". Anyone who has ever taken on Scotland's powerful and unaccountable public bodies will know exactly what that means. Even before the act was enforced, a street preacher in Glasgow was wrongfully arrested over false hate crime allegations.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): As a matter of factual accuracy, will Mr Findlay concede and put

on the record that protection of freedom of expression is built into the legislation, including the point that criticism or commentary on any protected characteristic is not to be mistaken for hatred or abuse?

Russell Findlay: I will come on to that, but the cabinet secretary did not point out that there is no dwelling defence, which I will also come on to.

Even before the act was enforced, my colleague Murdo Fraser was reported to the police. His alleged crime was to make a light-hearted quip about Scottish National Party policy relating to people who say that they are non-binary. The complaint and the investigation were kept secret from him. He had no idea that the police had then recorded that as a non-crime hate incident. Police Scotland's response to Murdo Fraser has been confused and confusing, and the justice secretary's response to his question yesterday cast no light.

During yesterday's proceedings, the justice secretary also made allegations about misinformation. There has been misinformation, but, from what I have seen and heard, it has come from the SNP Government and its agencies. The law states that the hate crime threshold is met if something would be deemed by a reasonable person to be "threatening or abusive". My party tried without success to amend that to say "threatening and abusive", which is a crucial distinction and would be a higher bar for prosecution. However, an SNP minister took to the airwaves to incorrectly state that the law says "threatening and abusive". Yesterday, the cabinet secretary added to her Government's catalogue of misinformation by telling Parliament that the threshold is now "threatening and/or abusive", and she did so while railing against misinformation. I presume that that was through ignorance and not intent, but it misrepresents that critical point.

Then we have Police Scotland's extraordinary output. Its website tells the public that a hate crime is

"Any crime which is perceived by the victim, or any other person, as being motivated, wholly or partly, by malice, ill will or prejudice against a social group."

That is simply untrue. Something does not become a crime just because someone perceives it to be a crime. Such flagrant misinformation fuels public confusion. Moreover, it is fuelling the flood of complaints. The police website targets working-class white men, in effect telling them to watch their mouths. I ask whether Police Scotland, in citing so-called white male entitlement, has committed a hate crime.

Then, of course, we have the hate monster—a ridiculous cartoon character that would surely be deemed too silly for the scriptwriters of "Scot

Squad". Let us not forget the sinister Government billboards on the issue or that that campaign cost taxpayers at least £400,000 and generated even more nonsense complaints.

Should we be surprised by the creeping criminalisation of freedom of expression in Scotland? I am not, because that has been the direction of travel for years. As far back as 2016, Police Scotland told the public to consider whether their social media comments were "kind" or "necessary". If they were not, Police Scotland warned that a visit from officers could be expected. Of course people should be kind, but who on earth decides what is "necessary"? What has any of this got to do with the police?

The law was not enforced for three full years because Police Scotland knew that the legislation was seriously problematic and that it would be inundated with complaints. It knew that the legislation would be weaponised, and that is exactly what is happening.

Humza Yousaf claims that there is a "rising tide" of hate crime in Scotland, contrary to the evidence. His Government is urging Scots to report hate crime while peddling misinformation about the definition of hate crime.

Angela Constance: I am listening very carefully to your remarks. I am just waiting for you to come to the point at which you put on the record the existence of hate crime in this country and your condemnation of it.

The Deputy Presiding Officer: Speak through the chair, please.

Russell Findlay: On the day in 2021 when the bill was enacted, the SNP Cabinet Secretary for Justice and Home Affairs was enjoying a nice jigsaw puzzle. Meanwhile, on our streets, overstretched police officers were dealing with a much harder challenge. Days ago, His Majesty's Inspectorate of Constabulary in Scotland reported that Police Scotland officers feel unsafe and unable to do their jobs as they are constantly being told to do more with less, but those same exhausted officers are now being ordered by the SNP to police our speech. Hundreds of officers have still not been trained in the new law. Before the recess, the Criminal Justice Committee asked for the training material, but we were not given it—no wonder, as officers say that it is wholly inadequate.

The Scottish Police Federation deserves great credit for standing firm against the breathtaking Government spin. We keep being told that the tsunami of spurious complaints will have no detrimental impact on the investigation of real crimes. That is patently untrue, as federation officials have patiently explained. I despair at the

Government's sneering sense of moral superiority and failure to tackle the issues that truly matter.

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

Russell Findlay: I am sorry, but I do not have time.

Never mind plummeting education standards and classroom violence; never mind the tragedy of record numbers of drug deaths; never mind a stagnant economy stymied by hostile ministers; never mind islanders being reliant on a fleet of decrepit ferries; never mind our national health service being neglected by a disgraced ex-health secretary who was more interested in keeping his job; and never mind the filth and squalor on our potholed streets. Nope, never mind the day job when the Government would rather virtue signal and preach to ordinary Scots about what opinions are deemed to be acceptable. That is pious, puerile and patronising.

MSPs should start listening to the majority of people in Scotland, who agree with the Scottish Conservatives. This is about freedom of speech. It is about bad legislation. It is about letting our police officers do their jobs. It is about rejecting division by turning Scot against Scot to clype on friends, colleagues and family. Based on the evidence, we were right to vote against the legislation three years ago and, based on the evidence, we are right to call for its repeal today. I urge all members to do the right thing and back the Scottish Conservative motion.

I move,

That the Parliament believes that the Hate Crime and Public Order (Scotland) Act 2021 should be repealed.

15:03

The Minister for Victims and Community Safety (Siobhian Brown): The Hate Crime and Public Order (Scotland) Act 2021 will help us to target hate crime in Scotland and support those who are most affected by those crimes.

First, I will respond to some of the points that have just been made about the 2021 act. Over the past two weeks since its implementation, the Scottish Government has responded to numerous media statements in order to combat misinformation, which is still regularly regurgitated, including in this chamber. To dispel that misinformation, it would perhaps be beneficial for me to set out again what the 2021 act does. It is designed to consolidate existing legislative protections against offences that are aggravated by prejudice against the following five characteristics: disability, race, religion, sexual orientation and transgender identity. That is the exact same group of characteristics that are

protected in England and Wales under the current hate crime legislation. This Parliament agreed to add the additional characteristic of age, which has been welcomed.

We know that the impact on those who suffer from hate crime can be traumatic and life changing, and we want to ensure that we can protect those who are affected. However, the Conservatives would have this Parliament remove those protections.

Hate crime, as set out under the act, is a behaviour that is both criminal and rooted in prejudice and where the offender's action has been driven by hatred towards a particular group. However, the Conservatives would have this Parliament repeal the act.

Russell Findlay: Will the minister give way?

Siobhian Brown: I will come to Russell Findlay in a moment.

The 2021 act introduced new offences for threatening or abusive behaviour and for the communication of threatening or abusive material that is intended to stir up hatred against a group of people who possess or appear to possess particular characteristics. However, the Conservatives would have us take away such offences, which are perpetrated against people in our society.

I will take a brief intervention.

Russell Findlay: I thank the minister for allowing me to intervene. The minister began by saying that she was about to reveal some misinformation from members in this chamber. I have been waiting with bated breath, but I have still not heard any such specific allegations.

Siobhian Brown: I apologise to Mr Findlay, but I am going through my speech. I am not actually sure what he just asked me for. [*Interruption.*]

The independent review—[*Interruption.*]

The Deputy Presiding Officer: Members.

Siobhian Brown: —of hate crime by Lord Bracadale in 2018 that led to the act clearly stated the need for legislation in that it would help to recognise the impact of and harm caused by hate crime in saying that

“Stirring up of hatred may lead to violence or public disorder.”

The Conservatives want us to ignore that harm.

The act does not prevent people from expressing controversial, challenging or offensive views, as has clearly been demonstrated, nor does it seek to stifle criticism or rigorous debate in any way. The right to freedom of expression has been specifically built into the act.

The act also provides a high threshold for criminality. For the new offences, it has to be proven that the behaviour is threatening or abusive and that it has the intention to stir up hatred. That is a higher threshold for a crime committed under the act than for the offence of stirring up racial hatred, which has been in place since 1986 in Scotland.

Michelle Thomson (Falkirk East) (SNP): On that point, I want to enable the minister to set the record straight. I am not sure what actions Police Scotland is taking to incorporate the precedent that was set in *Miller v College of Policing* in December 2021, which applies to England and Wales, where it was determined that the policy of reporting non-crime hate incidents breached article 10.

I understand that Police Scotland reported in its bulletin of April to September 2023 that it would adopt the policy, but to what extent has it done so? Will the minister set out the specific details of whether the policy has been fully incorporated or whether it is being incorporated through a staged process?

The Deputy Presiding Officer: I will give you your time back, minister.

Siobhian Brown: First, non-crime incidents are not related to this act in any way. As we know, the recording of non-crime hate incidents is an approach across the whole of the United Kingdom. I am aware of the Miller recommendation that has been implemented in England and Wales. Police Scotland has indicated that it is currently reviewing it for implementation in Scotland.

Since 2014-15, an average of 6,700 hate crimes have been recorded by the police each year. In 2021-22, 6,927 hate crimes were recorded by the police. Of those, 62 per cent included a race aggravator, 27 per cent included one for sexual orientation and 8 per cent included one for disability, highlighting the clear need for hate crime legislation.

From research in 2020-21, we know that around a third of hate crimes involve a victim who has experienced an incident at their place of work or as part of their occupation. Most of those victims work in retail or service industries, and that does not include the police. The same research shows that almost a quarter of all victims of such offences that were recorded in 2020-21 were police officers.

We have worked closely with our justice partners, including Police Scotland, since the act was passed in 2021 to ensure that its implementation and delivery would be robust. I am grateful to Police Scotland for its outstanding dedication and professionalism since the act came into force.

Within the first week of the act's implementation, Police Scotland received more than 7,000 reports of hate crime, of which the vast majority were assessed not to be criminal. Over the same week, 232 hate crimes and 30 non-crime hate incidents were recorded.

There have been reports of individuals and groups exploiting the new legislation to make vexatious complaints in order to overwhelm police systems. We must send a strong message to those making vexatious complaints that they must stop doing so. I hope that every member across the chamber, regardless of political affiliation, will stand united in that call.

Online reporting drastically decreased by 74.4 per cent during the past week to 1,832. That fall was not reflected in the number of recorded hate crimes, which further strengthens the Government's position that the legislation is needed to support those who are the target of hate crimes. We have also seen the first recorded crimes using the new age aggravator, with 38 such crimes recorded in the first fortnight of implementation. Police Scotland has reiterated that, although the increase in reporting has been greater than usual, that is being managed by the contact centres and the impact on front-line officers has been minimal.

I turn to our plans on misogyny. Women, like everyone else, are already protected in law from threatening and abusive behaviour but are not specifically covered in the 2021 act, for well-known reasons. During the consultation on Lord Bracadale's report, a number of women's groups raised concerns that the proposed hate crime framework did not reflect the reality of the misogynistic harassment and abuse that is experienced by so many women.

For that reason, we established the working group on misogyny, led by Baroness Helena Kennedy, to consider in detail issues relating to misogyny and the criminal law and to make recommendations for reform. We consulted on draft legislation to implement the report's recommendations in 2023. Those will inform a final bill, which we will introduce this year.

During the development of the hate crime strategy, we heard from people who felt unable to leave their homes due to the fear of being the target of hate crime. The 2021 act will go some way to providing those people with the confidence to carry out their lives in a safe manner.

Today, the Conservatives call for the repeal of the 2021 act. Let me be crystal clear: this Government has no intention of repealing the act. Repealing it in full would leave Scotland as the only country in the United Kingdom without specific legislation to protect communities from

hate crime. Why would anyone not want our communities to be protected from hate and crime?

I understand that the Conservatives want the act to fail because they need to justify why they did not support it in 2021. They will therefore do everything that they can to discredit it. However, my message is that that will not work. Legislation that protects people from hatred is not new; it is still needed and the misinformation that has surrounded the act is irresponsible.

The 2021 act modernises and updates legislation—

Craig Hoy (South Scotland) (Con): Will the minister take an intervention?

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): Will the minister give way?

The Deputy Presiding Officer: The minister is bringing her remarks to a close.

Siobhian Brown: —and, if it was repealed, as the Conservative motion calls for, it would put back in its place legislation that would, once again, make blasphemy a common-law offence. That is an offence that has not been prosecuted in Scotland for more than 175 years—once again, that is the Conservatives taking us backwards.

We are committed to providing people with the protection that they deserve. I say to those who have faced prejudice just because of who they are—due to their race, religion, disability, sexual orientation, transgender identity or age—that we stand with them, unlike the Conservatives, and that we will ensure that we have laws to protect them.

Let us all stop the gutter politics and the scaremongering and, as elected members, take responsibility to protect some of the most vulnerable people in our communities.

I move amendment S6M-12855.3, to leave out from “should” to end and insert:

“, as supported by the majority of the Parliament, will provide greater protections for those who are targeted victims of hate crime; notes that the Act was developed following a review into hate crime by senior retired judge Lord Bracadale, who recommended specific legislation to recognise the impact and harm caused by hate crime; further notes that around a third of hate crimes in Scotland involved a victim who experienced the incident at their place of work or whilst undertaking duties as part of their occupation, most of whom were working in retail or other service industries, and that a quarter of recorded hate crimes had a police officer victim, and recognises that the impact on victims of hate crime can be traumatic and life changing.”

The Deputy Presiding Officer: I take this opportunity to remind members that, using the new system, if a member seeks to make an intervention, they should press the relevant button on the console. In the course of the debate thus

far, there has been increasing use of the button—well done to all those who have used it. However, I ask those members who are not yet familiar with the system to start to use the intervention button.

I call Pauline McNeill to speak to and move amendment S6M-12855.4.

15:14

Pauline McNeill (Glasgow) (Lab): Scottish Labour voted for the Hate Crime and Public Order (Scotland) Bill in good faith, and we supported many of the amendments—especially the amendments that Adam Tomkins lodged to ensure that the bill as enacted would protect freedom of expression. We agree that we must have good, robust law on hate crime that is well understood by those who enforce it, but we also agree that there should be a high test for criminality.

Labour made it clear that a sex aggravator should have been included in the Hate Crime and Public Order (Scotland) Act 2021. Three years on, there is still no sign of the legislation that was promised within one year of that act being passed. In view of that, we call on the Scottish Government to reconsider and to bring in sex as an aggravator now.

Liam Kerr (North East Scotland) (Con): Will the member take an intervention?

Pauline McNeill: I will—after I have made this point. The First Minister did not help to get the support of women who are trying to make sense of what has happened in the past few weeks when he refused to make the distinction between sex and gender in an interview on BBC Scotland this week.

Liam Kerr: I remember Pauline McNeill arguing strongly for a sex aggravator at stage 2 of the Hate Crime and Public Order (Scotland) Bill. The Scottish Conservatives voted with Labour to get such a provision inserted in the bill. However, under Humza Yousaf's whip, the SNP, the Greens and the Lib Dems opposed it. Does she feel that she has been utterly let down by Humza Yousaf, the former justice secretary?

Pauline McNeill: I have been quite clear, as has Scottish Labour, that it was wrong not to include a sex aggravator in the 2021 act. What has been exposed over the past two or three weeks is that the Government should reconsider its position now that it knows that, although its proposed misogyny law will be a good law, it will be four years before it goes on to the statute book.

For Scottish Labour, the purpose of this afternoon's debate is to test the Government's ability to address some of the serious problems that have arisen over the past few weeks. The implementation of the 2021 act has been a

shambles. In the first few weeks, there have been 8,000 reports of hate crimes, which has meant that officers have had to be brought back to do overtime shifts. The Scottish Police Federation has said that an extra 40 officers a day have been needed to deal with the responses to the legislation, not to mention the hapless hate monster campaign.

The Government will say that the situation will calm down in time, but the problem is that the public are already beginning to lose confidence in the legislation, which is why Scottish Labour is calling for urgent post-legislative scrutiny of the act to review the poor implementation and confused communication, and to address the significant issues that have arisen since 1 April.

The police are required to investigate all alleged offences, no matter how trivial or vexatious the reports are. Because of that requirement, Lord Hope, who used to be Scotland's most senior judge, has commented that the act has placed an "extraordinary" burden on the police. The Government must address that important point. Fewer than 4 per cent of the 8,000 reports of hate crimes that were made in the first week went on to be assessed as actual crimes.

Michelle Thomson was right to raise the reporting of non-crime hate incidents, the policy on which was implemented following the Stephen Lawrence inquiry report. Following a successful legal challenge, that policy is no longer in place in England and Wales. I listened to what the Cabinet Secretary for Justice and Home Affairs said in response to Murdo Fraser yesterday, and I am still no clearer as to whether the non-crime hate incidents that are recorded by the police count in relation to disclosure certificates, for example. There must be a review of the recording of hate incident reporting. I know that that is not part of the legislation that we are discussing, but it has exposed the issue.

Why should anyone have on their record a matter that is deemed not to be criminal? Against the backdrop of the proportionate response to crime approach, that is a really important point. Michelle Thomson was quite right to ask whether the recording of non-crime hate incidents is truly compliant with the Human Rights Act 1998. Personally, I do not think that it can possibly be.

The Scottish Police Federation says that the biggest issue with the 2021 act is the amount of police time that is wasted and the irrationality of a situation in which the police now do not attend and deal with certain crimes. Police Scotland has been using overtime to cope with the online reporting, and that is not sustainable.

The cost of implementation of the ill-conceived 2021 act is already huge. It has been reported that

nearly £500,000 has been spent on promoting the act, yet the majority of people are unclear as to how it differs from previous law. I dread to think how much the hate monster campaign has cost the taxpayer, but it has certainly cost the SNP credibility, and it needs to face up to that.

Ironically, the campaign was offensive; one point on which I agree with Russell Findlay is that it explicitly targeted young men aged between 18 and 30—particularly those from socially excluded communities—who, it said, were more likely to commit hate crime. Surely the Government must accept that, with all the good intentions, that is something that has gone horribly wrong.

Angela Constance: Will the member take an intervention?

Pauline McNeill: I am happy to hear from the cabinet secretary on that point.

Angela Constance: I point out to Ms McNeill that the public information campaign to which she has referred was not a Scottish Government campaign but a Police Scotland one that took place a year ago.

Ms McNeill asked for clarification, so I give her clarification that Police Scotland is reviewing its code and guidance in response to developments south of the border regarding non-crime hate incidents.

Pauline McNeill: I welcome that last point, but that is what I thought that the cabinet secretary would say. The Government has to take responsibility. As the Government, it has presided over the implementation of a very important act—we supported it on that—and it needs to take responsibility for the way in which the act has been implemented. It is not right to blame Police Scotland for a campaign that has gone horribly wrong.

The act has merit—that is where I agree with the cabinet secretary. Prosecutors can attach prejudice aggravators to crimes such as assault and threatening or abusive behaviour, and if the aggravator is proved, it can be taken into account in sentencing. However, as I argued strongly at the time, sex is a characteristic that matters when it comes to understanding levels of violence—Lord Bracadale described the omission of sex as a lost opportunity. I fully support the work of Helena Kennedy on misogyny but, understandably, women did not want to wait for the results of a working group, and they were proven to be right on that. Women are regularly the targets of offending behaviour that is based on hostility towards their sex.

Two weeks on from the act's implementation, the public are none the wiser. The Scottish Government must take responsibility for the mess.

I ask it to set out how it intends to address the questions of the roll-out and implementation of the act, to restore confidence by taking major steps if it thinks that public confidence can be restored, and to take the best elements of the law forward.

I move amendment S6M-12550.4, to leave out from “believes” to end and insert:

“recognises that the Hate Crime and Public Order (Scotland) Act 2021 was intended to improve protections for individuals and communities from hate, but has been let down by the chaotic implementation of it by the Scottish National Party administration; acknowledges the Scottish Government’s failure to properly communicate the changes in the legislation, or to give adequate training to Police Scotland; requests that the Criminal Justice Committee carry out an urgent review into the operation of the Act, specifically the new provisions, and calls on the Scottish Government to urgently address the flaws in its implementation of the Act, to use its powers under section 12 of the Act to add the characteristic of sex as an aggravator and protected characteristic under the Act, and to review the recording of hate incident reporting to make sure that it is compliant with human rights law and prevents the recording of vexatious complaints.”

15:22

Liam McArthur (Orkney Islands) (LD): Given what the motion says, it is worth reminding ourselves that the Parliament has shown itself willing to repeal legislation when the need arises. It is certainly unusual—thankfully so—but not unheard of. I was a member of the Justice Committee in the previous session when we considered not just the Hate Crime and Public Order (Scotland) Bill but a member’s bill that was lodged by former Labour colleague James Kelly to repeal the discredited Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

Some members might seek to draw comparisons between the two pieces of legislation, but I believe that the differences are stark. The 2021 act emerged following a lengthy and detailed review by Lord Bracadale, which was set in the context of mounting public concern at the time about a rise in all forms of hate crime, particularly in relation to antisemitism and Islamophobia; the 2012 act emerged in the aftermath of an infamous old firm match, as a knee-jerk response by the then First Minister, Alex Salmond, to criticism of him and his Government for doing little or nothing to tackle the scourge of sectarianism. The 2021 act reflected the generally recognised benefit to be had from modernising and codifying existing laws while extending certain protections that were in place regarding race to cover other protected characteristics, namely,

“age, disability ... religion, sexual orientation”

and

“transgender identity”;

the 2012 act reflected a something-must-be-done panic in the Government, leading to a decision to use legislative levers to send a message, despite repeated warnings, not least from Police Scotland.

Those differences are crucial to bear in mind in the context of the debate. That is not to say that the bill that was presented to Parliament was not flawed—it was, and fatally so. The Government did itself and its case no favours by initially failing to include any reference to intent in relation to stirring-up offences or even a reasonableness test. Explicit freedom of speech protections were added at stage 3 but would have been helpful in the bill from the outset.

Russell Findlay: I am slightly confused. I was not here in 2021. The member talked about the legislation being fatally flawed, but his party voted for it. Is it now regretting that decision?

Liam McArthur: Russell Findlay should listen to what I am saying. The bill that was introduced was fatally flawed, which is why the Government had to come forward with an intent amendment ahead of stage 1, which is pretty unheard of in this place.

Of course, there was the question whether to include sex as an aggravator. At the time, Scottish Women's Aid, Rape Crisis Scotland, Zero Tolerance and others all argued strongly against that; instead, they preferred a stand-alone misogyny offence, which Baroness Kennedy's report subsequently endorsed. There is absolutely no doubt, though, that the continued absence of the misogyny offence leaves a gap in protections that is highly problematic and difficult to defend. Therefore, as I did following yesterday's statement, I urge the cabinet secretary to publish the promised bill on misogyny without delay. Rather than belatedly adding sex as an aggravator, as the Labour amendment suggests, that remains the best way forward.

In her statement yesterday, the cabinet secretary also acknowledged failings in how the Government has communicated about and prepared for the introduction of the legislation—I think that that is fair. It is unfortunate that such an acknowledgement is absent from today's motion, as the situation certainly contributed to some of the confusion around the issue.

It would be useful to understand what further steps the cabinet secretary and the minister believe that the Government can take to rectify the position and ensure that the law is applied sensitively, practicably and in ways that fully respect essential freedoms, such as freedom of expression. It was helpful to hear the minister respond to the point that Michelle Thomson and then Pauline McNeill made about the Miller recommendations and the hope that the recording of non-crime hate incidents may well be done

differently going forward. However, whatever the failings around communication and preparation for the implementation of the legislation, Parliament needs to decide whether it still believes that robust action is required to tackle hate crime. I believe that it is.

As I said earlier, I served on the Justice Committee, which scrutinised the bill. I had the privilege of doing so alongside former Conservative MSP Professor Adam Tomkins, who proved to be a hugely effective convener. I still consider a couple of the speeches that he made during the stage 3 proceedings on the bill to be among the finest that I have heard in the chamber over the 17 years that I have been an MSP. In those speeches, he spelled out in terms that Parliament found compelling and persuasive the necessity of including robust and explicit freedom of speech protections in the bill. He also made the important point that such freedoms have never been wholly unfettered. As a result, although it will now be an offence to behave in ways that a reasonable person would consider threatening or abusive if, in doing so, the intention is to stir up hatred, the law also states that “particular regard” must be had to the rights to free speech, including the principle that that right protects communications or behaviours that others may find offensive, shocking or disturbing.

In my view, the debate would have benefited greatly from the presence and contribution of Adam Tomkins. I conclude with the words of Professor Tomkins, writing in *The Herald* earlier this month:

“If we focus on what the Act actually means, rather than on what intemperate voices on both the left and the right are falsely claiming it means, we might yet make a success of it.”

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

15:28

Murdo Fraser (Mid Scotland and Fife) (Con): Lord Hope of Craighead is the pre-eminent Scottish lawyer of his generation. He rose to the position of Deputy President of the UK Supreme Court and is widely respected for his experience and knowledge. Last week, in a newspaper article, he called for the 2021 act to be repealed. He is joined in his criticism of the act by a broad range of opinions, including those of the SNP's Joanna Cherry MP, representatives from Alba, a wide range of academics, commentators and lawyers and, even significantly—as Russell Findlay reminded us—the police themselves. Representatives of the rank and file and senior police officers have expressed their serious concerns about the legislation. I make that point because it is not just the Scottish Conservatives

who are calling for the act to be repealed. That might be the case in the chamber, but in wider Scottish society, our call has extensive backing.

I know that both Labour and the Liberal Democrats voted for the act in 2020. I say to them that there is no shame in accepting that that decision was a mistake, or—in the light of experience, and in particular the shambolic fashion in which the act has been implemented and the pressure that it is putting on an already hard-pressed police force—in reconsidering that decision and joining us in backing its repeal.

I will focus my remarks on non-crime hate incidents, to which a number of members have referred. The issue is not part of the 2021 act but is closely related to it, so I expect that we will see many more incidents being recorded as a result of the act's introduction.

Last November, a social media post of mine that was critical of Scottish Government gender policy was reported by a trans rights activist to the police as a hate crime. The police determined that no crime had been committed but that the matter would be recorded as a non-crime hate incident.

I was not informed of that. Indeed, I would still be unaware of it had the activist in question not then reported me to the Ethical Standards Commissioner. The commissioner threw out the complaint but, at that point, I became aware of the recording of a hate incident. At that point, in December, I wrote to the chief constable of Police Scotland, asking for an urgent meeting to discuss the implications. I have still not had a reply from the chief constable, although I received a response from my local chief inspector in Perth three months later.

Having taken legal advice, with the support of the Free Speech Union, it is my view that the recording of non-crime hate incidents is unlawful in a number of respects. In particular, I believe it to be in breach of articles 8 and 10 of the European convention on human rights, which protect freedom of expression, particularly of political views.

It is significant that the police in England and Wales had to change their policy on recording of non-crime hate incidents based entirely on the perception of the complainer following the judgment of the Court of Appeal in the case of *R (on the application of Miller) v the College of Policing*, which Michelle Thomson and others have referred to. For reasons that are best known to itself, Police Scotland did not change its policy at that point. I believe that it will have no alternative but to do so. However, I cannot understand why it is dragging its feet.

The matter was made much worse when I discovered that numerous complaints that were

made against both Humza Yousaf and J K Rowling two weeks ago as hate crimes were—in clear breach of stated Police Scotland policy—not recorded as non-crime hate incidents. I have been in correspondence with the police on the issue, but they have been unable to provide me with a satisfactory explanation of why, in my case, a different approach was applied from that which was applied in the First Minister's case.

Fergus Ewing (Inverness and Nairn) (SNP): [*Made a request to intervene.*]

Murdo Fraser: I will give way in a second.

I sincerely hope that that is not an example of political bias on the part of Police Scotland. However, in the absence of any credible alternative explanation, that suspicion must remain.

I will happily give way either to the minister or the cabinet secretary if they can explain why Police Scotland took a different approach to my case from the approach that it took to Humza Yousaf's case. Neither wishes to do so, so I give way to Mr Ewing.

The Deputy Presiding Officer: Briefly, please.

Fergus Ewing: I share Mr Fraser's and Jo Cherry's concerns. Would one way to peruse the matter in a rational and considered way be for the Scottish Government to appoint a lawyer who is expert in human rights to consider and review the matter, after taking soundings from and consulting the Law Society of Scotland, the Faculty of Advocates and leaders of political parties in Parliament to ensure that the appointee is irreproachably independent? That would be a way to sort out what is a clearly serious matter in Scotland.

Murdo Fraser: Mr Ewing has made a sensible suggestion. Given the Government's inability to explain what has been going on, any progress on that front would be welcome.

After three months of trying, I have secured a meeting with the police. I am meeting the deputy chief constable of Police Scotland and the chair of the Scottish Police Authority next week.

It cannot be acceptable that the police are treating opposition politicians differently from how they are treating members of the SNP Government. It is simply deplorable that they think that they can avoid providing an explanation to the public for their actions.

In a liberal democracy, we have a principle that must be applied: the principle is policing by consent. That means that the police must be answerable and accountable for their actions. I urge the minister, regardless of whether the motion is passed today, to ensure that the police

are acting in a fair and balanced manner in application of their policies. We, as a country, will be in a very dark place if that does not happen.

15:35

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Hate crime has long been a scourge on Scottish society and we all have a responsibility to challenge it. The Hate Crime and Public Order (Scotland) Act 2021 was passed by a majority of MSPs in March 2021, following Lord Bracadale's independent review of hate crime legislation. In his report, Lord Bracadale reminds us that legislation will not change attitudes on its own but that clearly defined legislation and well-developed procedures will increase awareness of hate crime and can contribute to attitudinal change.

I am drawn to the definition of hate crime that was used by Lord Bracadale, which is that offences

"which adhere to the principle that crimes motivated by hatred or prejudice towards particular features of the victim's identity should be treated differently from 'ordinary' crimes."

The then Justice Committee's stage 1 report on what would become the 2021 act outlines that evidence was taken from 35 witnesses, that over 2,000 written submissions were received and that research was commissioned to assist scrutiny in relation to elder abuse and approaches in other jurisdictions. The bill was subjected to significant amendment, as has been acknowledged today. That, in my view, reflects a very robust scrutiny process.

The 2021 act consolidates existing protections against offences that are aggravated by prejudice against the five characteristics of disability, race, religion, sexual orientation and transgender identity—the same characteristics as are protected in England and Wales. The act also includes age as an aggravation and introduces the new offence of "stirring up hatred" against people by reason of their possessing particular characteristics. The 2021 act does not prevent people from expressing controversial or offensive views, nor does it seek to stifle criticism or rigorous debate—that simply cannot be part of modern-day society.

Many of us here, in the chamber, have come into politics having left behind a professional life. In my case, that included living through the introduction of many new and challenging pieces of legislation including the Adult Support and Protection (Scotland) Act 2007, the Mental Health (Care and Treatment) (Scotland) Act 2003, the Regulation of Investigatory Powers (Scotland) Act 2000 and hate crime legislation.

The reality is that legislation takes time to bed in and that it takes time for practice to adapt, for officers to build confidence and experience in using new laws, and for the public to understand what new laws mean for them. Not for one second can we diminish the importance of making good law that is effective in its purpose, or the importance of effective training and guidance, and not for one second can we underplay the need for a communication strategy that leaves the public in no doubt about what the new law means for them—a point that was acknowledged in the cabinet secretary's statement earlier this week.

On the motion to repeal the 2021 act, there is no context, no detail or evidence, no proposal for a replacement and no acknowledgement of the consequences of repeal on legal practice and minority groups.

The Labour amendment does not acknowledge that it is a matter for not only Police Scotland but the Scottish Police Authority to ensure that officers are work ready, well trained and competent in their application of the law. The amendment also calls on the Scottish Government to urgently review the implementation of the act, but I am really not clear what that relates to. It possibly relates to the public education point that Katy Clark raised in her question to the cabinet secretary during yesterday's statement.

On the point about reviewing the operation of the act, that fails to acknowledge the reporting requirement in Sections 14 and 15 of the act, which require the Scottish Government to publish reports on hate crime convictions and on hate crime recorded by the police. Neither the Tory motion nor the Labour amendment makes reference to the fact that Police Scotland is accountable to the Scottish Police Authority. Indeed, the SPA has been tracking and analysing reporting since 1 April. That is its role.

Of course, as has been previously mentioned, there is a mechanism embedded in Parliament for post-legislative scrutiny, which exists to consider the effectiveness, or otherwise, of law.

In the cloudy landscape of media discourse, there have been some glimmers of positivity. Professor Adam Tomkins, who was convener of the Justice Committee during the passage of the bill, has stated that

"the new hate crime act has been misrepresented by intemperate voices on the left and the right."

James Chalmers, who is regius professor of law at the University of Glasgow, describes the act as providing

"a more accurate label for prosecuting serious cases of hatred."

Earlier this week, Andrew Tickell, who is a senior lecturer in law at Glasgow Caledonian University asked:

“Can it really be Scottish Tory policy that harassing the disabled, assaulting ethnic minorities and daubing antisemitic abuse on synagogues should not be treated in Scots Law as aggravated by prejudice? Because that’s a big part of what repealing the Hate Crime Act would achieve.”

I sincerely hope not.

Liam Kerr: *[Made a request to intervene.]*

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

Audrey Nicoll: Hate crime is everyone’s business and it ruins lives. I hope that the motion is more about political gesture than it is about a serious proposal. I urge members to support the Scottish Government’s amendment.

15:41

Liz Smith (Mid Scotland and Fife) (Con): It is the Parliament’s 25th anniversary year and the thoughts of many journalists and commentators are rightly focused on how well it is functioning and, in particular, on whether we are capable of passing good law. Now, good law is, as Adam Tomkins reminded us, the concept in jurisprudence that decrees that a legal action is both valid and able to hold legal weight—not a law that has had to be overturned or rendered obsolete. It is a law that is the basis for effective policy making and, as such, it requires clarity of purpose; to be understood in simple language; to be strong in its evidence base; to be workable; and, of course, to be accepted by the public. In short, it should balance the requirement for simplicity with legal precision. Those are surely the criteria against which we should examine the 2021 act.

I do not doubt for a minute that the basic intentions of the act were good ones. Who can argue against the fact that hate is an all-too-prevalent cancer in our society, and who can argue against protecting vulnerable minorities who tend, all too often, to be the victims? That is why, during stage 1 of the bill three years ago, those principles were supported by every party in the chamber. The problem is not the intention but, as only the Scottish Conservatives pointed out at the time, the fact that the act does not meet the thresholds for good law. Instead, it constitutes bad law, because it is based on unsound interpretation of the legal principles and on a proposition of law that is erroneous.

Now, the First Minister and the proponents of the act assure us that the bar for prosecution is set high, but we have found out that the police have been recording hate incidents even if they do not

meet a criminal threshold. Worse still, individuals might not know that they are on the recorded list, as happened to Murdo Fraser. That assurance does not hold water.

Keith Brown: Will the member take an intervention?

Liz Smith: I will not, if the member does not mind.

Nor does the fact that there is no clear distinction between private and public settings. It is rightly anathema to free-thinking Scots that, potentially, in the privacy of their own home they can commit a crime that will be reported on.

The real problem for the act is that it is attempting to crack down on a problem that is not clearly defined, thus muddying the waters about the right balance between freedom of expression and human rights. It goes well beyond Lord Bracadale’s review, because it is based on how you are perceived by someone rather than on your belief or action.

As the Law Society of Scotland reminded us at stage 1, all victims of whatever characteristics cannot by this act have the same expectation of what is offending behaviour. That means that there is no clear line between offensive behaviour that has been criminalised and that which has not, which is no doubt why the Scottish Police Federation is so concerned about the act being unworkable.

There is a wider issue here, too. Why is it that, when so many stakeholders raised concerns, they were not listened to by the Scottish Government? The First Minister tells us that the current controversy about the act is largely a result of misinformation and misrepresentation among what he described as the “Holyrood bubble”? How wrong he is if he thinks that it is just politicians making a fuss.

However, what bothers me more is the fact that this is by no means the only example of the Scottish Government’s unwillingness to listen in order to prevent the enactment of bad law. We saw it in gender recognition, in offensive behaviour at football, in railway policing and in named persons law, all of which failed to adhere to the principles of good law.

Despite the good intentions, part 2 of the 2021 act is illiberal, intrusive and deeply flawed, and just as for named persons law, it is deeply unpopular with the public because they can see those glaring flaws all too clearly. Just as for named persons, the legal responsibilities are confused. Just as for named persons, the Scottish Government does not appear to be listening to the legal advice, the police or the many stakeholders who feel that it will be an intrusion into privacy and personal

choice. Just as for named persons, fair-minded people can see that the act as it currently stands is unworkable.

The Scottish Conservatives opposed the Hate Crime (Scotland) Act 2021, not to scaremonger or to incite fear, but because it was wrong. That is why it should be repealed. I finish by saying that not only should the Scottish Government be asking itself about why it fails to heed the right advice; so, too, should this Parliament be reflecting on why it ends up with too much bad law. That is a debate for another day.

15:46

Carol Mochan (South Scotland) (Lab): Today's debate is an important one, because we need robust good law and we must discuss things if they have not gone well. In my view, the SNP has yet again failed to effectively implement important legislation. Constituents are telling me that the SNP runs a Government that is founded on incompetence, and, in the past few days and weeks, the Government has been in denial about the strength of feeling across communities on the issue.

Poor governance and poor implementation of legislation will inevitably lead to challenge after challenge and struggle after struggle. For the First Minister, that has been the story of his leadership so far. Why is that important? It is important because people lose confidence.

Alasdair Allan: Will Carol Mochan acknowledge the point that the minister made some time ago that, regardless of what members' views are about implementation, there have been orchestrated campaigns in this country to, I would go so far as to say, waste police time around the implementation of the act by what I think can only be called bad-faith actors.

Carol Mochan: I will go on to discuss the way in which we, as parliamentarians, need to be responsible in this area.

The implementation of the 2021 act and the subsequent reaction by the Government has shown that the Government is not performing. It is completely out of touch. Again, I want to make the point that the reason why that is important is that it causes our communities to lose faith.

As my colleague Pauline McNeill noted, the SNP had an opportunity to show that the act could be sensibly and correctly implemented, but instead we have ended up with a disastrous messaging system while completely failing to resource and train Police Scotland. It is not an issue on which the SNP can employ its usual dither and delay tactics; it needs urgent and purposeful action to

correct things before our communities completely lose faith.

Siobhian Brown: It is important to highlight that, for the past year, I have regularly met justice partners, including Police Scotland, and we were not going to implement the 2021 act until Police Scotland was ready with the implementation of its computer system and with training. The date was, therefore, on Police Scotland's terms.

Carol Mochan: If we are to have a mature debate about the 2021 act, we must acknowledge that we can see that Police Scotland is struggling. We know that it is underresourced and that the training that is in place consists of only a small two-hour package. Given the importance of this legislation, that is not enough.

I will not go back over the points that Michelle Thomson, Pauline McNeill and others have made about the legislation's compliance with human rights law, because the minister has tried to address that issue, but I hope that the cabinet secretary will address it again in her closing remarks.

What is important is the way in which our communities are being failed. We are failing on the messaging front but, more importantly, we are failing on the promises that were made, which the minister reiterated in her opening remarks, on tackling hate crime in this country. It is important that we tackle hate crime in Scotland.

I cannot, in good conscience, sit back today and listen to the Conservative Party try to take the moral high ground. Conservative members in the chamber are part of a Conservative Party that tries to pit workers against workers, which politicises the most vulnerable in our society, including those who are seeking refuge, and which has fallen so far that it has no interest in fighting an election on its record, preferring to do so by dividing communities and creating tensions within them.

Liz Smith: Will the member give way?

Carol Mochan: Not at this point.

I urge the public to see the motion from the Conservatives today not as a call in favour of freedom of speech or expression but rather as a further attempt to exploit those who are often the most vulnerable in our community. I maintain that there is nothing positive to say about the SNP's implementation of the 2021 act, but the Conservatives' approach is, in my view, opportunistic, and I am confident that the public will see that.

Liz Smith: Will the member give way on that point?

Carol Mochan: Of course.

Liz Smith: I am not sure whether the member has been following what Conservative members have said in the debate. The reason why we oppose the 2021 act and want it repealed is that it is based on bad law. It has nothing to do with political opportunism or anything like that—it is based on bad law, and that is why so many people in Scotland object to it.

Carol Mochan: I always find the member's contributions to be very reasonable, but in the context of this framework, I find that the Conservatives do not perform well.

I do not have much time left, so it is important that I turn to the Labour amendment, which calls for the use of section 12 of the 2021 act

“to add the characteristic of sex as an aggravator and protected characteristic under the Act”.

I have limited time, but I ask members to consider that. Why do I believe that? We only have to listen to some of the excellent speeches that were made by women at that time, including by my colleagues Johann Lamont and Pauline McNeill, who, along with others, contributed greatly to that debate. The minister and the cabinet secretary must accept that we cannot wait for four years and that continuing on the same path that they have been taking does not mean that the issue will disappear.

I do not have much time left, so I will close. I hope that the Parliament will support Labour's amendment, because it sets out a balanced way to approach how we can implement this very important legislation.

15:53

Rona Mackay (Strathkelvin and Bearsden) (SNP): I welcome the chance to speak in the debate both as a current member of the Criminal Justice Committee and as a member of the Justice Committee when the bill that became the Hate Crime and Public Order (Scotland) Act 2021 was passed.

This debate will, I hope, sort the fact from the fiction, of which there has been an abundance since the start of the month. In 2021, the Justice Committee was convened by a former Tory MSP, the professor of public law Adam Tomkins, who skilfully steered the bill through the various stages until it was passed by 82 members in the Parliament.

In recent weeks, Professor Tomkins has confirmed that some of the key pillars of the new law, such as its provision criminalising the stirring up of hatred, have been around for decades. Indeed, stirring up of racial hatred has been on the statute book in Scotland since 1986. Professor Tomkins explained:

“What the Hate Crime Act does is to take that core idea (stirring up racial hatred) and apply it to a range of ‘protected characteristics’: not just race”—

Russell Findlay: Will the member tell me how Professor Tomkins voted in relation to this legislation?

Rona Mackay: I am aware that he did not vote for it. I am not talking about that; I am talking about his recent comments and the process of the bill going through the committee. He had his own reasons for not voting for it.

Professor Tomkins said:

“What the Hate Crime Act does is to take the core idea ... and apply it to a range of ‘protected characteristics’: not just race, but religion, sexual orientation, transgender identity, age and disability”.

He went on to say:

“this idea is not new. In England it has been a crime to stir up hatred on religious grounds since 2006 and on grounds of sexual orientation since 2008 ... One of the things the new Hate Crime Act does is to bring that anomaly to an end.”

Crucially, Professor Tomkins confirmed that

“Offensive speech is not criminalised by this legislation”.

Let us be clear that hate crime has a hugely damaging and corrosive impact on victims, their families and communities. People are afraid to leave the house, are being bullied and harassed at work, and are living in a state of perpetual fear. I cannot imagine how difficult and distressing that must be.

The 2021 act is designed to protect people from the worst of that human behaviour and to give them greater protection. Who could argue with that? The Tories, apparently, with their ludicrous motion, which would leave Scotland the only nation in the United Kingdom with no protection at all for vulnerable groups.

Liam Kerr: Does the member not concede that, whatever the bill—which, at stage 1, she will recall, we all voted for—and the act were designed to do, it is the implementation that is fundamentally flawed?

Rona Mackay: I am not sure that it is reasonable to talk about implementation 17 days after an act has been introduced.

The Tories want to roll back on commonsense legislation that is designed to protect our citizens who need it most. It is incredible that a motion has been lodged that could roll back protection and give free rein to hate speech and abuse.

The 2021 act has been deliberately—and wrongly, in my opinion—conflated with the debate around transgender rights, despite disability, faith and sexual orientation also being protected characteristics. The fact is that the debate should

not be so divisive. No one wants to curb free speech, and the act certainly does not do that. The right to freedom of expression is specifically included in the legislation. The act is also compatible with the European convention on human rights, including article 10, which protects everyone's right to freedom of expression. There is also a defence available if

"the behaviour or communication ... was, in the particular circumstances, reasonable."

The new laws were developed following Lord Bracadale's independent review of hate crime legislation, which concluded that new specific offences relating to stirring up hatred were needed. The legislation was subject to extensive consultation and engagement throughout, including with communities affected by hate crime. It was widely amended on a cross-party basis and is probably the most amended bill that I have ever been involved in.

The act has a high threshold for criminality. For the new offences in the legislation, it has to be proved that the behaviour is "threatening" or "abusive" and intended "to stir up hatred". If the act was repealed, as the Tories want, we would in effect be condoning the stirring up of hatred against minorities and vulnerable people.

Hate crime is behaviour that is criminal and rooted in prejudice. It can be verbal, online or physical. It is ugly and has no place in a modern Scotland where our police officers are trained to combat prejudice. The pity is that, such is the level of misinformation, Police Scotland has had to correct inaccurate media reports about training materials—a level of misinformation that has opened the doors to a flood of vexatious anonymous reports to the police. I am willing to bet that they come from people who complain that the police do not have time to fight crime. The irony is astounding.

I find it interesting, but probably not surprising, sadly, that the stooshie around the act did not take place in any other part of the UK or internationally where hate crime legislation is in place. The underlying reasons for that are, of course, open to debate.

I want my children and grandchildren to grow up in a Scotland without hate and prejudice and to know that everyone is equal, whatever their race, disability, transgender identity, sexual orientation or age. Repealing the act would do future generations a great disservice, and Scotland deserves better. I will not support the motion at decision time.

15:59

Jamie Greene (West Scotland) (Con): I really need to clear something up. Having a problem

with the act does not and never will mean that we condone hatred in any shape or form. I say that directly to the members who have stated that, because hatred in all its forms is wrong. Racism, antisemitism, Islamophobia, homophobia, transphobia and misogyny are all wrong. That is not up for debate with me.

The problem is that Lord Bracadale's suggestion that Scotland's hate crime landscape was confusing was probably correct. The early incarnation of the hate crime legislation was probably well meaning. We never disagreed that tackling hate crime was important, and we never disagreed that the bill improved as it went through the legislative process. However, we were also clear that our red lines had been crossed.

Much has been said about Professor Tomkins, who is not here to speak. However, what he said is a matter of record. He voted against the bill, and here is why, in his own words:

"Even as amended and after all the work that we have done, the bill continues to pose a real risk to our fundamental rights and liberties".—[*Official Report, 11 March 2021; c 47.*]

It is there in black and white. He, I and eight others in the chamber did not support the final proposal. It is interesting that none of those eight is still in the Parliament today.

Liz Smith was absolutely right. Bad law with good intention was becoming the norm in the previous session of Parliament. Laws that created confusion rather than cleared it up were also becoming the norm. At least the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which was one such error, was repealed when the Parliament finally showed some grit and teeth. Those were the days.

Our red lines were unambiguous and clear. First, the bill was not, as has been claimed, directly comparable to legislation elsewhere in the UK. It clearly went much further. Secondly, the bill created offences that were vaguely worded, widely misunderstood and impossible to enforce. We now know that. Thirdly, and fundamentally, the act has fallen on its own sword of unnecessary intrusion into individuals' rights, including their privacy in their own home. That is why we voted against the bill.

Yes, we tried to improve the bill. There was the dwelling defence in amendment 5 and the inclusion of sex as a protected characteristic in amendment 4. I voted for both amendments, but the Government did not.

It was clear back then that the bill was way more than a consolidation bill. It veered far into the territory of articles 8 and 10 of the European convention on human rights. Everything that we

said would happen has happened. The act has become a vehicle for huge numbers of vexatious complaints to the police. A person can be accused of a hate crime with no means of finding out by whom or why, and they will have no idea if any record remains of that. That should be a concern to all of us, whatever our politics.

The question was never about whether we were for or against tackling hatred—that is a nonsensical argument. It is about whether this law was the right way to go about it. Is the legislation clear, proportionate and enforceable? If it failed those tests, I would not support it, and I did not support it.

Like many people—albeit for different reasons—I have experienced my fair share of bigotry over the years. My poor office staff have to delete most of that, and my poor mother reads the rest of it on Facebook. However, the question is how I choose to respond to it and, more importantly and philosophically, whether people hold the fundamental right to hold views towards me that I or others find offensive.

Back in 2021, Humza Yousaf, who was then the Cabinet Secretary for Justice, was clear. He stated that, if someone believes that

“sex is immutable”

or if

“they proselytise that same-sex relationships are sinful”—
[*Official Report, 11 March 2021; c 28*]

they would not fall foul of the law. For the record, I disagree with both comments. Stating a belief is not what this law was about. Given that there have been 10,000 reported hate crimes since 1 April, the question that we must ask ourselves today is: how many of those were actually about what this law is about?

Of course, we need laws to protect people. I benefit from laws that protect me. People cannot discriminate against me because of my sexuality. I supported in the Parliament—perhaps not without consequence—reform to gender recognition, and I do not regret that. However, I struggle to see why it becomes a police matter if somebody holds a different view on that matter from mine and expresses it. That is the conundrum that I have grappled with all the way through the process, because I fundamentally believe in freedom of speech.

The bill ventured way into the territory that criminalises not just what a person says or what they do, but how they are perceived. Free speech does not mean *carte blanche* to say anything to anyone we want at any cost, with no recourse or consequence—I understand that. However, we do no justice to tackling hatred if people believe that their thoughts and views are being policed in the

most granular and inappropriate way that a Government can police them. That was my red line back then, and it is still my red line today.

Sometimes Governments just make bad law—it is as simple as that. They make laws that do not eradicate hatred and do not inform the public discourse. I say to members that, if I thought that I had made a mistake by voting against the bill the first time around, trust me, I would say so. Today, we have the rare benefit of hindsight and today, I, too, will vote to repeal the act.

16:05

Stuart McMillan (Greenock and Inverclyde) (SNP): There has been a vast amount of misinformation about the act. That is why I wanted to speak today.

Russell Findlay: We have heard a lot about misinformation, but can Stuart McMillan point to one specific example of misinformation from members in the chamber?

Stuart McMillan: I have just started my speech. I will continue it. Let us see whether it answers Mr Findlay’s question.

At the outset, I put on record my disappointment at the way that the legislation has been conveyed publicly. Sadly, some media outlets have helped to peddle the narrative that the Hate Crime and Public Order (Scotland) Act 2021 is about limiting or removing free speech. That could not be further from the truth. Fundamentally, hate crime is behaviour that is both criminal and rooted in prejudice. It can be verbal, physical, online or in person. The act aims to tackle the harm that is caused by hatred and prejudice and to provide greater protections for victims and communities.

The legislation does not—I repeat, does not—prevent people from expressing controversial, challenging or offensive views, nor does it seek to stifle criticism or rigorous debate in any way. The right to freedom of expression is specifically built into the act.

It is the height of hypocrisy that the Conservatives are asking the Parliament to repeal the act, citing free speech limitations, when their Westminster colleagues are campaigning for the UK to leave the European convention on human rights.

Earlier, Audrey Nicoll spoke eloquently about the consequences that would result from repeal of the act.

Pauline McNeill: I quite agree with the member. The intention behind the act—and importantly, it was amended as such—was that people could express their views even if they were insulting or offensive. However, I wonder whether Stuart

McMillan has given thought to what Murdo Fraser said. If there is a high bar for criminality, why are we experiencing issues with people being reported to the police for doing things that should not concern a police station?

Stuart McMillan: I know that Pauline McNeill poses a genuine question. Earlier, one of my colleagues spoke about some of the actors in society who do not want the act to succeed. Sadly, there are bad actors in our society, and we have to accept that there are. Not everyone is a bad actor, but there are bad actors. In my opinion, some of those bad actors will have had an effect on what has happened in the media over the past couple of weeks.

I go back to the point about the UK seeking to withdraw from the European convention on human rights. That is despite the UK having drafted the ECHR and being one of the first states to ratify it in 1951. The issue is important because the ECHR offers significant protections on the rights to life, liberty, a fair trial, freedom from discrimination, freedom of assembly and freedom of expression, among other legal safeguards. Despite some of the grandstanding by the Prime Minister, the UK remains a participating member of the convention, of the European Court of Human Rights and of the Council of Europe. Whereas the Conservative UK Government seeks to abandon human rights, the SNP Scottish Government seeks to further enshrine them through our proposed human rights bill.

Another crucial point that has been lost in some of the public discourse is that the Hate Crime and Public Order (Scotland) Act 2021 mirrors legislation in England and Wales. We would not believe that to be the case from reading some of the criticisms that the law has attracted online. That is an inconvenient truth for those who do not support the Scottish Government, devolution or the Scottish Parliament. The continual talking down of the Scottish Parliament and what it does has gone into hyperdrive in recent years. The criticism of the 2021 act is just the current manifestation of those actions.

Liz Smith: Will the member take an intervention?

Stuart McMillan: I have already taken two interventions.

For clarity, the new offence—of threatening or abusive behaviour that is intended to stir up hatred based on prejudice towards characteristics, including age, disability, religion, sexual orientation, transgender identity and variations in sex characteristics—reflects the law in England and Wales, which recognises five types of hate crime based on race, religion, disability, sexual orientation and transgender identity. Any crime in

England and Wales can be prosecuted as a hate crime if the offender has either demonstrated hostility based on those characteristics or has been motivated by hostility based on those traits.

As you know, Presiding Officer, and as members should know, the offence of stirring up racial hatred has been on the statute books in Scotland since 1986. Therefore, the stirring up of hatred provisions in the 2021 act are not new, and the new law implements a higher threshold for criminality than the long-standing stirring up of racial hatred offence.

As politicians, I am sure that we all recognise that hate crime does not just take place online. Sadly, we all know of colleagues in the chamber who have experienced threats. Sometimes, those threats have extended to our staff. That has been the case recently in my office. I mention that as a reminder to all MSPs of the role that we play in informing the public about legislation that has been passed in the Parliament. It is a simple law of physics that, with every action, there is a reaction. Whether or not it is intentional, misleading people is counterproductive and, in some instances, it can be dangerous.

I thank the cabinet secretary for her statement yesterday, although it is sad that it had to be made. Clearly, lessons have to be learned about how legislation is communicated to the public but, fundamentally, we as legislators must consider our language and our actions. Politics can be a robust business, and that is healthy in any democracy. However, we should not allow our criticism to cloud debate with misinformation, as I have regrettably found to be the case on too many occasions when discussing the act.

16:12

Maggie Chapman (North East Scotland) (Green): It is clear that many Conservatives do not like the idea that victims and survivors of threatening or abusive behaviour on account of disability, religion, sexual orientation, transgender identity or age deserve the protection of the law. The Conservatives want to repeal the legislation that was passed by an overwhelming majority of this Parliament three years ago—a majority that included one of their members.

At a time when hate crimes have been increasing against, for example, disabled people and against people on the basis of their sexual orientation, and given the previously confusing hate crime legislation in Scotland, it is clear why Lord Bracadale considered such legislation necessary. If the Hate Crime and Public Order (Scotland) Act 2021 were to be repealed, we would have, at best, fractured and scattered protections against hate in Scotland, given that the

act repealed previous hate crime legislation. If that is the intent of the Tory motion today—if the Tories really want us to have virtually no hate crime legislation in Scotland—it is a pretty damning indictment of what that party thinks of so many of the freedoms that are outlined in much of international and UK human rights law and other civil protections.

We have heard much in Tory contributions about how we must stop sowing division in Scotland, about the importance of freedom of speech and about the value of communities coming together. I do not disagree with those sentiments or intentions, but it is clear that the debate is in danger of being flooded with the crocodile tears of Conservatives, because they care not a jot about freedom of speech. Their party, which is in government at Westminster, is responsible for a series of authoritarian attacks on the rights of people to express themselves. If it is not curtailing the right to protest, it is supporting the police in arresting journalists who are covering those protests. All of that is served with a side of undermining workers' rights to withdraw their labour.

Such restrictions, as contained in the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023, to name but two, have been condemned as draconian and deeply concerning by UK and international human rights organisations. The UK Government cheerfully steers the country into the third tier of the index on censorship rankings for freedom of speech, while those in the chamber claim that the only important thing is that they or their pals get to freely misgender people, stir up hate and generally make people feel unsafe.

The UK ranks alongside Moldova in relation to freedom of expression in no small part because of UK Government policy. It is all of a piece with a broader Tory agenda to silence opposition. While universities in England are to be compelled to host hate speakers, Priyamvada Gopal was disinvited from a Home Office event for having the temerity to write about the failings of the British empire. If someone wants to promote sexism on campus, the Tories are all for it, but if someone wants to point out that British forces tortured Kenyans during the Mau Mau insurgency, they will be silenced. The Conservatives are interested not in free speech but in silencing opponents and giving a free platform to those who want to spread the sort of speech that they agree with. Given that, today, they are opposing measures against hate speech, I think that we can all see what the character of the speech that they support is.

The legislation, which was passed with cross-party support three years ago, does two main things. It requires courts that deal with existing

crimes, such as assault and criminal damage, to consider aggravating hate factors, and it creates new offences of stirring up hatred. Neither of those things is entirely new or unprecedented. Scottish law already recognised that, when an offence is prompted by, for example, racial or religious hatred, the sentence should reflect our society's shared belief that such bigotry is unacceptable. Similarly, we already had a long-standing law against stirring up racial hatred, while other parts of the UK also have laws against stirring up hatred based on people's religion or sexual orientation.

The 2021 act brings those provisions together and extends protection to the characteristics of age, transgender identity and disability. It rightly retains the existing robust understanding of stirring up racial hatred but, in relation to the other characteristics, there are multiple safeguards to ensure the protection of free speech. It is only when someone intends to stir up hatred and is not acting reasonably—when a reasonable person would consider the behaviour to be threatening or abusive—that an offence might be committed. The 2021 act does not criminalise discussion of gender issues, criticism of policies or ridicule of religion. It also abolishes the outdated offence of blasphemy, as the minister outlined.

Contrary to what the Tories would have us believe, the 2021 act is not an act of censorship; it is one of protections—protections for people who should never have to face abuse, violence or hate, in person or online, just for being who they are.

16:17

Fergus Ewing (Inverness and Nairn) (SNP):

The life of the hate monster was a short but infamous one, because it became known all over the world, as I heard from friends in places as far away as New York and the far east. It achieved something that I did not really think was possible—for a short while at least, the hate monster became better known than the Loch Ness monster. I had not contemplated that that would be possible.

I hope that it is axiomatic—others have made this point—that everyone in the chamber must abhor hateful, abusive, horrendous and disgusting remarks and behaviour of a very serious nature. It is not helpful to the debate to suggest that some members in the chamber with whom we might happen to disagree politically somehow condone, permit or, in some way, favour the expression of hatred. Nobody does that here; we are a civilised chamber. That is not a sensible point to make in the debate, and it does not travel well.

Are we saying that people outwith the political bubble, class or whatever we want to call it—people such as Lord Hope, those in the Police Federation and J K Rowling, whose world is not of

politics and who have other interests entirely—are in favour of condoning, permitting or encouraging hatred? Of course they are not. They are expressing legitimate criticisms.

As it happens, and not just because I voted for the bill when I was bound by collective responsibility, although I would have liked to have included women as a protected grouping and regretted that they were not included—that really must be put right—I will not vote for the Tory motion, because I do not believe that the act needs to be repealed, as Liam McArthur argued in his excellent contribution.

However, there is a strong case that the act should be reformed, in many ways. I do not have time to address all of the issues, so I will address just one, which is the issue of non-crime hate incidents, which is almost an oxymoron, actually. As a lawyer and someone who has studied the law almost every day, in one way or another, since 1979, and who studied before then at Gilmorehill, I remember attending criminal law classes and reading Gerald Gordon's excellent text and studying crime; I do not remember the chapter about "non-crime hate incidents". In fact, I do not remember any chapter about "incidents". What are "incidents"?

In Scotland, if someone is charged with a crime, they have the right to defend themselves—the right to a fair trial. That is our system. However, that does not apply to these "incidents". Mr Fraser's experience is absolutely apt. I understand from discussion with him that he found out that there was a black mark against his name only because the complainant had made a complaint to the Ethical Standards Commissioner, who then informed Mr Fraser of it. It was thus only fortuitously that Mr Fraser even found out that there was a black mark against his name.

I should say that I have given notice to the justice secretary of this line of argument. Yesterday she dealt satisfactorily with many of the points that concerned me. I respect her efforts and appreciate her help, and I know that she advocates a review by the police and Martyn Evans.

Angela Constance: I am grateful to Mr Ewing for giving way. Obviously, I need to take some care when individuals have complaints and issues in relation to which they may or may not be seeking legal redress. I also need to be very careful not to step into operational matters. However, I want to put on record the conversation and exchange that I have had with Mr Ewing.

I have, indeed, discussed issues in and around the broad policy of non-crime hate incidents with the chair of the Scottish Police Authority, and very

much intend to do so again. I accept that clarity on these matters is very important.

Fergus Ewing: I thank the justice secretary for the engagement.

I gather that, if I were to make a subject access request to the chief constable as to whether there are any marks against my name, I would get a blank sheet of paper. He would not tell me, because apparently the information is held on something called an interim vulnerable persons database. When have we debated that? I do not recall it.

Is it not even more insidious that you can have a black mark against your name without even knowing about it? In what sort of democracy are we living? I used to read serious novels. I do not any longer, but I remember reading Franz Kafka, and that is the name that springs to mind. This is not a feature of western democracy, where the right to a free trial is a cornerstone and a pillar of our system. It is an abnegation of that. Why are we tolerating it?

With respect, cabinet secretary, the role of this Parliament is giving a lead, not just leaving it to the police and sitting on the sidelines as a spectator.

The Presiding Officer: You must conclude, Mr Ewing.

Fergus Ewing: The suggestion that I made—which is that there should be an independent expert human rights lawyer selected after agreement with all relative parties to ensure an irreproachable degree of independence—would be the right way to take that forward and end what I see as a perversion of our justice system in Scotland.

16:24

Liam Kerr (North East Scotland) (Con): In looking at the amendments—both those selected and those not—and listening to the remarks of the parties that lodged them, it is striking how surprised they all seem at what has transpired, because everything that has happened since the act came into effect was warned about loud and clear during the bill's passage.

Lucy Hunter Blackburn warned:

"The people this will get used against are much more likely to be working class".

That was followed recently by the stupid, infantilising hate monster campaign, which says, utterly egregiously:

"We know that young men aged 18-30 are most likely to commit hate crime, particularly those from socially excluded communities".

Police Scotland warned in its submissions at the time that the bill's costs had been "grossly underestimated" and sometimes completely unaccounted for. That was followed last week by the SPF warning that the act will lead to front-line spending restraints and reduced ability to deliver effective policing.

Scott Wortley warned that the legislation

"leaves it open for pressure to be put on people through vexatious complaints which take time and energy to defend."

Roddy Dunlop warned about potential "weaponisation" at the time of the bill. That was followed last week by a 74-year-old, mild-mannered pensioner being left traumatised, distressed and shaking, having been arrested for being—reportedly vexatiously—accused of a verbal hate crime.

The Society of Editors warned that

"the 'reasonable person' test stands every chance of being hijacked and used to silence free speech and penalise a free media."

That was followed by *Scottish PEN* recently expressing "deep alarm" at police officers potentially questioning a comedian for making an offensive joke or an actor being reported for communicating threatening or abusive material.

Finally, the Law Society expressed concerns that

"the freedom of expression provisions ... lack a degree of clarity and send confusing messages"

such that people do not know what the boundaries are or might unintentionally commit a hate crime. We now see the pantomime hate monster telling us:

"before you know it, you've committed a hate crime".

The minister, on national radio last week, and the cabinet secretary, just yesterday in this chamber, have wrongly stated that behaviour must be both threatening and abusive to be criminal. If even the Government that introduces the legislation cannot get it right, what chance do the public have?

Despite all the warnings, instead of doing their job and dispassionately and competently assessing the law and ensuring that the act turned basic principles and intentions—on which we were all agreed—into coherent, clear, workable law, supine MSPs from all parties bar the Scottish Conservatives voted through the act in the previous parliamentary session.

We cannot ignore the role and approach of the then Cabinet Secretary for Justice, a man who—the *Official Report* shows it—hid behind the shield of Government numbers while attacking with the sword of sarcasm and supposition to defeat sensible amendments from across the chamber

and who set his face against the voices of civic Scotland, which warned him over and over that, although the principles of hate crime protection may be sound, the implementation would be exactly what we now see coming to pass. This is the author of what was, at the time, the most controversial bill in Holyrood history—the First Minister, who, on the act's implementation, has not even bothered to come to the chamber today.

That suggests one of two things about the current First Minister: either he was so blinded by dogma and ideology that he was prepared to throw good law, good principles and workable protections against hate crime under the bus, or he was simply incapable of understanding how laws are drafted and operate. Perhaps both are true.

During the process of amending the bill at stage 3, I said:

"We must make law to protect people, but we must also make good law—law that does what it needs to do without unintended consequences." [*Official Report*, 10 March 2021; c 82.]

The previous Parliament failed to achieve that, and Scotland has on its statute book an act that will not work, that will be counterproductive and that, in many respects, looks like being actively prejudicial. In the streets and in my inbox, people across Scotland are frankly shocked by how this unworkable legislation wormed its way into public life—rammed through by a group of craven SNP MSPs who were egged on by Labour and the Liberal Democrats.

Let this Parliament right the wrongs of the previous one by consigning the appalling Hate Crime and Public Order (Scotland) Act 2021 to history and, with it, the premiership of this incompetent First Minister.

16:29

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Well, I have been called craven now, which is news to me. I will put my cards on the table: I prefer light, not heat, and fact, not fiction, so here are some facts. Let us look at the hate crime statistics, which predate this legislation.

Since 2014-15, the number of hate crimes—I emphasise the word "crimes"—that have been recorded each year in Scotland has been between 6,300 and 7,000, so hate crime is not new, although perhaps the public, like many of us, were not aware of the extent of it.

Fact: just under a third of hate crimes in Scotland involved a victim who experienced the incident at their place of work or while undertaking duties as part of their occupation. Fact: most of

those victims were working in retail or other service industries. Fact: in 2020-21, one in four recorded hate crimes had a police officer victim, with the figure rising to 37 per cent for religion and 45 per cent for sexual orientation-aggravated crimes. In January 2023, the police reported that nearly 7,000 hate crimes were recorded in 2021-22. So, such crimes have been being committed, perhaps without us realising or noticing.

What happened in the rest of the UK? Our legislation is not the same as, but is similar to, legislation in England and Wales, where the law recognises five types of hate crime on the basis of the characteristics of disability, race, religion, sexual orientation and transgender identity. However, we have introduced the characteristic of age, which is good and will, I hope, lead to older people reporting offences against them that have been committed, in part, simply because they are old.

Elsewhere in the UK, the stirring up of hatred on the ground of religion has been criminalised in England and Wales since 2007, and the stirring up of hatred on the ground of sexual orientation has been criminalised since 2010. In Northern Ireland, the law recognises the characteristics of disability, race, religion and sexual orientation.

Of course, our legislation follows the independent review that Lord Bracadale carried out in 2018. I will turn to a few of his recommendations. Recommendation 10 states:

“There should be a new statutory aggravation based on age hostility.

Where an offence is committed, and it is proved that the offence was motivated by hostility based on age, or the offender demonstrates hostility towards the victim based on age during, or immediately before or after, the commission of the offence, it would be recorded as aggravated by age hostility. The court would be required to state that fact on conviction and”—

I underline these words—

“take it into account when sentencing.”

We are talking about aggravations to crimes that have already taken place. That is what an aggravation is.

Recommendation 15 states:

“The current provisions in relation to stirring up racial hatred under the Public Order Act 1986 should be revised and consolidated in a new Act containing all hate crime and stirring up of hatred legislation.”

Recommendation 16 states:

“A protection of freedom of expression provision similar to that in sections 29J and 29JA of the Public Order Act 1986 and section 7 OBFTCA should be included in any new legislation relating to stirring up offences.”

What has followed—I am glad that the Government has admitted this—has been a failure

to communicate adequately to the public that the offences in question are not new, with the exception of age as a characteristic, the inclusion of which I am sure that members welcome. However, in my view, that omission has been exacerbated by a deliberate Conservative campaign of disinformation—note that I use the word “disinformation”, not “misinformation”. In my opinion, that bare-faced opportunism probably fuelled the many spam complaints that were received in the first week of the legislation’s implementation. In the second week of implementation, that number dropped by 75 per cent.

I share Fergus Ewing’s concerns regarding Murdo Fraser’s experience and the experience of others, and I trust that the cabinet secretary will give Fergus Ewing’s full comments due consideration, because I think that he hit the nail on the head. I, too, will quote Adam Tomkins, the former Conservative MSP and professor of public law. In March, he stated:

“Offensive speech is not criminalised by this legislation: the only speech relating to sexual orientation, transgender identity, age or disability outlawed here is speech which”—

this is not mentioned in the quote, but I add that these tests are not alternatives but are cumulative—

“(1) a reasonable person (2) would consider to be threatening or abusive and which (3) was intended to stir up hatred and (4) was not reasonable in the circumstances.”

All of those tests must be met.

Unfortunately for me, the charge is led not by Liz Smith or Jamie Greene, who made considered contributions, but, as usual, by Russell Findlay, who is not known for forensic talents similar to those of Adam Tomkins with regard to legislation but has, apparently, an insatiable appetite for the next tabloid banner headline, with his self-indulgent, flamboyant and frequently reckless contributions here and, indeed, in committee. That might offend Mr Findlay, but I trust that he will appreciate that that is an example of my right to expression of free speech, which I know he will defend to the hilt.

16:35

Paul O’Kane (West Scotland) (Lab): Although I was not in the Parliament at the time when the legislation was passed, I recognise, as colleagues have done, that it was accepted in good faith and that it sought to act on the findings of Lord Bracadale’s review, of which we have heard much this afternoon. We would all want to take a moment to recognise that hate crime is pernicious and deeply damaging. In his review, Lord Bracadale went out of his way to highlight the

particularly challenging circumstances of growing Islamophobia and antisemitism in Scotland and, through his recommendations, he sought consolidation of the law to make things better around access to recourse in that regard.

However, the past fortnight, since the Hate Crime and Public Order (Scotland) Act 2021 came into force, must surely be instructive for the Government, because there has been a clear demonstration of how the chaotic implementation of a law that is intended to improve protections from hate for individuals and communities has actively undermined confidence in that law and in its operation more generally. Many colleagues, including Pauline McNeill in her opening contribution, have outlined that the principles of the act, which consolidates hate crime legislation into one body of law and seeks to tackle damaging hate crime incidents, have been weakened by the Government's botched implementation. We need to reflect on a number of issues around that.

Pauline McNeill also highlighted that the omission of misogyny and sex-based hate crimes has left women feeling unprotected. There has been woeful communication, which has left people in the dark about what the act does and does not do, and implementation has been undermined by inadequate training and resourcing for Police Scotland. The Government has had three years since the bill was passed in which to ensure that the issues were dealt with—to ensure that the police were properly supported to train officers, to ensure that clear guidance was in place on practical implementation and interpretation, and to communicate clearly with the public about what was changing. We have heard about the three-year delay around the misogyny element, which could have been brought into the bill, and we are still waiting for progress on the stand-alone misogyny law. The inconsistent communication around the act has understandably confused matters.

Although we agree, on the whole, with the general principles of the law, we have to look at the serious problems that have been posed. A number of speakers have helpfully reflected on the challenges. Most notably, Liam McArthur and Fergus Ewing highlighted much that can be done to reflect on the legislation and improve it. It is also important to quote these words from Adam Tomkins, which we have heard many times:

"If we focus on what the Act actually means, rather than on what intemperate voices on both the left and the right are falsely claiming it means, we might yet make a success of it."

That is where my contribution comes from today. The implementation of the act has not been a good example of how to go about introducing new legislation in Scotland.

I hope that the Government is in self-reflective mode, because it has to take stock of the challenges and problems that have been highlighted throughout the debate, such as the absence of clear communication and guidance and the need for the police to be well resourced and supported, and it has to ensure that progress is made on what is missing from the act. It is clear that a number of things must be done to reflect on the act and move forward, because we have to face the facts of where we are and what we can do.

Pauline McNeill's suggestions and those in the Labour amendment point very clearly to what should be done. The Criminal Justice Committee should immediately undertake work to review the implementation of the act and look at the specific issues that I and colleagues have raised in the debate. In doing that, it should go into the level and nature of the complaints in the first week of implementation and what has happened with the drop in numbers. That important post-legislative scrutiny, which we are calling for today, should be undertaken by the Criminal Justice Committee, because it is crucial for moving forward.

It is also important that the Government reflects on the broader point of how we resource the police in Scotland. I am seriously concerned about the issues that have been raised by the Scottish Police Federation and others regarding how Police Scotland is resourced and supported. I ask the cabinet secretary to reflect in her summing-up speech on the cuts that have occurred in community policing across Scotland and the challenges that have been posed.

Angela Constance: Will the member take an intervention?

Paul O'Kane: I am in my final 30 seconds. I am sure that the cabinet secretary will want to reflect on that issue in her concluding remarks.

I return to where I began. The intent of the law is right. I think that everyone in the chamber agrees that challenges exist in relation to pernicious hate, but it is clear to me that the Government has failed on the implementation of the law and on building public confidence. It must now act, as we ask in our amendment, to rectify the situation.

The Presiding Officer (Alison Johnstone): Keith Brown will be the final speaker in the open debate.

16:41

Keith Brown (Clackmannanshire and Dunblane) (SNP): I will repeat a quote that Audrey Nicoll mentioned. She said that the senior law lecturer Andrew Tickell stated the following:

“Can it really be Scottish Tory policy that harassing the disabled, assaulting ethnic minorities and daubing antisemitic abuse on synagogues should not be treated in Scots Law as aggravated by prejudice? Because that’s a big part of what repealing the Hate Crime Act would achieve.”

Those were his words. However, during the debate, we heard the Tory spokesperson, when invited to do so, refuse to condemn hate crimes or even to acknowledge the existence of hate crimes in Scotland. Given that the Tory motion proposes no replacement for the act, we have to ask a different question: what is it about the absence of effective legislation on hatred against the vulnerable groups that are mentioned in the act that the Tories find so attractive?

The motion is performative. As I noted in my point of order at the start of the debate, it would have no effect on the law as it stands, so what underlies the Tory motive behind the motion? I think that Stuart McMillan was right—it is the latest iteration of the toxic elements of the Tory group trying to attack everything about this institution. There have been attacks on the police, on the judiciary, on the courts and on this Parliament. Of course, they could do what they usually do—they could go to big brother down south and say, “Why don’t you strike down this act of the Scottish Parliament?” I wonder whether any Tory MSP has asked the Tory Government or Alister Jack whether they would consider striking it down.

The trouble for the Tories is that, in a few months’ time, we will see the most venal Government that we have had in living memory thrown out. Who will they plead to then to beat down the Scottish Government?

I heard one Tory member refer to hiding behind the numbers. He was talking about the majority of this Parliament voting for the bill. That reveals the true nature of the Tories’ attitude towards democracy in Scotland. Of course, they have had a campaign with their usual friends. The reason why the Tories sometimes seem so certain of their case in the chamber is that every single word of it is parroted by their friends in the right-wing media.

Douglas Ross (Highlands and Islands) (Con): Will the member give way?

Keith Brown: I seem to have encouraged Douglas Ross to his feet. If he can be brief, I will take his intervention.

Douglas Ross: Does the member agree with Lord Hope, the former deputy president of the Supreme Court, who said that the legislation is unworkable and should be repealed?

Keith Brown: I can answer that very briefly by saying no. I do not agree with Lord Hope.

Over time, we will see, as we are starting to see, that if people act in good faith, the act can be effective in protecting the people that it seeks to protect. The reality is that the premise of today’s debate is the Tories’ objection to the policy. The level of misinformation about and mischaracterisation of the act that has, I am afraid to say, permeated the public discussion is really nothing to do with tackling hate crime but is actually a sad indictment of the political, media and online climate that we are living in today, in which outrage increasingly takes precedence over facts. As the cabinet secretary said yesterday, it therefore falls on all of us in the chamber to have a debate that is at least rooted in reality, respect and facts.

The climate that has been created has consequences, and the thousands of false complaints that have been made against people who obviously did not commit hate crimes are not only a huge waste of police time but a sad indictment of the misunderstanding of the act that has been peddled for all the wrong reasons. The fact that nothing has come out of many of the thousands of complaints proves that the fact that a person has discussed or criticised aspects of the protected characteristics and someone has been offended, shocked or disturbed does not make it a hate crime and that that is therefore—quite rightly—not criminalised by the law.

I was here during the passage of the bill. As we heard during that time, people of course have the right to be offensive to other people, including those in the protected groups. However, they do not have to do that; there is no obligation to be offensive to those people. Let us have a thought for the people in those groups, such as those who are suffering from antisemitism or Islamophobia. People are suffering if they are part of the groups that are characterised in the act because of the constant attacks on them, which are encouraged by the climate that we are now seeing. As has been said, they are very often fearful in their own homes, and that is largely to do with the public discourse around the legislation. Although we have the right to be offensive to people in those groups, we do not have an obligation to be so.

I, too, absolutely defend the right to be offensive. If that is what people want to do, they can, as part of free speech. However, the misplaced anger and frustration that have been generated by the reaction to the act is far too often channelled, not least online, towards the groups that the act seeks to protect.

Stuart McMillan mentioned the effect on many members. Like many members, I have had death threats—I think that I have had six now. I have had attacks in my constituency. My office manager was in the court all day yesterday trying to take

forward a case against somebody who wanted to kill me. The abuse is constant. We all know that that is happening, but let us accept some responsibility when we feed that atmosphere, because it has real consequences. We have seen those consequences impact those down at Westminster; we do not want to see that happen here.

Craig Hoy: Will the member give way?

Keith Brown: I apologise, but I am in my last 30 seconds.

We have two different visions of Scotland, in my view. One is that we have a law that challenges hate and has the effect of protecting vulnerable communities. The other is the Tory vision for Scotland, in which such protections are no longer in place and there is no legal framework. Under that vision, we would not have the new provisions that the 2021 act has brought in, previous provisions would be removed and we would be the least protected part of the UK. That is the vision that the Tories have for Scotland, and we should reject it at decision time.

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

16:47

Katy Clark (West Scotland) (Lab): I am pleased to close the debate on behalf of Scottish Labour. Hate and prejudice have no place in Scotland, and robust laws are needed. We know that the number of recorded hateful incidents has risen over a number of years, and it has been said in this debate numerous times that we already had hate crime legislation in Scotland. However, as Jamie Greene pointed out, the 2021 act is more than a consolidation.

I was interested in Audrey Nicol's comment about the consultation process leading up to the legislation, which I believe shows again the inadequacy of processes that consult on general principles rather than on specific proposals and a draft bill. As Carol Mochan said, the Scottish Government has failed to recognise the strength of feeling on the issue in communities, and I believe that Murdo Fraser's experience is one of the reasons why the act has been brought into disrepute. These are sensitive issues, and there has been a failure of leadership by the Scottish Government.

The debate in the previous session of Parliament highlighted the complexities of the provisions, and the first few days of the implementation of the act have been shambolic. As Russell Findlay said, the minister did not seem to understand the definitions of the offences created by the act, and there has been confusion

about what is and what is not a hate crime. The police have been overwhelmed with complaints, and the Scottish Police Federation has complained about poor training. Yesterday, the Scottish Government's response was to announce that it had published a fact sheet.

The chaos of the implementation of the act has led to a loss of public confidence. Siobhian Brown has said again today that there is a high threshold for criminality, but that point has not been part of the communications strategy. She also pointed to a fall in the number of complaints since the first days of the act. Today, however, she has again made ambitious claims about how the act will help marginalised groups. It is therefore hardly surprising that a large number of complaints have been made. The fact that Lord Hope has said that the act is unworkable shows the consequences of failures of communication.

As Pauline McNeill said, there is merit in some of the provisions in the act—for example, the aggravators. As has been said, Scottish Labour argued strongly during the passage of the bill that the characteristic of sex should be included in the legislation. We still believe that that characteristic should be added now, and it should not be necessary to wait for misogyny legislation.

Rachael Hamilton: Women were abused during the passage of the bill, and they are abused now. I believe that the SNP used the establishment of the working group on misogyny to address the concerns of Johann Lamont, whose proposed amendment at stage 3 sought to include sex as an aggravator. The SNP is using that work on misogyny as the justification for bringing that forward now, whereas it should have done it at the time. Is Labour going to call for a reform of the act or a repeal of it?

Katy Clark: I believe that the failure to include sex as a characteristic has been extremely damaging to the reputation of the act and indeed to the Scottish Government. We need to look at how this act has been implemented before we consider the misogyny legislation. As I said, our view is that sex should be added as a characteristic at this stage and indeed as an aggravator.

As the member knows, the Scottish Police Federation warned that training was just not going to be good enough to handle the inevitable surge in complaints and reported that officers had been allocated only a two-hour training course. We understand that one in five officers had still not completed the course a week after the legislation came into effect. The backlash against the hate monster campaign leads us to conclude that the communication of what the legislation means has been disastrous. Indeed, as has been flagged by the Faculty of Advocates and by many others,

although the bar for prosecution remains high, many are concerned about how hate crimes are being recorded.

The Scottish Government has pledged to systematically collect data on hate crimes in line with United Nations recommendations. However, as my colleague Pauline McNeill has said, the Scottish Government must set out in its guidance the extent to which it believes the recording of non-hate incidents is human rights compliant, particularly given that, in England and Wales, vexatious complaints are no longer being recorded. It is for all those reasons that we believe the act needs to be reviewed. As we say, we recognise the need for strong and robust hate crime legislation, but guidance and training in relation to the act need to be urgently reassessed, and sex must be added as a characteristic.

16:53

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): The premise of the Conservatives today is that they are right and everyone else is wrong. I think that that diminishes their position and the propositions that they have put forward. It is, of course, important that none of us seeks to rewrite history—some members have spoken very well about the excellent cross-party collaboration as the hate crime legislation passed through Parliament. There were parliamentarians—the minority—who were fundamentally opposed to the legislation. Some members today, such as Liz Smith and Jamie Greene, have explained their position in a cogent and legitimate manner.

It is also to the credit of those who opposed the bill or who had concerns about it that they put aside their political affiliations and worked on a cross-party basis to amend the bill. Therefore, I am confident that we have robust legislation that will protect those who are vulnerable to the harm that is caused by hatred and prejudice, while protecting freedom of expression. It was Parliament at its best.

I pay tribute to Adam Tomkins, who has probably never been so widely quoted in the chamber. However, the fact that he voted against the bill gives extra credence to some of his remarks when he says:

“propagandists on both sides want to turn up the heat and, once again, much nonsense has been written about what the law will mean.”

Of course, Christine Grahame made a plea for more light and less heat—

Russell Findlay: Will the member take an intervention?

Angela Constance: Not just now.

In that regard, as I stated yesterday, I will own my responsibilities, but I will also challenge others to do likewise, because, Mr O’Kane, I think that the past few weeks have been instructive on a number of counts.

Jamie Greene: Will the member take an intervention?

Angela Constance: Not just now.

We know that misinformation and confusion such as people claiming that we have a law in Scotland that means that we cannot say anything derogatory about disabled people is a clear example of misinformation that fuels concern and will seek only to embolden the small minority of people who genuinely pose a threat of abuse and violence. I will not repeat everything that I said in my statement yesterday, because I very much want to help to move matters on and reflect on and address some of the substantive issues that members have raised.

I will come on to non-crime hate incidents and misogyny legislation in a moment but, before I do that, I want to emphasise that, in all this, we must not lose sight of those who experience hatred and prejudice every day. It is their voices that have been overshadowed and their voices that have not been heard. I think that Liam McArthur, Carol Mochan and Jamie Greene all spoke well to that in their own way. It was during a session that was conducted by Glasgow Disability Alliance to inform the hate crime strategy that an individual stated:

“the way it impacted on my health is, you get it so much that you just don’t want to live no more.”

I also have to acknowledge the correspondence that was sent to MSPs by 14 organisations such as Includem that are utterly supportive of the legislation and what it means to the communities that they represent.

Jamie Greene: Will the member take an intervention?

Angela Constance: Not just now.

To be fair to them, they have also made a plea, as have some members, for more accessible information. We will certainly act on that and pursue it. We will do that in collaboration, but it needs people to work together on a fair and equal footing.

The fact that there have been 445 police-recorded hate crimes in the first two weeks of the act reinforces the importance of the legislation and shows that it is working. Notwithstanding the high volume of anonymous online complaints, which have fallen by nearly 75 per cent, we know that not all hate crime incidents are reported. They do not all come to the attention of the police, and we

still continue to have an issue with hate crime being underreported.

Pauline McNeill: Will the member take an intervention?

Angela Constance: I am seriously running out of time, and there are some issues that I wish to address.

On police funding, £1.55 billion goes into policing in this country.

I will be quick, Presiding Officer.

On non-crime hate incidents, the purpose of that process is to focus on the vulnerability of complainers. I restate that it is important that policy is clear about what information is held about citizens, how it is used and in what circumstances. I have discussed that with the chair of the SPA, and I will do so again. I am more than happy to engage with MSPs on that. It is important to put on record that Police Scotland is looking at the guidance that came from the College of Policing and is reviewing its position, even though that guidance does not directly relate to Scotland.

In terms of misogyny legislation, we have a very clear programme for government commitment. It should come as no surprise. Our commitment was to implement the findings of the Baroness Kennedy review. At the time of the passage of the hate crime legislation, our commitment was that the Scottish Government would respond to the recommendations in that independent report after a year.

On Katy Clark's very important remark, one of the reasons why we consulted on draft provisions for a misogyny bill was to get into the specifics and details early on. My plea to members across the chamber is that we should not start fighting about a bill that has not yet been introduced. Let us work together now for the sake of 51 per cent of the population, which is a majority, not a minority.

I end by saying that, if the 2021 act is repealed in full, Scotland would be the only country in the UK without specific legislation to protect communities from hate. How would that give the message to victims and perpetrators that hate crime will not be tolerated? So much for the party of law and order. Indeed, that sounds like soft justice to me.

The Presiding Officer: I call Sharon Dowe to wind up the debate.

17:01

Sharon Dowe (South Scotland) (Con): Thank you, Presiding Officer. The hate—

Russell Findlay: Will the member take an intervention?

Sharon Dowe: Yes.

Russell Findlay: Thank you—I apologise for the unorthodox approach, but it is because I could not intervene on the cabinet secretary. I wholeheartedly support Christine Grahame's ability to make a flamboyant attack on me, but I was slightly disappointed at her refusal to take an intervention. She made the very serious allegation that our party is responsible for disinformation. Multiple SNP members have accused us of misinformation. I would like any SNP member to intervene on my colleague with one example—any example—of misinformation from me or my colleagues.

Sharon Dowe: Thank you for that.

The Hate Crime and Public Order (Scotland) Act 2021 came into force on 1 April. Already, as my colleagues have outlined clearly today, it has been a disaster, within just a few weeks of coming into force. My party warned that that would happen. We warned that it would risk free speech and overwhelm the police. We warned about that when the bill was first introduced, we reiterated it throughout the parliamentary process and we lodged amendments to prevent that from happening.

We have repeated the point countless times in the years since the Parliament voted for the law, and we have called for it not to go ahead. Just before it came into force, we again warned Humza Yousaf directly, in the chamber, that the law was unworkable. In just a fortnight, our criticisms have already been proved correct.

Before getting into the substance of our arguments, I will deal with the developments yesterday on the new law. Yesterday, seemingly in panic mode, the SNP gave a statement in the Parliament on the implementation of the new law. The Government barely accepted any responsibility for how badly the law has gone; it seemed to be blaming everybody else for its own mistakes. It is now desperately claiming that this highly controversial new law, which it used to hail as groundbreaking, is barely any different from older laws. It is still arrogantly dismissing almost all criticism. It is refusing to accept just how flawed the law is, even as it unravels day by day.

The Government's response to the past fortnight of chaos was to issue a fact sheet about the act, so let me give the SNP a real fact sheet. This law is already overwhelming the police with complaints. It is already taking officers away from the front line.

Alasdair Allan: I hear what the member says about the number of complaints that were submitted in the first week. If it came to light that any groups or organisations were orchestrating what looks like an attempt to waste police time, would she condemn those groups?

Sharon Dowey: I do not condone any groups wasting police time, because the police are under enough pressure as it is. We have the lowest police numbers since 2008, so I would not condone that.

The act is already being misused by activists; it is already putting neighbours against neighbours and communities against communities; and it is already limiting free speech in Scotland. Those are the facts, whether the SNP likes them or not, and that is why my party brought forward the debate on repealing the law, because the longer that it continues, the worse the situation will get and the more damage the act will do.

Rona Mackay: Does Ms Dowey believe that hate crime laws in England and Wales should be repealed?

Sharon Dowey: There is a complete difference between the laws in Scotland and those in England and Wales, and that could lead to misinformation as well.

If the 2021 act is not removed immediately, the consequences for free speech in Scotland will grow more severe. The SNP—and every other party in this Parliament—needs to urgently find the nerve to admit its mistake in passing the law, hold up its hands and resolve to fix the mess. My colleagues have put forward that argument strongly and eloquently today.

In opening the debate, my colleague Russell Findlay said that the law has transformed the birthplace of the enlightenment into a place where free speech has been debased and devalued. He passionately outlined our concerns that this law, which is a clypes—or snitches—charter, will turn people against each other, not only neighbours against neighbours, but ordinary people against the police.

Russell Findlay highlighted our real fears that the SNP has put the police in an impossible position and is forcing officers to interpret the vague and poorly defined legislation. Humza Yousaf is in effect using our police force as a shield to deflect all the flaws in this law. Instead of being fixed before the law was passed, all the problems have been shifted to the police. Russell Findlay summed that up perfectly when he said that our opposition to the law is about letting our police officers do their jobs. The Government should listen and reflect on the fact that exhausted and overworked police officers are now being ordered by the SNP to police our speech.

I will focus briefly on the excellent contribution from my colleague Liz Smith on what makes good law and whether the 2021 act stands up to that test. Liz Smith asked whether the Parliament has shown itself capable of passing good law. In her speech, she dismantled any notions from the

Government that the 2021 act represents good law. Her comparison of this flawed law to previous mistakes in the Gender Recognition Reform (Scotland) Bill, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 and the Children and Young People (Information Sharing) Bill was fitting and appropriate.

As Liz Smith said, there are strong parallels between this hate crime law and mistakes that the SNP has made in the past. She underlined clearly that one of the central problems with this law is the murky and vague definitions that are littered throughout it. As a result, there is no clear line between merely offensive behaviour and offensive behaviour that is criminal. As she noted, and as the Scottish Police Federation has said, that means that there is potential for many people to come to the police's attention who should not have a knock at their door from officers.

On that point, I will also comment on the speech from Murdo Fraser, who has seen personally—at first hand—how hate crime laws can be misinterpreted. He focused on his own experiences with the ridiculous enforcement in relation to non-crime hate incidents. What happened to him—when the police recorded his details despite there being no evidence of a crime—was unacceptable, downright wrong and should be called out by every party in the Parliament.

Murdo Fraser described the inconsistencies in how police deal with complaints. There seems to be one rule for some complaints and an entirely different rule for others, which seems to depend on the topic. There are obvious double standards that are certainly a consequence of the introduction of the 2021 act and the misunderstandings that it has created. Murdo Fraser gave SNP ministers a chance to intervene and explain how the police are using the recording of non-crime hate incidents, but nobody replied.

I will also mention the powerful speech from my colleague Liam Kerr. Throughout the parliamentary process, nobody did more than him to continually highlight the flaws in this law. He tried to be constructive, by lodging amendments to fix the worst aspects but, time and again, SNP ministers refused to listen. In her closing speech, Angela Constance made a comment about the Conservatives thinking that we are right and everyone else is wrong, but that is more reflective of SNP members, because they do not listen to the case for amendments from parties on other sides of the chamber.

Liam Kerr's warnings have been proven right. He could be forgiven if he had stood up today and said, "I told you so," but he did not. Once again, he made convincing arguments about why the act

must go. As he said, this law will not work. It is counterproductive, ideologically driven and incompetent. The SNP Government should reflect on the many warnings that he cited today about things that have now come to pass.

I was going to mention other contributions, but I am running out of time. In conclusion, my party's concerns about the act have already come to fruition in just a fortnight. It is having a detrimental impact on free speech in Scotland, it is stretching already overworked and underresourced police officers, and it is turning communities against one another. Far from limiting hate in Scotland, it seems to be increasing the divisions in our society.

Every party in the Parliament must stand up for the principle of free speech in Scotland. Labour and Lib Dem members must wake up and vote to remove this bad SNP law. I urge everyone across the chamber to support the Scottish Conservative motion.

The Presiding Officer: That concludes the debate on repealing the Hate Crime and Public Order (Scotland) Act 2021.

Business Motions

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-12867, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme. Any member who wishes to speak against the motion should press their request-to-speak button now. I call George Adam to move the motion.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 23 April 2024

| | |
|--------------------|------------------------------------------------------------------------------|
| 2.00 pm | Time for Reflection |
| <i>followed by</i> | Parliamentary Bureau Motions |
| <i>followed by</i> | Topical Questions (if selected) |
| <i>followed by</i> | Stage 1 Debate: Victims, Witnesses, and Justice Reform (Scotland) Bill |
| <i>followed by</i> | Financial Resolution: Victims, Witnesses, and Justice Reform (Scotland) Bill |
| <i>followed by</i> | Appointment of Members of the Standards Commission for Scotland |
| <i>followed by</i> | Committee Announcements |
| <i>followed by</i> | Business Motions |
| <i>followed by</i> | Parliamentary Bureau Motions |
| 5.00 pm | Decision Time |
| <i>followed by</i> | Members' Business |

Wednesday 24 April 2024

| | |
|--------------------|-------------------------------------------------------------------------------------------|
| 2.00 pm | Parliamentary Bureau Motions |
| 2.00 pm | Portfolio Questions: Constitution, External Affairs and Culture; Justice and Home Affairs |
| <i>followed by</i> | Stage 3 Proceedings: Children (Care and Justice) (Scotland) Bill |
| <i>followed by</i> | Business Motions |
| <i>followed by</i> | Parliamentary Bureau Motions |
| <i>followed by</i> | Approval of SSIs (if required) |
| 9.00 pm | Decision Time |
| <i>followed by</i> | Members' Business |

Thursday 25 April 2024

| | |
|--------------------|-------------------------------------------|
| 11.40 am | Parliamentary Bureau Motions |
| 11.40 am | General Questions |
| 12.00 pm | First Minister's Questions |
| <i>followed by</i> | Members' Business |
| 2.30 pm | Parliamentary Bureau Motions |
| 2.30 pm | Portfolio Questions: Education and Skills |

followed by Stage 3 Proceedings: Children (Care and Justice) (Scotland) Bill
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
 Tuesday 30 April 2024
 2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Stage 1 Debate: Abortion Services (Safe Access Zones) (Scotland) Bill
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 1 May 2024
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Wellbeing Economy, Net Zero and Finance and Parliamentary Business
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
followed by Approval of SSIs (if required)
 5.00 pm Decision Time
followed by Members' Business
 Thursday 2 May 2024
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions: Transport
followed by Citizen Participation and Public Petitions Committee Debate: Petition PE1887: Create an Unborn Victims of Violence Act
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 22 April 2024, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[George Adam]

The Presiding Officer: I call Meghan Gallacher to speak to and move amendment S6M-12867.1.

17:11

Meghan Gallacher (Central Scotland) (Con): Yesterday, I raised concerns about the ability of elected members to seek a statement from the Scottish National Party Government on the Cass review. I have tried as many levers as possible to allow MSPs to raise questions about the Cass review findings and whether the Government will adopt all 32 recommendations.

John Mason (Glasgow Shettleston) (SNP): Does Meghan Gallacher agree that it would be useful for the Government, and anyone else, to take time and reflect on the matter before making a statement?

Meghan Gallacher: The review has been years in the making and the Government has had more than a week since the review report was submitted. If John Mason will afford me the opportunity to do so, I will go into examples of other countries that happen to be following the pathway that is set out in the Cass review.

In his response yesterday, George Adam said that

"the Cass review deals with services in NHS England, not in NHS Scotland."—[Official Report, 16 April 2024; c 5.]

That is true. However, his response shows a clear lack of a basic understanding of the overall picture. Scottish children do not respond differently to puberty-suppressing hormones from children in England. If he had read the report, he would also know that Scotland is referenced in it. The notion that Scotland is different from the rest of the United Kingdom is for the birds. Whether George Adam and his Government like it or not, the Cass review raises serious concerns about gender care, especially around psychological support, assessments and evidence.

Many MSPs have reiterated the importance of making sure that the conversation is respectful. I agree. That is why I have been calling for a statement, so that all opinions can be expressed and so that we can finally get some answers from the Government.

I have tried to get answers again today. During health and social care portfolio question time, I asked the simple question,

"will the Scottish Government adopt the recommendations of the Cass review, including limiting the use of puberty blockers and cross-sex hormones?"

I did not get an answer.

Nor did Carol Mochan get an answer when she asked when a ministerial statement would be given. There was no response from the Minister for Public Health and Women's Health, Jenni Minto. I will give way to the minister if she is able to give us a date just now.

There is nothing.

Portfolio question time does not give enough time to scrutinise a report of nearly 400 pages. The Scottish Government has made it clear that it does not want to talk about the review, as it has been dodging every opportunity to make a statement. The worst of it is that Scotland will end up being an outlier. Other countries, including Belgium and the Netherlands, are implementing policies that are similar to the recommendations that are contained in the Cass review. *[Interruption.]*

Russell Findlay (West Scotland) (Con): My colleague invited members on the Government benches to intervene, but they have not done so. Keith Brown seems to have plenty to say from a sedentary position, so I invite him to take to his feet.

The Presiding Officer: I call Meghan Gallacher. *[Interruption.]* Ms Gallacher—do continue.

Meghan Gallacher: The SNP cannot bring itself—*[Interruption.]*—to put a pause on puberty blockers until a final decision is made on the future of gender care in Scotland, but it needs to understand that caution must be used when we look at this issue. Children and young people cannot wait weeks or months for the Government to get its act together. We have heard every excuse, despite the issue of puberty blockers and gender care having been raised by MSPs in the chamber for years. I will continue to raise the issue not just because I am deeply concerned about the lack of evidence to protect our children, but because the Government cannot be allowed to bury its head in the sand any longer.

I will finish by repeating what I said yesterday, which is that

“Parents, carers, young people and those who have been failed by gender-affirming care in Scotland”—*[Official Report, 16 April 2024; c 4.]*

need and “deserve answers”. The Scottish Government is failing them by refusing to respond.

Therefore, I move amendment S6M-12867.1, after

“*followed by* Financial Resolution: Victims, Witnesses, and Justice Reform (Scotland) Bill”

to insert—

“Ministerial Statement: Scottish Government Response to the Cass Review”.

The Presiding Officer: I call Jackie Baillie to speak against the motion.

17:15

Jackie Baillie (Dumbarton) (Lab): I wish to speak against the business motion. I agree with many of the comments from Meghan Gallacher, but standing orders prevent me from speaking directly to the amendment.

However, I wish to express disappointment that there is not a statement on the Cass review in the business for next week. The report from Dr Hilary Cass is of considerable importance for the Scottish Government, the clinicians involved in the Sandyford specialist service and children and young people with gender dysphoria.

Despite that, the Scottish Government’s position is, to be frank, incoherent. First, ministers said that the matter is nothing to do with the Government and that it is for clinicians to decide. Now, we have the Government involved in working groups to consider the recommendations. It simply cannot have it both ways.

Ministers, and now back benchers, say that they need time, but they have had Dr Cass’s interim report since February 2022, they received her recommendations on puberty blockers more recently, and Scottish Government officials and clinicians have been talking to her during the whole course of the review. Therefore, her recommendations should not come as a surprise.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): During the passage of the Gender Recognition Reform (Scotland) Bill, ministers rejected amendments to do with the Cass review from your colleague Claire Baker and others, and they dismissed the review entirely. Do you believe that they are going to dismiss the fully published Cass review entirely?

Jackie Baillie: I genuinely hope that they do not. I would like to see the Cass review being implemented in full. It is a considered evidence-based report, and ignoring it will let down staff and a generation of young people and their families.

Making a statement to Parliament on the report is the very least that we should expect, because this is ultimately about openness and transparency and about doing the right thing for gender dysphoria services in Scotland.

Presiding Officer, let me illustrate. Since the Cass report came out, the Minister for Public Health and Women’s Health, Jenny Minto, who is not here, and the chief medical officer have been backwards and forwards—*[Interruption.]*—

The Minister for Public Health and Women’s Health (Jenni Minto): I am here.

Jackie Baillie: Oh. I am sorry—I did not see the minister. I correct what I said. I am delighted to see the minister here, so that she can confirm

what I am about to say. She and the CMO have been backwards and forwards to Greater Glasgow and Clyde NHS Board, but no one can decide what to do about puberty blockers or who should actually take the decision on them. A press release is, I am told, to be issued tomorrow after First Minister's question time. Is it not always the case that the SNP Government cares more about the optics than the substance?

The Government cannot continue to hide away behind closed doors on an issue of such importance. I urge ministers to allow a statement on the Cass report next week. Parliament should be treated with respect, and so should the people of Scotland.

The Presiding Officer: I call George Adam to respond on behalf of the Parliamentary Bureau, for up to five minutes.

17:18

The Minister for Parliamentary Business (George Adam): I refer members to the comments that I made just over 24 hours ago. I also add, once again, that the Scottish Government will make its views known when it has reviewed the information, and we will take it from there.

The Presiding Officer: The question is, that amendment S6M-12867.1, in the name of Meghan Gallacher, which seeks to amend motion S6M-12867, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme, 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 the digital voting system.

17:19

Meeting suspended.

17:21

On resuming—

The Presiding Officer: Members should cast their votes now.

The vote is closed.

Pam Gosal (West Scotland) (Con): On a point of order, Presiding Officer. I could not connect. I would have voted yes.

The Presiding Officer: Thank you, Ms Gosal. We will ensure that your vote is recorded.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)

Balfour, Jeremy (Lothian) (Con)
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, Foysol (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)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Hoy, Craig (South Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Kerr, Liam (North East Scotland) (Con)
Kerr, Stephen (Central Scotland) (Con)
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)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Smyth, Colin (South Scotland) (Lab)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Sweeney, Paul (Glasgow) (Lab)
Wells, Annie (Glasgow) (Con)
White, Tess (North East Scotland) (Con)
Whitfield, Martin (South Scotland) (Lab)
Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
Adam, Karen (Banffshire and Buchan Coast) (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)

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------|
| Fairlie, Jim (Perthshire South and Kinross-shire) (SNP) | 2.00 pm | Time for Reflection |
| FitzPatrick, Joe (Dundee City West) (SNP) | <i>followed by</i> | Parliamentary Bureau Motions |
| Gibson, Kenneth (Cunninghame North) (SNP) | <i>followed by</i> | Topical Questions (if selected) |
| Gilruth, Jenny (Mid Fife and Glenrothes) (SNP) | <i>followed by</i> | Stage 1 Debate: Victims, Witnesses, and Justice Reform (Scotland) Bill |
| Gougeon, Mairi (Angus North and Mearns) (SNP) | <i>followed by</i> | Financial Resolution: Victims, Witnesses, and Justice Reform (Scotland) Bill |
| Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP) | <i>followed by</i> | Appointment of Members of the Standards Commission for Scotland |
| Gray, Neil (Airdrie and Shotts) (SNP) | <i>followed by</i> | Committee Announcements |
| Greer, Ross (West Scotland) (Green) | <i>followed by</i> | Business Motions |
| Harper, Emma (South Scotland) (SNP) | <i>followed by</i> | Parliamentary Bureau Motions |
| Harvie, Patrick (Glasgow) (Green) | <i>followed by</i> | Decision Time |
| Haughey, Clare (Rutherglen) (SNP) | <i>followed by</i> | Members' Business |
| Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP) | <i>followed by</i> | Wednesday 24 April 2024 |
| Kidd, Bill (Glasgow Anniesland) (SNP) | <i>followed by</i> | 2.00 pm Parliamentary Bureau Motions |
| Lochhead, Richard (Moray) (SNP) | <i>followed by</i> | 2.00 pm Portfolio Questions: Constitution, External Affairs and Culture; Justice and Home Affairs |
| MacDonald, Gordon (Edinburgh Pentlands) (SNP) | <i>followed by</i> | <i>followed by</i> Stage 3 Proceedings: Children (Care and Justice) (Scotland) Bill |
| MacGregor, Fulton (Coatbridge and Chryston) (SNP) | <i>followed by</i> | <i>followed by</i> Business Motions |
| Mackay, Gillian (Central Scotland) (Green) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| Mackay, Rona (Strathkelvin and Bearsden) (SNP) | <i>followed by</i> | <i>followed by</i> Approval of SSIs (if required) |
| Mackay, Rona (Strathkelvin and Bearsden) (SNP) | 5.00 pm | Decision Time |
| Macpherson, Ben (Edinburgh Northern and Leith) (SNP) | <i>followed by</i> | Members' Business |
| Martin, Gillian (Aberdeenshire East) (SNP) | <i>followed by</i> | Thursday 25 April 2024 |
| Mason, John (Glasgow Shettleston) (SNP) | <i>followed by</i> | 11.40 am Parliamentary Bureau Motions |
| Matheson, Michael (Falkirk West) (SNP) | <i>followed by</i> | 11.40 am General Questions |
| McAllan, Màiri (Clydesdale) (SNP) | <i>followed by</i> | 12.00 pm First Minister's Questions |
| McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) | <i>followed by</i> | <i>followed by</i> Members' Business |
| McLennan, Paul (East Lothian) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| McMillan, Stuart (Greenock and Inverclyde) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| McNair, Marie (Clydebank and Milngavie) (SNP) | <i>followed by</i> | <i>followed by</i> Approval of SSIs (if required) |
| Minto, Jenni (Argyll and Bute) (SNP) | <i>followed by</i> | <i>followed by</i> Decision Time |
| Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP) | <i>followed by</i> | <i>followed by</i> Members' Business |
| Robertson, Angus (Edinburgh Central) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| Robison, Shona (Dundee City East) (SNP) | <i>followed by</i> | <i>followed by</i> Approval of SSIs (if required) |
| Roddick, Emma (Highlands and Islands) (SNP) | <i>followed by</i> | <i>followed by</i> Decision Time |
| Ruskell, Mark (Mid Scotland and Fife) (Green) | <i>followed by</i> | <i>followed by</i> Members' Business |
| Slater, Lorna (Lothian) (Green) | <i>followed by</i> | <i>followed by</i> Thursday 25 April 2024 |
| Somerville, Shirley-Anne (Dunfermline) (SNP) | <i>followed by</i> | <i>followed by</i> 11.40 am Parliamentary Bureau Motions |
| Stevenson, Collette (East Kilbride) (SNP) | <i>followed by</i> | <i>followed by</i> 11.40 am General Questions |
| Stewart, Kevin (Aberdeen Central) (SNP) | <i>followed by</i> | <i>followed by</i> 12.00 pm First Minister's Questions |
| Sturgeon, Nicola (Glasgow Southside) (SNP) | <i>followed by</i> | <i>followed by</i> Members' Business |
| Swinney, John (Perthshire North) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| Torrance, David (Kirkcaldy) (SNP) | <i>followed by</i> | <i>followed by</i> Approval of SSIs (if required) |
| Tweed, Evelyn (Stirling) (SNP) | <i>followed by</i> | <i>followed by</i> Decision Time |
| Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP) | <i>followed by</i> | <i>followed by</i> Members' Business |
| Abstentions | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| Ewing, Fergus (Inverness and Nairn) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| Forbes, Kate (Skye, Lochaber and Badenoch) (SNP) | <i>followed by</i> | <i>followed by</i> Portfolio Questions: Education and Skills |
| Maguire, Ruth (Cunninghame South) (SNP) | <i>followed by</i> | <i>followed by</i> Stage 3 Proceedings: Children (Care and Justice) (Scotland) Bill |
| McKee, Ivan (Glasgow Provan) (SNP) | <i>followed by</i> | <i>followed by</i> Business Motions |
| Thomson, Michelle (Falkirk East) (SNP) | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| The Presiding Officer: The result of the division on amendment S6M-12867.1, in the name of Meghan Gallacher, is: For 53, Against 60, Abstentions 5. | <i>followed by</i> | <i>followed by</i> Decision Time |
| <i>Amendment disagreed to.</i> | <i>followed by</i> | Tuesday 30 April 2024 |
| The Presiding Officer: The next question is, that motion S6M-12867, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out a business programme, be agreed to. | <i>followed by</i> | 2.00 pm Time for Reflection |
| <i>Motion agreed to,</i> | <i>followed by</i> | <i>followed by</i> Parliamentary Bureau Motions |
| That the Parliament agrees— | <i>followed by</i> | <i>followed by</i> Topical Questions (if selected) |
| (a) the following programme of business— | <i>followed by</i> | <i>followed by</i> Stage 1 Debate: Abortion Services (Safe Access Zones) (Scotland) Bill |
| Tuesday 23 April 2024 | <i>followed by</i> | <i>followed by</i> Committee Announcements |
| | <i>followed by</i> | <i>followed by</i> Business Motions |

followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
 followed by Members' Business
 Wednesday 1 May 2024
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Wellbeing Economy, Net Zero and
 Energy;
 Finance and Parliamentary Business
 followed by Scottish Government Business
 followed by Business Motions
 followed by Parliamentary Bureau Motions
 followed by Approval of SSIs (if required)
 5.00 pm Decision Time
 followed by Members' Business

Thursday 2 May 2024
 11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
 followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Transport
 followed by Citizen Participation and Public Petitions
 Committee Debate: Petition PE1887:
 Create an Unborn Victims of Violence
 Act
 followed by Business Motions
 followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 22 April 2024, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.

The Presiding Officer: The next item of business is consideration of business motions S6M-12868, on a stage 1 timetable for a bill, and S6M-12869 and S6M-12870, on stage 2 timetables for bills.

Motions moved,

That the Parliament agrees that consideration of the Scottish Elections (Representation and Reform) Bill at stage 1 be completed by 28 June 2024.

That the Parliament agrees that consideration of the Gender Representation on Public Boards (Amendment) (Scotland) Bill at stage 2 be completed by 3 May 2024.

That the Parliament agrees that consideration of the Housing (Cladding Remediation) (Scotland) Bill at stage 2 be completed by 3 May 2024.—[George Adam]

Motions agreed to.

Parliamentary Bureau Motions

17:24

The Presiding Officer (Alison Johnstone): The next item of business is consideration of Parliamentary Bureau motions S6M-12871 and S6M-12872, on approval of Scottish statutory instruments. I ask George Adam, on behalf of the Parliamentary Bureau, to move the motions.

Motions moved,

That the Parliament agrees that the Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation) Order 2024 [draft] be approved.

That the Parliament agrees that the Alcohol (Minimum Price per Unit) (Scotland) Amendment Order 2024 [draft] be approved.—[George Adam]

17:25

Sandesh Gulhane (Glasgow) (Con): I declare my interest as a practising national health service general practitioner.

The Scottish National Party Government might trumpet in this chamber its minimum unit pricing policy as a so-called major success, but I would ask the Minister for Drugs and Alcohol Policy to say that to the families of the 1,276 Scots who died in 2022 due to alcohol—families who are grieving the loss of their loved ones.

We know that the SNP has tried one flagship approach to tackling excessive drinking—making alcohol more expensive, thus deterring the less well-off from purchasing it. We know that dependent drinkers on the lowest incomes are going without food instead. MUP is not a slam-dunk success or magic bullet, as the SNP believes it to be. [Interruption.]

The Presiding Officer: Let us hear Dr Gulhane.

Sandesh Gulhane: It cannot be, because the number of alcohol-related deaths is not reducing by any credible measure. Of course, we have seen the SNP spin machine in overdrive over MUP, notably with regard to a key Public Health Scotland report. The trouble is that, in order to grab headlines, the SNP misrepresented the facts. It spun estimates as facts, and it implied that its resounding success was based on and backed by 40 different policies and studies. However, again, that is simply not true. [Interruption.] What is clear—this is important—is that the Public Health Scotland report acknowledges that there was only limited evidence.

Kevin Stewart (Aberdeen Central) (SNP): Will the member take an intervention?

Sandesh Gulhane: No, I will not—members should listen to this. [Interruption.]

The Presiding Officer: Let us hear Dr Gulhane.

Sandesh Gulhane: The SNP's push to increase MUP to 65p, which could result in a price hike of 30 per cent, will disproportionately penalise responsible drinkers on a low income and those dependent on alcohol. If that is not bad enough, the extra money will not go to funding addiction services.

We all know that addiction is complex and requires a multifaceted approach, but the SNP has only one approach—putting up the price of alcohol. It has its silver bullet, and that silver bullet is a blank.

It is crystal clear that more people suffer alcohol-related deaths now than did in 2018, when MUP was introduced. In fact, men from deprived areas are drinking more with MUP in place than they were before, and others are switching to spirits. The Scottish Government has failed to provide the necessary investment in prevention and treatment services. If the SNP ever wants to get a grip, people suffering from dependence should have the right to access treatment and rehabilitation via our proposed right to recovery bill. That should be the priority, not forcing every Scot to pay more.

17:28

The Minister for Drugs and Alcohol Policy (Christina McKelvie): I am glad to have the opportunity to address colleagues across the chamber on minimum unit pricing ahead of this crucial vote. The Parliament has the opportunity to show that Scotland continues to be world leading with our policies to improve the health of people in Scotland by voting to continue minimum unit pricing and to increase the price per unit to 65p.

I implore members across the chamber to vote in favour of the orders, in line with the views of more than 80 third sector organisations—that is, people who work on the front line every day—public health experts and senior clinicians, who wrote to voice their support for minimum unit pricing and the proposal to increase the price to 65p per unit.

Minimum unit pricing is an extensively evaluated policy. Public Health Scotland's independent evaluation estimated that, during the period that was considered, minimum unit pricing reduced the number of alcohol-attributable deaths by 13.4 per cent, which amounts to 156 people a year—that is the "limited evidence", according to Sandesh Gulhane. Public Health Scotland also said that minimum unit pricing was likely to have reduced the number of hospital admissions wholly attributable to alcohol by 4.1 per cent, compared with what would have happened if MUP had not been in place. The evaluation found no evidence

of a significant impact on the alcoholic drinks industry as a whole.

The evaluation has also been commended by internationally renowned public health experts, including Professor Sir Michael Marmot and Professor Sally Carswell. That counters Sandesh Gulhane's comments. This is what they said:

"Policy makers can be confident that there are several hundred people with low income in Scotland who would have died as a result of alcohol, who are alive today as a result of minimum unit pricing."

Who to believe? I will stick with the experts.

The decision to propose 65p per unit is underpinned by modelling by the esteemed University of Sheffield, among consideration of many other factors. Those factors are set out in detail in the published business and regulatory impact assessment, which I commended to Sandesh Gulhane at committee, but he has obviously not read it.

The University of Sheffield's modelling suggests that to maintain the value of the price per unit and therefore to continue to achieve the public health benefits at a level that is estimated by Public Health Scotland's evaluation, it should be increased to at least 60p. However, it is clear that Scotland continues to experience significant levels of alcohol harm. The Scottish Government is therefore proposing to increase the value of the price per unit to 65p to further increase the public health benefits of the policy—maybe another 156 lives will be saved.

I expect, and modelling predicts, that, if that increase is implemented, it will save those additional lives. I have heard some members' concerns about the potential effects of the policy on people who consume alcohol at the highest levels. Specialist support and treatment are vital for people with alcohol dependence. To that end, the Scottish Government provided record funding of £112 million in the past financial year to Scotland's alcohol and drug partnerships. It is therefore simply not true to say that MUP is the only measure that we are taking. That funding supports the delivery of services for people who are alcohol dependent, whether residential rehab, community-based services or other types of vital support.

I implore members to vote in favour of both the orders to reduce the alcohol-related harm that continues to affect far too many people; to vote to reduce harm and save lives—that is easy.

The Presiding Officer: The question on the motions will be put at decision time.

Parliamentary Bureau Motions

17:32

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of four Parliamentary Bureau motions. I ask George Adam, on behalf of the Parliamentary Bureau, to move motions S6M-12873 to S6M-12875, on approval of Scottish statutory instruments, and motion S6M-12876, on designation of a lead committee.

Motions moved,

That the Parliament agrees that the Legal Aid (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the National Smart Ticketing Advisory Board (Public Services Reform) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Local Government, Housing and Planning Committee be designated as the lead committee, and that the Social Justice and Social Security Committee be designated as a secondary committee, in consideration of the Housing (Scotland) Bill at stage 1.—[George Adam]

The Presiding Officer: The question on the motions will be put at decision time.

Decision Time

17:32

The Presiding Officer (Alison Johnstone):

There are six questions to be put as a result of today's business. The first question is, that amendment S6M-12855.3, in the name of Siobhian Brown, which seeks to amend motion S6M-12855, in the name of Russell Findlay, on repealing the hate crime act, be agreed to. Are we agreed?

Members: No.

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

The vote is closed.

Katy Clark (West Scotland) (Lab): On a point of order, Presiding Officer. I would have voted no.

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

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 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)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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 (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 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, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lumsden, Douglas (North East Scotland) (Con)
 Marra, Michael (North East Scotland) (Lab)
 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)
 Ross, Douglas (Highlands and Islands) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Sweeney, Paul (Glasgow) (Lab)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitfield, Martin (South Scotland) (Lab)

Abstentions

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 Rennie, Willie (North East Fife) (LD)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the division on amendment S6M-12855.3, in the name of Siobhian Brown, is: For 64, Against 49, Abstentions 5.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S6M-12855.4, in the name of Pauline McNeill, which seeks to amend motion S6M-12855, in the name of Russell Findlay, on repealing the hate crime act, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 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)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Whitfield, Martin (South Scotland) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)

Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Eagle, Tim (Highlands and Islands) (Con)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire)
 (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCall, Roz (Mid Scotland and Fife) (Con)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Nicoll, Audrey (Aberdeen South and North Kincardine)
 (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)

Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, 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)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley)
 (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Ewing, Fergus (Inverness and Nairn) (SNP)

The Presiding Officer: The result of the division on amendment S6M-12855.4, in the name of Pauline McNeill, is: For 20, Against 97, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S6M-12855, in the name of Russell Findlay, on repealing the hate crime act, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (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)
 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)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and
 Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)

Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Slater, Lorna (Lothian) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 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

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

Abstentions

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foysof (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 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)
 Regan, Ash (Edinburgh Eastern) (Alba)
 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)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

The Presiding Officer: The result of the vote on motion S6M-12855, in the name of Russell Findlay, as amended, is: For 64, Against 29, Abstentions 25.

Motion, as amended, agreed to,

That the Parliament believes that the Hate Crime and Public Order (Scotland) Act 2021, as supported by the majority of the Parliament, will provide greater protections for those who are targeted victims of hate crime; notes that the Act was developed following a review into hate crime by senior retired judge Lord Bracadale, who recommended specific legislation to recognise the impact and harm caused by hate crime; further notes that around a third of hate crimes in Scotland involved a victim who experienced the incident at their place of work or whilst undertaking duties as part of their occupation, most of whom were working in retail or other service industries, and that a quarter of recorded hate crimes had a police officer victim, and recognises that the impact on victims of hate crime can be traumatic and life changing.

The Presiding Officer: The next question is, that motion S6M-12871, in the name of George Adam, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation) Order 2024 [draft] be approved.

The Presiding Officer: The next question is, that motion S6M-12872, in the name of George Adam, on approval of an SSI, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)

Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (Alba)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Sweeney, Paul (Glasgow) (Lab)

Swinney, John (Perthshire North) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, 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)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 McCall, Roz (Mid Scotland and Fife) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-12872, in the name of George Adam, is: For 88, Against 28, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Alcohol (Minimum Price per Unit) (Scotland) Amendment Order 2024 [draft] be approved.

The Presiding Officer: I propose to ask a single question on four Parliamentary Bureau motions. Does any member object?

As no member objects, the final question is, that motions S6M-12873 to S6M-12875, on approval of Scottish statutory instruments, and motion S6M-12876, on designation of a lead committee, in the name of George Adam, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Legal Aid (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Plant Health (Import Inspection Fees) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the National Smart Ticketing Advisory Board (Public Services Reform) (Scotland) Order 2024 [draft] be approved.

That the Parliament agrees that the Local Government, Housing and Planning Committee be designated as the lead committee, and that the Social Justice and Social Security Committee be designated as a secondary committee, in consideration of the Housing (Scotland) Bill at stage 1.

The Presiding Officer: That concludes decision time.

Scotch Whisky Industry

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-11787, in the name of Ivan McKee, on celebrating Scotland's iconic Scotch whisky industry. The debate will be concluded without any question being put. I ask those members who wish to speak in the debate to press their request-to-speak buttons.

Motion debated,

That the Parliament welcomes the reported £7.1 billion each year that is contributed in added value to the UK economy by the Scotch whisky industry through the production of high-quality and internationally successful brands, which are sold to 180 markets around the world; understands that 75% of the Scotch whisky industry's gross value added (GVA) is generated in Scotland, supporting 41,000 jobs and a further 25,000 across the UK; welcomes the over £2 billion of investments that have reportedly been made by the industry over the last five years; believes that the Scotch whisky industry plays a crucial role in Scotland's ambition to grow its exports, in attracting visitors from overseas to its world-leading visitor experiences, and in decarbonising operations in order to achieve net zero by 2045, and wishes everyone involved in Scotland's iconic Scotch whisky industry continued success as, it considers, they continue to play an integral role in communities throughout Scotland, including in the Glasgow Provan constituency.

17:42

Ivan McKee (Glasgow Provan) (SNP): I thank all the members who have turned up to the debate. It is an excellent turn-out, with members on all sides of the chamber and from around the country. They are going to tell us why their distillery is the best in the country, and speak to the spread of the Scotch whisky sector across the whole of Scotland. Of course, the Minister for Small Business, Innovation, Tourism and Trade has a particular constituency interest; as I am sure that he will let us know, he has—I think—more distilleries in his constituency than any other member in the country.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Does the member accept that the volume and quantity of distilleries might differ from their value? I put in a pitch for my own constituency in the latter regard.

Ivan McKee: The member may say that; I could not possibly comment.

We are here to debate and celebrate Scotland's iconic Scotch whisky industry. I know that members will recycle a lot of facts and statistics throughout the debate, but I am speaking first, so I get to use them first and other members will have to follow along behind. However, members will be delighted to know that I shall use those statistics sparingly.

The debate allows us to highlight the most recent report on the economic impact of the sector, “Scotch Whisky’s Economic Impact 2022”, which shows that gross value added is up by 29 per cent, at £5.3 billion, since the previous report in 2018. That is a big number—I always try to put things like that in terms that are a bit more understandable, so I highlight that it is around £1,000 for every person who is living in Scotland.

Over that time, there has been investment in capital projects of more than £2 billion, much of it in the transition to net zero, which I will talk about shortly. There are 41,000 jobs across the sector, many of which are in our rural and island communities. When I worked in the sector for a couple of years, back in the 1990s, I counted myself as one of those employees. There is a big focus in the sector on local supply chains and local suppliers helping local economies around the country.

However, one of the most significant impacts of the sector is its international impact, which has been significant for the best part of 200 years, or perhaps more, since Johnnie Walker’s iconic brand was established—I note that other brands are, of course, available. That export market, in more than 180 countries, has now grown to more than £6 billion, and 43 bottles are exported per second. During the course of my brief remarks, the sector will have exported more than 18,000 bottles of Scotch.

The sector’s impact lies not only in the revenue that it generates, as it is also a critical part of Scotland’s international image and profile. It is a key attractor for other sectors, not least our tourism sector. I have seen at first hand how it works as a door opener. If you hold an event anywhere in the world on energy, technology or financial services, to promote Scottish businesses, and if you have the Scotch whisky sector in attendance, be it in Madrid, Warsaw, Stockholm or anywhere else that I have visited in that regard, you will see that it brings in people to have a dram and talk business across all those sectors in which Scotland is rightly able to export in great numbers.

As I indicated, I will comment on the sector’s commendable focus on the transition to net zero, and its intention to decarbonise its own operations by 2040 and those of its supply chains by 2045. There is a focus on sustainable water use, efficient and recyclable packaging, the conservation and regeneration of peatland, and much more besides.

Finlay Carson (Galloway and West Dumfries) (Con): Does Ivan McKee recognise the huge advancements and amazing progress that a company in my constituency, Carbon Capture Scotland—which I believe that he has visited—has made in its efforts to decarbonise the whisky industry?

Ivan McKee: The member is absolutely correct—I was just about to mention that business in his constituency, which I have, indeed, visited. It is doing fabulous work on carbon capture, which I understand is being rolled out in distilleries across the country, and that is hugely welcome.

I will take a minute to mention an issue that may not usually be mentioned in this context. I have had correspondence on it and, as a member of the Health, Social Care and Sport Committee, I think that it is important to raise it. It is the issue of responsible drinking, which has its own economic impact.

It is hugely important that an informed and evidence-based dialogue with the sector on that issue continues. I know that the sector takes it seriously, promoting, as it does, responsible consumption and tackling harmful drinking. Of course, the vast majority of people who enjoy the wonderful products of the Scotch whisky sector do so responsibly.

Harmful and hazardous drinking is down by around a third in the past 20 years, and there is a particularly marked reduction among those in younger age groups, so progress is being made. That is not a contradiction—the sector has moved to higher-value, higher-margin premium products, which is in its own economic interests and promotes the product as a premium product and not something to be abused.

Keith Brown (Clackmannanshire and Dunblane) (SNP): On the point about responsible drinking, would the member acknowledge the efforts that Diageo has made in that regard? In addition, as we are talking about facts and figures, would he acknowledge that whisky is produced not only in rural and island communities? There is more whisky production in my constituency than anywhere else in the world, and we had the first ever industrial-scale production of whisky in Scotland. The whisky industry stretches across the whole of Scotland.

Ivan McKee: I am well aware that the member has some significant supply-chain businesses, and businesses in the sector itself, in his constituency, and I am sure that they will be delighted that he has put that on the record.

I agree that the work that the sector strives to do with regard to responsible drinking is important. The made to be measured campaign, the “Code of Practice for the Responsible Marketing and Promotion of Scotch Whisky” and the work of Community Alcohol Partnerships and the Scottish Alcohol Industry Partnership are very important in that regard.

I think that we can look forward with confidence to the future of the sector—a sector that, depending on when we want to mark it as having

started, has been around for many hundreds of years. I am sure that it will continue for many more hundreds of years into the future, creating those high-value jobs and continuing to drive Scottish exports.

It is important that the Scottish Government—I am sure that the minister will talk about this—continues to work closely with the sector to identify what it needs to grow with regard to skills, infrastructure or other support as it moves towards becoming a net-zero sustainable sector. I look forward to continuing to sample the products and celebrating the success of the sector for many years into the future.

17:50

Emma Harper (South Scotland) (SNP): I am really pleased to speak in the debate, and I thank Ivan McKee for bringing it to the chamber. Before I begin, I declare that I, like Ivan McKee, am a member of the Health, Social Care and Sport Committee. I also remind members that I am a registered nurse, and I fully support the health recommendations to drink no more than 14 units of alcohol each week.

Mr McKee laid out his points very well and affirmed that the Scotch whisky industry is vital for Scotland and for our future economy. It has been 200 years since the Customs and Excise Act 1823 sanctioned the distilling of whisky, so now is a good time to reflect on how the industry plans to take Scotch whisky forward for the next 200 years. For my contribution, I will highlight what I think is a key resource for the next 200 years: women in the whisky industry and marketplace.

Yale University has found that women have more taste buds on their tongues than men do, and current studies suggest that women are far superior to men when it comes to tasting and smelling. I therefore suggest that the industry needs to make scotch that it appeals and advertises to us lassies who have discovered the amazing variation of smells and flavours that Scotch whisky offers.

I am a relatively new convener of the cross-party group on whisky. I have Gordon MacDonald MSP to thank for asking me to join—it wasnae a hard decision to make. The passion for the history, stories and experiences of Scotland's national drink have been with me since I lived in California after moving there in 1990. In the 90s, whisky as a product and whisky as an industry were both very male-dominated and male-focused. There were only a handful of women working in the Scotch whisky industry, and almost all the adverts and marketing were directed at an older male consumer. At times, those adverts were downright and blatantly misogynistic, which seemed to send

the message to women that “Scotch whisky isnae for you.”

I am thankful that the industry has almost completely stopped that practice, and overtly sexist marketing is rare now. However, the sheer lack of representation of women in marketing and editorial imagery still feeds the insidious idea that Scotch whisky is not meant for women, and I appeal to the industry to change that.

In 2020, a non-profit organisation called OurWhisky Foundation conducted a survey of how the world's largest whisky brands represented drinkers on social media, and it found that there were

“228% more images of men than women.”

In an effort to tackle that, OurWhisky Foundation has launched a new website called “The Modern Face of Whisky”. It is a free-to-use image library that depicts people of all genders, ages and races, with the intention that the whisky industry will start using more diversity in its adverts and appeal to a wider consumer base, including women and people under the age of 35. Statistics show that Scotch whisky drinkers discover that they like it before the age of 31.

I am very proud to say that, today, there are so many women who are working prominently in the whisky industry that there are far too many for me to mention them all, which is good news. However, I will mention a few trailblazing women in whisky. Susanne Cameron-Nielsen is head of engagement for the Scotch Whisky Association; she is in the cross-party group, and she helps to keep us right with the secretariat duties. Margaret Nicol is the hidden nose behind Dalmore's success; Dr Rachel Barrie is master blender for the Brown-Forman Corporation group of distilleries; and Cara Laing is the managing director of Douglas Laing & Co. There are too many to mention. There is also Caitlin Heard, who is the team leader at the Borders Distillery in Hawick, in my South Scotland region.

I am sure that the minister will be happy that I am not going to give him any duties this evening, except simply in asking him to acknowledge that there are distilleries in the South Scotland region that produce gin, rum and whisky—including Bladnoch, which is the southernmost distillery in Scotland.

I end by quoting what Annabel Thomas, the founder of the Nc'nean distillery, said last year:

“My dream is that we get to a place where no-one finds it surprising if women drink whisky or, indeed, if women work in the whisky industry.”

Slàinte mhath, Presiding Officer.

17:55

Craig Hoy (South Scotland) (Con): I thank Ivan McKee for bringing this important debate to the chamber, which allows us to celebrate Scotland's national drink. The story of Scotch dates back to the 15th century, and such is our love for a dram that it has been immortalised in song, poetry, play and film. Our national bard Robbie Burns was so enamoured with Scotch that he wrote his ode to whisky, "Scotch Drink".

Whisky is drunk right across the world, in many different ways. When I lived in London, I invited my neighbour Arthur Howard, an actor who was famous for his role alongside Jimmy Edwards in the sitcom "Whack-O!"—that ages me a bit—down for a drink. As I was a cash-strapped student, my partner and I speculated as to what Arthur's tippie might be. Given that he was an actor, we duly went out to buy a bottle of gin. When Arthur arrived, we asked him what he would like to drink, steering him towards a gin and tonic. He politely informed us that his day drink was pink gin but that his evening tippie was firmly a straight whisky. When presented with a gin and tonic, he happily cupped the glass and told us this story.

Arthur was a great nephew to both the actress Fay Compton and the author of "Whisky Galore", Compton Mackenzie. When Arthur arrived on Barra, his great-uncle having apparently rowed him ashore, Mackenzie asked him what he might like to drink. In his clipped tone, Arthur said, "A whisky and soda." Apparently, Mackenzie loudly and angrily repeated the word "soda" before retiring to the kitchen to bring him back a large malt, without even the merest dash of tap water let alone a hint of soda. That proves that drinking whisky is done very much to our own tastes, as Emma Harper just said.

Regardless of how it is drunk, today, whisky is loved so much across the world that, as Ivan McKee mentioned, 1.3 billion 70cl bottles were exported last year, which equates to 43 bottles per second and accounts for 77 per cent of Scotland's food and drink exports.

I am fortunate enough to live just a few miles away from Glenkinchie distillery, which makes one of six single malt whiskies that their producer, Diageo, markets as the classic malts of Scotland. Glenkinchie has a subtle floral flavour, and its distillery was a key beneficiary of Diageo's £185 million investment in Scotch whisky tourism, which transformed it into a world-class attraction. The combination of its proximity to the capital and that recent investment in the visitor experience helped to attract more than 37,000 visitors in 2023, which has been critical to the local economy in East Lothian and across the south of Scotland. Collectively, Scotch whisky visitor centres are among the most popular tourist attractions in

Scotland, drawing visitors who then go on to spend more money in local economies right across the country.

In March, the Parliament's cross-party group on beer and pubs, which I chair, launched an inquiry that focused on brand Scotland and what it means for the beer and pub sector. It is important that we understand what that brand means to businesses with such interests in Scotland, including Diageo. Scotch whisky is a vital part of the Scottish economy and must be promoted responsibly, because it is a central pillar of brand Scotland.

In my view, the Scottish Government's recent abortive consultation on restricting alcohol advertising, marketing and promotions would not have achieved the intended outcomes of reducing alcohol consumption and alcohol harm, to which we should all be committed. However, it would have caused economic harm to Scotland. I was therefore glad that the Scottish Government thought again, because it risked the future of attractions such as the Johnnie Walker experience in Edinburgh. I very much welcome the fact that the Scottish Government will hold further talks with the sector and public health stakeholders before examining the issue again. I take this opportunity to urge ministers that, when they are considering any further restrictions to marketing and advertising, they should work with the industry to ensure that a proportionate, evidence-based and workable solution is proposed and that it is cognisant of, for example, the huge amount of work that the Portman Group does on self-regulation.

In January, the Scotch Whisky Association published a report showing how the value of Scotland's national drink drives economic growth. At that time, Neil Gray, who was then the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, said:

"The Scottish Whisky industry is extremely valuable to the economy in terms of production and exports, and increasingly for tourism and hospitality. It ... is a success story at home and internationally."

I do not always agree with Mr Gray, but on that I agree with him whole-heartedly. We, in the Parliament, should work with the Government and the industry to ensure 500 more years of success for our iconic Scotch whisky industry.

18:00

Jackie Baillie (Dumbarton) (Lab): I must start by offering an apology to the chamber, the Presiding Officer and the minister, as I need to leave before the conclusion of the debate. I have, of course, secured the Presiding Officer's permission to do so.

I thank Ivan McKee for securing this members' business debate on Scotland's iconic Scotch whisky industry and for allowing us all to brag about our constituencies. The industry's impact on Scotland's economy, our culture and our communities is truly incredible. Few enterprises are so distinctly rooted in local communities that they give back in such an enormous way. I speak of that from experience, because—yes, here it comes—in my constituency, the Loch Lomond distillery and Chivas are two of the most significant employers in the local area.

The Loch Lomond distillery is one of only four in Scotland to have its own on-site cooperage and four-year training programme. Thanks to the Scotch whisky industry, across Scotland there are now more than 300 skilled coopers who are trained in the craft of repairing and rebuilding whisky barrels. I cannot mention the Loch Lomond distillery without exercising my constituency bragging rights, as the Whisky Exchange chose Loch Lomond's 18-year-old malt as its whisky of the year for 2024. I will bring in samples for those colleagues who wish them.

I am also immensely proud that the Chivas bottling plant is in my constituency. Its contribution to the local and Scottish economies is huge, and it has a very positive relationship with the local community in Dumbarton. Chivas Brothers is best known for Chivas Regal and for one of the world's best-selling Scotch whiskies, Ballantine's blended scotch. It also has gin and various other spirits for those who like them. Chivas Brothers has a track record of expansion in my constituency, and its continued employment of local people—increasingly now on permanent contracts—is a real vote of confidence in our area. Towards the end of last year, Chivas Brothers proposed plans to invest in the expansion of the Kilmalid bottling site to improve site safety, protect community walkways and ensure easy access around the site for Dumbarton residents. That is on top of a £60 million development in the form of a new state-of-the-art bottling hall, which I commend to those who have not already seen it. That development cements the company's commitment to the local economy, which will benefit us all for decades to come.

If the Scotch whisky industry is to thrive, though, it will need our support. It needs safe, efficient, reliable infrastructure networks to ensure the sustainable movement of workers, goods and visitors. For example, that means that the Scottish Government must take the action that is required to ensure that the ferry network is fit for purpose, given the number of distilleries that are on our islands. It should also support the industry by taking steps to dual the A9 and the A96 and, in my constituency, to make crucial improvements to the Rest and Be Thankful. The Government has taken

its time over progress with the Rest and Be Thankful for quite a number of years now. Local residents and businesses need decisive action and answers about what will happen to that much-needed project. As we have already heard, there are 41,000 Scotch whisky jobs across Scotland, many of which are in rural communities. Getting the infrastructure right is therefore crucial.

Scotch whisky is our number 1 export. From Dumbarton to Dalwhinnie, and from Skye to Stirling, our 140 distilleries put Scotland on the map around the world. This is, indeed, brand Scotland, so we have to properly support the industry and its employees if it is to continue to thrive globally and at home. It is not enough for us just to celebrate it. The Scottish Government must support the housing, training and community infrastructure that the industry needs to then support sustainable growth for the long term. Only then will Scotland's iconic Scotch whisky sector continue to grow and thrive as we would want it to do, and as the economic and cultural asset that we know that it is.

18:04

Fergus Ewing (Inverness and Nairn) (SNP):

When I was first elected, 25 years ago, I discovered that the value to the UK Treasury of the whisky in the Tomatin distillery alone was more than sufficient to dual the A9 at the time. That indicates the enormous value of the whisky industry to Scotland, and we see manifestations of that all over the country.

I should declare a potential interest in that I have purchased two casks for private consumption and gifting—not for commercial sale, which is illegal according to the terms of my contracts with the Isle of Harris Distillery and another distillery.

I will focus on a very serious issue, of which I have given the minister notice: the alarming growth in fraud in the sale of whisky casks. In that respect, I am indebted to the serious work that has been done by a number of individuals—I will name them now, in case I forget later—including Blair Bowman, a well-known writer and consultant, and Vikki Bruce, who has produced an excellent white paper setting out the risks and the solution. Just yesterday, Mark Littler and Felipe Schrieberg wrote in *The Scotsman* about protectyourcask.com, which provides an educational tool.

The fraud, I am afraid, is growing. It is a serious problem, and there are red flags all over the place. I will give some examples. In 2011, 2,000 investors paid £4 million for non-existent casks. In April last year, the Federal Bureau of Investigation arrested a United Kingdom man for a scam worth £10.3 million. Many companies that are notionally

based in London but are actually registered in countries where it would be impossible to seek redress—tax havens and so on—promise returns of 582 per cent over 10 years and bonds guaranteed at 9.5 per cent per annum. If it is too good to be true, it is not true. They are scam merchants. I will not name any individuals—I have the names, and Blair has tracked them—but this is a very serious matter indeed. There are many pitfalls; I have given just a few of the more colourful examples. Many of those who were involved in the Australian wine index fraud back in 2000, when 8,700 people lost £87 million, have moved on to the whisky business.

What is to be done about that, and who should do it? Blair and others have been trying to persuade the Scotch Whisky Association to take on the issue. I have great admiration for the SWA's work, but it has not taken this on yet. It might be helpful if it did, because the UK Government, His Majesty's Revenue and Customs, the Financial Conduct Authority and the Advertising Standards Authority all say that it is somebody else's problem. There is a real opportunity here for the Scottish Government. Although we do not have consumer protection powers to intervene—

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Will the member take an intervention?

Fergus Ewing: I am sorry, but I do not have time.

This is why I informed the minister of my intention to raise the matter. If the Scottish Government were to take the initiative and push for a solution, it would give it the impetus that it needs.

Others have suggested solutions. For example, Vikki Bruce has suggested a Driver and Vehicle Licensing Agency-type register of casks, where someone could readily find out who has previously owned a cask, what its contents are, where it is, where the paperwork is, what the history is, and so on. Others have made other proposals. The SWA has done good work, but it could do more.

The risk is that, unless this scandal is dealt with, it could seriously damage the reputation of Scotch whisky worldwide, which none of us would want to see happen.

I will use the brief time remaining to me to impress on members the importance of action being taken. I hope that, in his closing remarks, the minister will set out whether he sees that there is a role for the Scottish Government to take the lead and do something that would potentially be of huge value to the Scottish whisky industry.

18:09

Tim Eagle (Highlands and Islands) (Con): I, too, congratulate Ivan McKee on securing this debate on what is a very important issue for Scotland. Let us not forget that, as has been pointed out, many of our distilleries are in rural communities and provide jobs in those areas.

In a debate such as this, it is easy to focus purely on the facts and figures, important though they are, especially when we consider how much the Scotch whisky industry contributes not only to the region that I represent but to Scotland and the whole of the UK. However, we must also recognise that Scotch whisky is a key part of our culture and our identity as a nation: it is woven into Scotland's fabric.

As we have heard, different parts of Scotland are renowned for their unique perspectives on whisky, from Islay and its famously peated whiskies through to Speyside with its mix of delicate and honeyed whiskies, and its fruitier varieties as a result of the use of sherry cask maturation.

Countries around the world value Scotch whisky, which is evidenced by the fact that the Scotch Whisky Association's most recent economic impact assessment report showed that exports increased by 31 per cent between 2018 and 2022 to a record £6.2 billion. That is a massive figure. The sector is not standing still: it continues to reinvest in its sites, and new distilleries are opening and new whiskies are being released.

I want to focus on just a couple of examples, which is difficult to do when representing the Highlands and Islands, because there are so many to choose from. I highlight the Isle of Harris Distillery, which has been producing its famous sugar kelp gin since 2015. I bought some when I was on holiday there last year and it is wonderful. Members should try it if they have not done so already. It also recently released the first batch of its whisky, the Hearach.

The founders of the Isle of Harris Distillery set out to create sustainable local jobs, given that the population of the Isle of Harris has declined by 50 per cent over the past 50 years. The distillery, which started with 10 permanent employees, now has around 50. It has become a top tourist destination in the Outer Hebrides, attracting more visitors not only to Tarbert but more widely around Lewis and Harris.

We also have more established distilleries such as Bruichladdich Distillery, on Islay, which has placed a strong focus on driving towards net zero. It has redesigned its famous Classic Laddie bottle to allow for 19 per cent more glass per pallet into the distillery and 60 per cent more product per

pallet out of the distillery, resulting in a 65 per cent reduction in its CO₂ packaging emissions. That shows its commitment towards delivering net zero.

The industry has more than shown its flexibility and ability to adapt to changing circumstances, but it can do that only when both Scotland's Governments supports it. Like the Scotch Whisky Association, I welcome the fact that the Chancellor of the Exchequer froze all types of alcohol duty until at least February 2025.

The Scottish Government has a role to play, too. Like my colleague Craig Hoy, I ask it to think about its plans to restrict advertising on alcohol, which I am aware many in the industry have concerns about, as well as those in the hospitality, tourism and sport sectors.

The deposit return scheme has rightly been delayed until a UK-wide roll-out is deliverable. Businesses such as Chivas Brothers, which is headquartered in and employs around 1,600 people in Scotland, has said that

"diverging from"

a UK-wide approach

"risks adding considerable cost to businesses and consumers".

Scotch whisky is moving from strength to strength, and the latest figures point to a sector that is not only growing at home and abroad but reinvesting into its sites and into local communities across Scotland. There are undoubtedly challenges ahead, including the cost of living and rising fuel costs, but the industry has shown time and time again that it can adapt and absorb to meet such challenges.

I wish all those involved in the sector well for the years ahead, and I commit to doing all that I can to support them.

18:13

Marie McNair (Clydebank and Milngavie) (SNP): I thank my colleague Ivan McKee for bringing the debate to the chamber. I also thank the Scotch Whisky Association and the whisky companies in my constituency for the helpful briefings that they provided ahead of tonight's debate.

Scotch whisky is more than just a drink; it is a manifestation of Scotland's rich cultural heritage and commitment to quality production. It is a symbol of national pride and delivers for our national and local economies. In 2022, the whisky industry in Scotland generated £7.1 billion in GVA and supported 66,000 jobs, and since 2018 it has invested more than £2 billion. That massive investment in our national economy should rightly be celebrated.

I am proud to represent a constituency that holds the significant Auchintoshan distillery, which is just off the A82 in Clydebank and literally five minutes away from my front door, and the Chivas Brothers warehouse in Dalmuir. I had the opportunity to visit that spirit processing and maturation site, which contains filling, disgorging and blending facilities. It has 56 employees and a combined 700 years of experience.

Legal whisky making started on the banks of the Clyde in 1817, when the Duntocher distillery was built by John Bulloch. His grandson co-founded one of the 19th century's most famous blending and broking firms, Bulloch Lade. It was then bought in 1834 by John Hart and Alexander Filshie, who changed its name to Auchentoshan. The Filshies sold up in 1875 to a local grain merchant, and again, like so many stills, Auchie spent almost a century being passed from one owner to another. The distillery was sold to Stanley P Morrison in 1984, before being acquired by Suntory in 1994, beginning a successful era in which the whisky won many awards. The new visitor centre was built in 2004, and Auchentoshan remains a very popular Scotch whisky tourist destination.

Today, Auchentoshan is the only single malt Scotch whisky that is triple distilled and, unusually, all its production is for single malt rather than going to make blended Scotch whisky. Auchentoshan has a large market in the United Kingdom and the US but, interestingly, its popularity is also fast growing in Taiwan and Singapore.

Our whisky distilleries are so much more than just whisky producers. Auchentoshan, for example, does a lot of work in my community, which includes providing on-going support for Old Kilpatrick Food Parcels by donating food and supplies—but not whisky, I think—to help that organisation's efforts to support those in need. Auchentoshan also supports other charities in my constituency such as Clyde Shopmobility and Golden Friendships, to name just a few.

As times change, it is important that our whisky industry moves with us. Sustainable and ethical production is more important than ever, and several distilleries are on their way to achieving greater decarbonisation. Although it is still subject to planning consent, the Auchentoshan HyClyde project, run by Marubeni Europower, would use proven technology to deliver green hydrogen to power the whole distillery. It is expected that the project would create up to 130 jobs in construction, in addition to another four to five jobs once it is in operation.

Of course, while we champion our whisky industries, we must do much to acknowledge the importance of responsible drinking. I was glad to

see, therefore, that in September 2023 the Scottish Government and the Scotch whisky industry agreed to work together to promote the made to be measured campaign as part of the Government's wider efforts to reduce alcohol misuse in Scotland. Likewise, the whisky industries in my constituency, such as Auchentoshan, support the campaign. Auchentoshan's owner is Suntory, which is a founding member of the International Alliance for Responsible Drinking.

Let us all, therefore, raise a glass to our excellent Scotch whisky industry and the generations of distillers who have dedicated their lives to perfecting the craft. I thank Ivan McKee once again for securing the debate, which has been very worth while.

The Deputy Presiding Officer: Before calling the next speaker, I advise that, because of the number of members who wish to speak in the debate, I am minded to accept a motion without notice under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Ivan McKee to move the motion without notice.

Motion moved,

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

Motion agreed to.

18:18

Martin Whitfield (South Scotland) (Lab): I am grateful to members for allowing the extension of this important debate. I thank Ivan McKee and congratulate him on obtaining this slot for one of the most important debates that takes place in the chamber, given the importance—as we have heard—of our whisky in Scotland.

Speaking at this point in the debate allows me to skip the statistics, which is always good, because it enables me to talk instead about the importance of South Scotland in the whisky industry. That includes the Bladnoch distillery, which resumed production in 2017; the Lochlea distillery, which was commissioned in 2018; the Borders distillery, which opened in 2018; St Boswells, which will be the next distillery in South Scotland; and the Moffat distillery, which opened in 2020. It also allows me to talk about the Annandale distillery, which was established in 1836 and reborn in 2014, and—of course—the great Glenkinchie distillery in my area, which started in 1825. That is important because for so many years—almost a century—Glenkinchie as a product was almost unknown because, from 1894, the John Walker & Sons family regularly purchased virtually all of the product from Glenkinchie to use it as the base in the blend of the world's most popular whisky, Johnnie Walker Black Label.

As we heard, Glenkinchie distillery celebrated welcoming 37,000 visitors in 2023. The funding that has led to the distillery's redevelopment is truly extraordinary. That is because the product that comes from Glenkinchie, charmed because of its lowland single malt background and built from the water around the distillery, is such a pleasurable base for the world's most-drunk whisky.

Although the whisky industry in East Lothian and the south of Scotland employs only dozens of people, the financial import to the area is enormous. When we look at our distilleries, we see only one part of the manufacturing process. Even the biggest distilleries employ only dozens of people—obviously more on the tourism side—as we have heard. However, if we follow the chain back to the bottling plants, we find that many hundreds of employees have had lifelong earnings.

As we have heard in a number of speeches, we need to cherish the product, which means that protections are needed throughout the manufacturing chain. I ask the minister to comment on that. We need to protect whisky as a product, even down to protecting the shape of the glass bottles. We heard worrying comments from Fergus Ewing about the growth in fraud in the trading of barrels. Opening up access to barrels to the general public is a relatively new element, although, of course, the trading of barrels has gone on for ages.

Glenkinchie is known as the garden distillery, partly because of its beautiful location but also because of its efforts to improve the sustainability of the distillation process, for which it has received the gold award for green tourism. That and the imagination that is being shown by all distilleries in Scotland is to be commended. Glenkinchie operates a zero waste to landfill policy and has worked to have a positive impact on nature and sustainability. It encourages pollination and the protection of wildlife in the local area, which justifies its reputation as the garden distillery. The product is one of the “four corners of Scotland”, which, as we heard, are of so much importance to the Diageo brand and the Johnnie Walker experience.

I will finish with two comments about Glenkinchie. First, I thank John, who has taken me round the distillery on three occasions and has always found something new to tell me about its history. I would also like to talk about one of the members of staff I met there, who, as a young man, started working there in the summers, on his first holiday job, welcoming tourists through the distillery entrance, which then included a bowling pitch. He decided that he liked the people he worked with, and he kept applying for jobs until he

moved on to work in the distillery. He is now a highly skilled technician who is able to stay in the village—the area of his birth—and raise a family, all because of the strength that whisky gives us. It is almost a unique product in Scotland in that it allows for investment in some of our most vulnerable areas and enables distilleries in those areas to turn into tourist attractions and manufacture one of the finest products in the world.

18:23

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I thank my colleague Ivan McKee for securing this debate to celebrate Scotland's iconic Scotch whisky industry—an internationally renowned success story that is deeply rooted in our Scottish heritage and communities. I am proud to contribute to the debate.

The very meaning of whisky—water of life—not only encapsulates those cherished moments when we raise our whisky glasses and cheer “slàinte mhath”, marking celebrations and milestones in our life, but serves as a reminder of the authenticity and years of delicate craftsmanship that define our cherished Scotch whisky industry. With more than 500 years of production history, Scottish whisky has rightfully claimed its place as the world's foremost internationally traded spirit, boasting an export value of more than £6 billion in 2023 alone—a statistic that is well worth repeating.

As we have heard, the Scottish Whisky Association has found that, on average, 43 bottles are exported every second, which means that if Ivan McKee is keeping a running total he can add another 10,000 bottles to it by the end of my speech. That figure is truly impressive in such a volatile environment.

Although my constituency of Uddingston and Bellshill may not be renowned for its prominence in the whisky industry, we harbour success stories that I am proud to share—or to brag about. For instance, we have William Grant & Sons, the largest independently owned Scotch whisky company, which originated in the Highlands and established its state-of-the-art bottling and packaging facility—which marked its 30th anniversary last year—in Bellshill's Strathclyde business park. That is where you will find iconic Scotch whisky brands such as Glenfiddich, the Balvenie, Grant's and Monkey Shoulder being meticulously bottled.

The bottling plant boasts significant employment opportunities, with around 750 workers on site. Furthermore, William Grant & Sons plays a key role in equipping students to be the next

generation of leaders in the industry, offering an exceptional 12-week summer internship programme and a three-year graduate development programme. I was thrilled to hear about the experiences that Robyn, one of the students, had in those programmes. She said:

“I'm having the most amazing experience and I've been given opportunities to make a real difference in the business.”

I encourage students in my constituency who may share a passion for whisky to look out for upcoming opportunities at Grant's Bellshill site.

As we have heard today, the whisky industry is a cornerstone of Scotland's economy. Production on that scale comes with significant responsibility for tackling climate change. The very essence of whisky is heavily reliant on preservation of the environment, with factors such as water and peat quality influencing its distinct flavour, so it is really encouraging to see the whisky industry committing to decarbonising its operations by 2040. I hope that the minister will be able to outline how the Scottish Government is supporting the sector to successfully meet that critical target.

We are seeing bold initiatives unfold on that journey to decarbonisation. In central Scotland, Falkirk distillery has partnered with the biotechnology company MiAlgae to repurpose whisky byproducts for animal feed, which is an example of furthering the circular economy. At a local level, the Artisanal Spirits Company opened its Masterton Bond bottling plant in Uddingston in March last year. That facility has eliminated the group's reliance on third-party bottling, substantially reducing its road miles and carbon footprint. Those local initiatives play a pivotal role in the industry's journey to decarbonisation, which is immensely gratifying and worth celebrating.

I continue to be struck by the resilience and innovation demonstrated by our whisky industry. It is impossible to overstate the industry's profound impact on our economy, employment and growth. I truly believe that there are absolutely no limits to what our whisky sector can achieve. After all, who disnae like a wee dram?

18:28

Murdo Fraser (Mid Scotland and Fife) (Con): I commend Ivan McKee on his motion and congratulate him on securing this debate.

I begin my short contribution by declaring my interest as co-convenor of the parliamentary cross-party group on Scotch whisky. If members are interested in reading my entry in the register of members' interests, they will see that, last August—along with Gordon MacDonald and Colin Smyth, who are also members of that cross-party group—I was a recipient of Scottish Whisky

Association hospitality during a trip to the island of Islay. That could best be described as an important fact-finding mission, and members of the cross-party group take our responsibilities on behalf of the wider Parliament extremely seriously, so we devoted a lot of time and attention to the two days that we spent on Islay. I reassure those members who raised the topic of responsible drinking that the drinking that took place was, indeed, responsible, at least on my part—I cannot speak for the others who were there.

We have heard a lot about the success story and the growth of Scotch whisky. In 2023, exports topped £5.6 billion. Scotch whisky now represents 77 per cent of Scottish food and drink exports, 26 per cent of UK food and drink exports and 2 per cent of all UK exports, so it is of considerable value to Scotland and the wider UK economy.

One of the interesting developments that we are seeing is the opportunity to open new markets for whisky. The Scotch Whisky Association, which does such important work in representing the industry, has a team that works continually to reduce tariff barriers and to allow access for whisky. It is focused, in particular, on India, which represents a great opportunity. There are 1 billion people in India, and it is a country with a very dynamic and growing economy and an expanding middle class. People have a lot of money to spend, and whisky is seen as a premium and attractive product, but it currently suffers from very high tariff barriers. Therefore, if there is an opportunity for the UK to do a trade deal with India, that would be very much to the benefit of the whisky industry and Scotland more generally. The UK Government has been working to develop such a deal, and we should encourage it in its efforts.

Another development that we have seen in recent years, which is very encouraging, has been the opening of a large number of new distilleries. Tim Eagle referred to that in his speech, as did others. Some of us who are old enough might remember that, back in the 1970s and 1980s, there was a trend of distilleries closing and being mothballed. The fact that that trend is now being reversed is very encouraging.

I can give a couple of examples of that from my region of Mid Scotland and Fife. There is Lindores Abbey distillery at Newburgh, which is a very exciting new development. It is not just a whisky distillery but a visitor attraction that is bringing people to the local area in large numbers. There is also the Eden Mill St Andrews distillery at Guardbridge, which is part of the new University of St Andrews campus. As well as producing gin and whisky, it provides a new visitor experience with a shop and cafe. There are many other examples that I could give. It is so encouraging to see the

growth of new distilleries in parts of Scotland outwith areas such as the Highlands and Islands and in areas where there was not a tradition of whisky distillation. It is good that other parts of Scotland are now benefiting.

I will mention briefly the question of progress towards net zero. As other members have mentioned, the industry is doing tremendous work in reducing carbon emissions. There are initiatives at Blair Athol distillery to encourage recycling and at Glengoyne distillery in Stirlingshire to preserve water.

All those things are a good-news story. The cross-party group welcomes new members, and it welcomes the opportunity to visit any of the distilleries that we have discussed. We are open to invitations, and I am sure that members will enjoy responsible drinking along with us if the opportunity arises.

I again thank Ivan McKee for giving us the chance to discuss these important matters.

18:33

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I thank my colleague Ivan McKee for bringing the story of Scotch whisky to the chamber once again.

Of course, the story of Scotch whisky and its current status as a world-class product cannot be told without telling the story of John Walker, who, in around 1820, set up his grocer's shop in Kilmarnock with the legacy of £417 that he received from the sale of his father's farm. He soon began selling his blended malt, Walker's Kilmarnock Whisky. As everybody will probably know, that led to what was for many years—and still is—the number 1 selling whisky in the world. Johnnie Walker, which was established in Kilmarnock in 1820, is still going strong, but, sadly, it is no longer being made in Kilmarnock.

It was John Walker's son, Alex, then his son, Alexander, who made the breakthrough with the brand. By 1860, the famous square bottle had been introduced and sales of around 100,000 gallons per year were recorded. Look at it now—more than 125 million 1 litre bottles of Johnnie Walker Red Label are sold each year, making it a clear world leader.

The revenue for Johnnie Walker's current custodian, Diageo, is huge, and for the UK Treasury it is probably even bigger. However, my speech tonight is not about money. It is about something else: it is about history, pride and loyalty, and it is about recognising and valuing the incredible contribution that a small number of entrepreneurs made and the contribution of townspeople who made Johnnie Walker the

success that it has become. My speech is also about the abandonment of all of that in the pursuit of profit, and about the nameless and faceless shareholders whose only goal is even more profit.

The bottling plant in my town—which was the biggest in the world at one point—was unceremoniously shut in 2012. The whole enterprise, which had thrived in Kilmarnock for more than 190 years, was hijacked lock, stock and barrel, and the 700 jobs were taken, too. There was no transition fund, then, to deal with the massive impact that that had on local families and the local economy. We just got on with it.

I will never understand why so much value can be placed on continuing to exploit the rich historical origin of something such as Johnnie Walker Scotch whisky—by telling its story and providing it with provenance as a world-class product—while severing the link with the living origins of the product. That is utterly beyond me.

I am prepared to bet that the profits of more than £4 billion that have been reported by Diageo for 2023 would probably be around the same had Johnnie Walker stayed in Kilmarnock—its spiritual home. The closure was pointless and damaging and did nothing positive that I can think of. Do not get me wrong—I want to see the Walker brand succeeding and going from strength to strength, filling the coffers of the company, the Exchequer and whoever makes their living from that wonderful and iconic Scottish product. Perhaps I still hope, in vain, that true enlightenment will return—that we will see loyalty, respect and recognition return to business planning and the corporates of the future, that they will place economic value on the historical origins of a product, and that they will involve local people and protect and cherish that for the future.

Too often, the corporates know the cost of everything but the value of nothing that really matters. Local people brought that iconic product to life. The success of Scotch whisky, and of Johnnie Walker in particular, is down to the people who founded the product and nurtured it and whose labour brought it to an eager world population to enjoy.

The people of Kilmarnock are still proud of their part in the Johnnie Walker story and would welcome some semblance of that connection being re-established, if at all possible, by more enlightened corporates in the present day. Johnnie Walker still belongs to Kilmarnock: his resting place is there, he still belongs to us and he always will.

18:37

Douglas Ross (Highlands and Islands) (Con): I, too, congratulate Ivan McKee on securing

tonight's debate. The level of interest in the debate is a reflection of how important the industry is to Scotland and to individual constituencies and regions across the country. I declare an interest as the member of the United Kingdom Parliament for its Moray constituency. Given that its boundaries make it slightly bigger than the Scottish Parliament's Moray constituency, I can officially say that I represent the constituency that has more Scotch whisky distilleries than any other in the country.

The success of the industry in Moray, in the Highlands and Islands and around the country goes back, with great interest and great history, to the efforts of individuals throughout many generations. Every speaker in the debate will be able to mention people from their area who have made a massive contribution locally, nationally and internationally.

On that point, I take the opportunity to remember one of those great champions from Moray—Ian Urquhart, who sadly died just last month. Ian dedicated his career to the family firm of Gordon & MacPhail Ltd. He is well remembered for his four decades with Gordon & MacPhail and for the work that he did after that with Johnstons of Elgin Ltd woollen mill and as a deputy lord-lieutenant in Moray. Our thoughts are very much with his children, Neil and Jenny, his wife Nichola and his family and many friends who remember Ian's huge contribution. His work is why, in 2022, he and his brother Michael were awarded CBEs for their contribution to the Scotch whisky industry. Ian was a recipient of the award of keeper of the quaich and of a lifetime achievement award from Spirit of Speyside's whisky festival. I put on record that the Parliament's thoughts are with Ian's friends and family, following their sad loss last month.

The whisky industry has a great history in Moray and, more recently, new distilleries have been appearing. This year we are celebrating the 200th anniversary of the Glenlivet and the Macallan whiskies, the Miltonduff and Cardhu distilleries, but we are also at the point when the first distillation in almost 170 years is taking place at the Cabrach distillery. Tomorrow night I will be at an event welcoming the start of distillation in the Cabrach distillery again after many years.

To go back to the point that Murdo Fraser, Tim Eagle and others made, I say that that is taking jobs and investment into communities that have not seen that level of investment for a very long time. The impact on our local communities of both of the distilleries that have been well established over centuries, and those that are just getting back up and running again, is significant and immense.

We have heard about the input and positive nature of whisky tourism. We, in Moray, welcome

to our region every year hundreds of thousands of visitors and tourists who are looking to visit the distilleries of their favourite brands of whisky. This year is the 25th anniversary of Spirit of Speyside's whisky festival. I know that the chairman George McNeil and his team have organised an outstanding programme of events over six days at the beginning of May. There are, in more than 85 venues across 19 villages, 650 events taking people into our area to learn more about the whisky industry and the heritage of whisky in our part of the country and, of course, to spend money in our local communities, which is so important.

Another area that we have not touched on much tonight is the raw ingredients of whisky, and what a job our farmers do in creating the outstanding malting barley to be put into the whisky that, in years to come, is enjoyed by people across the country. I know that many of our farmers in Moray, across the Highlands and Islands and right across the country will, at the moment, be worried about sowing because of the wet weather that we have been having, but their produce is at the start of the journey to create Scotch whisky and is vitally important.

Finally, given the time constraints, we also have to look at investment. Members—Ivan McKee and others—were right to highlight the money that is raised and the gross value that is added by the Scotch whisky industry from sales and exports of whisky, but we also have to look at the amount that is spent in local communities, such as through investment in visitor centres. I was at the Aberlour distillery recently to see its plans to increase production and to offer a new visitor experience, which I know will be enjoyed by many people who come to the area.

Once again, I congratulate Ivan McKee on securing the debate. The interest in it shows how important the Scotch whisky industry is to all of us in the Scottish Parliament. I commend everyone involved in the industry for their successes.

18:42

Finlay Carson (Galloway and West Dumfries) (Con): I, too, congratulate Ivan McKee on bringing the debate to the chamber. I declare an interest as a member of the cross-party group on Scotch whisky; indeed, I admit that my interest is far more than an interest—it is a love for our national tipple.

As many members who have already spoken do, I believe that it is important that we celebrate the incredible success story that is the Scotch whisky industry. We have already heard that it contributes more than £7.1 billion to the UK economy and plays a crucial and critical role in Scotland's ambition to grow its export market.

I am delighted to highlight two distilleries in my constituency of Galloway and West Dumfries and the part that they are playing in contributing to that global sales drive. The Crafty Scottish Distillers Ltd distillery in Newton Stewart has made outstanding gains since its establishment seven years ago by Graham Taylor, who is its founder and owner. With its 12 employees, the distillery is looking to release its first single malt Scotch whisky next year, in 2025.

I am proud to be a member of the founders club, through which founders helped to refine the signature distilling formula for Billy&Co, which is a new whisky that has been named after the father of the founder who built the distillery. That foundation will allow Graham and his colleagues to create a unique whisky that will offer a new level of quality, aroma and taste in the years to come. Such is the confidence surrounding the move that Graham Taylor is planning to build a new facility to increase Scotch whisky production 20-fold. I am sure that all members wish him every success.

Many members might be more familiar with the distillery's offering of Hills & Harbour gin and 24Seven vodka—both of which slip down a treat in the drinking markets in eight countries around the world, including Germany, Italy, Australia, Poland, Canada and China, to name but a handful. Importantly, its products are also about to be offered to spirits lovers across the United States. All that has resulted in the Crafty distillery having enjoyed a 280 per cent growth in exports last year, which also resulted in an increase in turnover of 20 per cent. The distillery provides a major tourist attraction, with nearly 20,000 visitors from across the UK and around the globe taking time out to stop there. Members will agree that those are quite remarkable achievements in such a short space of time.

I am thankful that there is a similar success story, albeit over a longer timescale, at Bladnoch Distillery Ltd, which is the most southerly distillery and the oldest independently owned distillery in Scotland. It is fair to say that Bladnoch has endured something of a chequered past since it was originally founded, in 1817, although it is now enjoying a bold, powerful and exciting revival after being mothballed—one of many such revivals that we hear about across the country. The brand was purchased in 2015 by Australian yoghurt entrepreneur David Prior, who is a man with a real passion for Scotch whisky that was built over years sitting on his father's knee while his father enjoyed a Scotch. He has embarked on a new chapter in the history of what is the oldest privately owned distillery.

That Lowlands distillery's products are now sold in almost all its export markets, with the markets in Germany, China and the United States all growing

by more than 100 per cent in both volume and value. Under the leadership of Dr Nick Savage, who joined as a master distiller in 2019, Bladnoch is currently releasing limited edition whiskies using old casks that were filled before the distillery was mothballed. Such are demand and interest that the distillery has reported a turnover of just over £20 million.

In addition to the flagship Bladnoch single malt, the company also creates Pure Scot, which is an award-winning blended Scotch whisky. The company has said that the brand has found success in traditional markets as well as in developing export markets including Israel, Nigeria and Indonesia. None of that has gone unnoticed, with Bladnoch having been recognised nationally in 2022 when it received the Queen's award for enterprise. The number of people passing through its excellent visitor centre remains at a record high and provides a welcome boost to the economy in Newton Stewart. Employing 50 people, Bladnoch takes great pride in its local origins, which is why it uses the marketing phrase "bold Galloway spirit". It is promoting not only the whisky, but the local area.

There is, of course, a broader point to be made about the importance of Scotch whisky to rural communities, with industry body SWA calculating that some 11,000 people are directly employed by the industry with, crucially, 7,000 of them being in rural communities. In fact, Scotch whisky is one of the very few industries that can thrive in remote locations, which is welcome news in my constituency.

I will finish on that note. I look forward to raising a glass and toasting Scotch whisky in the coming days.

The Deputy Presiding Officer: I call Richard Lochhead to respond to the debate.

18:48

The Minister for Small Business, Innovation, Tourism and Trade (Richard Lochhead): Like others, I will start by thanking my colleague Ivan McKee for securing this chamber debate, and I also offer my thanks to members for their valued contributions. Of course, Mr McKee is a long-standing champion of Scotland's Scotch whisky sector. I think that I have tasted most of the whiskies that have been mentioned in the debate, although by no means all of them. First, though, I must take this opportunity to welcome Tim Eagle formally to the Parliament, as this is my first opportunity to speak in the same debate as him.

One of the whiskies that I have not had the opportunity to taste as yet—the day will come—is Isle of Harris whisky. In one of my previous ministerial roles, I included whisky in the food and

marketing processing grant scheme—I think that that was the title—back in 2013. Under that scheme, we gave a £1.9 million grant to the Isle of Harris distillery—indeed, I attended the ceremony to cut the turf—and it is fantastic to hear, all these years later, that 50 jobs have been created at that distillery. That is good news.

I welcome the level of interest that has been shown in this issue both across the chamber and from all parts of our country. People have a lot of love for our iconic, world-class whisky industry. It is a global Scottish success story that represents the best of Scotland. Some members will have bottling plants, warehouses, distilleries or hauliers in their constituencies, or other connections with the industry, but I expect that every single member of the Parliament will have some connection with whisky. The industry underpins our economy, and it is a major pillar of our country's reputation for quality, excellence, entrepreneurialism and internationalism and of our rich culture and heritage.

Indeed, many members have mentioned heritage, and I was taken by Willie Coffey's comments about links, long-standing heritage and the origins of Johnnie Walker. In fact, I was gifted the book "A Long Stride" by Diageo. Published in 2020, on the 200th anniversary of Johnnie Walker, it is a fascinating read and touches on the long association with Kilmarnock and the rest of the country. Of course, Johnnie Walker is part of Kilmarnock's story, and is part of our industrial history at the same time.

People are a big part of the industry. I am pleased that Douglas Ross mentioned Ian Urquhart, whom I wanted to mention, too. I worked with and knew Ian for many years, both as his MSP and as a minister. He was involved in Scotland Food & Drink and in the family business Gordon & MacPhail, which owns the two distilleries of Benromach and the Cairn. He was a fantastic ambassador and champion for Scotch whisky and, indeed, for food and drink in Scotland overall. I benefited greatly from his wise advice over the years, and he will be sorely missed.

Ivan McKee said at the beginning of the debate that every member claims to have the most distilleries. I cannot fail to mention that, as the MSP for Moray, I represent the biggest concentration of distilleries in Scotland. I recently asked the SWA to calculate the level of production in Speyside compared with the rest of the country, and it estimated that up to 60 per cent of Scotch whisky is distilled there. In response to Kate Forbes's point, I think that Speyside perhaps wins out in terms of volume, value and the number of distilleries, but we do have fantastic distilleries the length and breadth of Scotland.

I started drinking whisky at university, before going out on a Friday evening. I would sit down and have a dram with my friends and listen to “Wish You Were Here” by Pink Floyd. It was a fantastic start to the evening. Since then, I have graduated to Islay whiskies, lighter Speyside whiskies and many others from around the country.

The Scottish Government recognises and will continue to support at every opportunity our whisky industry and its positive and significant contribution to both the Scottish economy and Scotland’s international reputation. We have all spoken about the transformation of the industry over the past couple of decades, which has been phenomenal to witness, to be part of and to support.

Emma Harper made some powerful points about the number of women now involved in the whisky industry in Scotland, and it is striking to note the number of master blenders and other senior members of the industry who are female. It is a great step forward for the whisky industry, and I am glad that Emma Harper raised the issue.

Another trend has been the private trade in casks. As Martin Whitfield and others have said, since the start of the whisky industry, distilleries have traditionally traded casks between themselves, but the private trading of casks is a relatively recent trend, what with the increasing value of whisky, particularly from some distilleries. Fergus Ewing raised the important issue of maintaining the authenticity and providence of casks that are privately traded—and I thank him for doing so and for giving me some prior notice of that. I also pay tribute to Blair Bowman and others, who have raised the issue, too. The Scotch Whisky Association’s view is that it represents a very small part of the whisky industry, but nonetheless the issue that Fergus Ewing raises is important. Given today’s technology, I would hope that there is something that we can do about that, but I would be happy to discuss the issues further with the Scotch Whisky Association in due course.

The Scotch Whisky Association, as the industry’s representation body, takes its responsibilities to protect the industry very seriously, including in respect of authenticity, and also takes very seriously its responsibility to society as a whole. Ivan McKee, Keith Brown and others mentioned the good work that the industry is undertaking to promote responsible drinking; indeed, it is working with Government to highlight the made to be measured campaign, and it funds initiatives to tackle underage drinking, in partnership with community alcohol partnerships across the country. There is a lot of good work taking place as part of that agenda.

As I have said, the industry has grown significantly in recent years and is attracting many people from around the world to our shores, and to our rural and island communities in particular. The 2022 whisky tourism figures are a real indication of the industry’s growing appeal and role in our tourism sector. The tourism and hospitality sector benefits hugely from whisky, creating jobs, as many members have said, and enabling visitors and residents to experience the incredible offer that we have here in Scotland. The more than 2 million visits to Scotch whisky visitor centres demonstrate the successful efforts that are being made by the sector as well as the allure of world-class and award-winning Scotch whisky visitor attractions.

I do not want to rattle through too many statistics but, as others have said, the value of Scotch whisky exports in 2023 was more than £5.6 billion. That success contributes to Scotland’s fantastic exports record and is a testament to everyone who works in the sector, from distillers to maltsters to visitor centre staff and those who work right across the supply chains. Everyone involved deserves our tributes today for their role in that success.

Finally, I should mention the decarbonisation of our distilleries and the sector. It represents another serious commitment from the industry and a lot is happening in that area. For example, I read in the SWA report that Bunnahabhain distillery in Islay invested £6.5 million in a new biomass facility to save more than 3,500 tonnes of CO₂ per year. Other members, including Finlay Carson, have mentioned Carbon Capture Scotland; I have met that company and have heard about the good work that it is doing to decarbonise distilleries in Scotland. Moreover, Chivas is making a massive investment in its distilleries both in my constituency and across the country to achieve its ambitious net zero targets.

Stephanie Callaghan asked what the Scottish Government is doing to support that agenda. We have the Scottish industrial energy transformation fund—a £34 million fund over five years—and six distilleries have received match funding for their decarbonisation plans from that fund alone. Therefore, there is Scottish Government support for a number of distilleries in Scotland to support that agenda.

To pick up on Murdo Fraser’s point about my interaction with the UK Government, I discuss with it trade negotiations and the progress of trade deals. Whisky is always Scotland’s number 1 priority in those discussions. We have highlighted the importance of reducing the 150 per cent tariff that applies to Scotch whisky in India. If we can tackle that in the coming years, it will be a major breakthrough for Scotland. Even a tiny percentage

increase in sales in India would be massive for the Scottish whisky industry; it would be very valuable, and we are continually urging the UK Government to do all that it can to bring that to a successful conclusion.

A lot of exciting things are happening in the whisky industry—it is exciting to see them. Indeed, when I was in Falkirk last week, I passed the new Rosebank distillery, which will open on 4 June, and it looks spectacular. We are all seeing those kinds of investments being made right across our constituencies and across Scotland.

Tonight is a great opportunity to raise a glass to the success of Scotland's Scotch whisky industry—it is a global success story. Slàinte mhath!

Meeting closed at 18:57.

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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