



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Thursday 2 May 2024

Session 6



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Thursday 2 May 2024**

**CONTENTS**

	<b>Col.</b>
<b>GENERAL QUESTION TIME</b> .....	1
Commonwealth Games 2026.....	1
Renfrewshire Health and Social Care Partnership.....	2
Hatton Lea Care Home.....	3
Social Housing (Damp and Mould).....	4
Seasonal Workers (Protection).....	5
Care Homes (South Lanarkshire).....	6
Dental Payments (Mid Scotland and Fife).....	7
Scottish Candidate Numbers (Use in Research).....	8
<b>FIRST MINISTER'S QUESTION TIME</b> .....	10
Scottish National Party Leadership.....	10
Scottish National Party Government.....	14
Climate Emergency.....	17
Detention of Asylum Seekers (Impact on Police Scotland).....	19
Retail Sector (Support).....	20
Action on Climate Change (Target Removal).....	21
Social Security (Disability Benefits).....	24
Breast Cancer Treatment.....	25
Off-road Vehicles.....	26
Sexual Crime (Dunfermline).....	27
<b>NEW ENERGY INFRASTRUCTURE IN THE NORTH OF SCOTLAND</b> .....	29
<i>Motion debated—[Tess White].</i>	
Tess White (North East Scotland) (Con).....	29
Fergus Ewing (Inverness and Nairn) (SNP).....	32
Tim Eagle (Highlands and Islands) (Con).....	34
Michael Marra (North East Scotland) (Lab).....	36
Stephen Kerr (Central Scotland) (Con).....	38
Alasdair Allan (Na h-Eileanan an Iar) (SNP).....	40
Douglas Lumsden (North East Scotland) (Con).....	42
Mark Ruskell (Mid Scotland and Fife) (Green).....	44
Alexander Burnett (Aberdeenshire West) (Con).....	46
Audrey Nicoll (Aberdeen South and North Kincardine) (SNP).....	48
Liam Kerr (North East Scotland) (Con).....	49
The Minister for Energy, Just Transition and Fair Work (Gillian Martin).....	51
<b>PORTFOLIO QUESTION TIME</b> .....	55
<b>TRANSPORT</b> .....	55
Air Departure Tax (Short-haul Flights).....	55
Transport Links (North-East Scotland).....	56
Direct Freight Routes (Europe).....	57
Public Transport (Motherwell and Wishaw).....	59
Small Vessel Replacement Programme (Procurement).....	61
Borders Railway (Extension).....	63
<b>POINT OF ORDER</b> .....	66
<b>UNBORN VICTIMS OF VIOLENCE</b> .....	67
<i>Motion moved—[Jackson Carlaw].</i>	
Jackson Carlaw (Eastwood) (Con).....	67
The Cabinet Secretary for Justice and Home Affairs (Angela Constance).....	71
Pam Gosal (West Scotland) (Con).....	74
Pauline McNeill (Glasgow) (Lab).....	76
Maggie Chapman (North East Scotland) (Green).....	78
Clare Haughey (Rutherglen) (SNP).....	80
Maurice Golden (North East Scotland) (Con).....	82
Fulton MacGregor (Coatbridge and Chryston) (SNP).....	83
Foysool Choudhury (Lothian) (Lab).....	85

John Swinney (Perthshire North) (SNP).....	87
Sharon Dowey (South Scotland) (Con) .....	89
Maggie Chapman .....	91
Katy Clark (West Scotland) (Lab).....	93
Alexander Stewart (Mid Scotland and Fife) (Con).....	95
Angela Constance .....	97
David Torrance (Kirkcaldy) (SNP) .....	99
<b>POINT OF ORDER</b> .....	103
<b>MOTION WITHOUT NOTICE</b> .....	103
<b>DECISION TIME</b> .....	104

---

# Scottish Parliament

Thursday 2 May 2024

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

## General Question Time

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

### Commonwealth Games 2026

**1. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government whether it will provide an update on its involvement in the proposals for Glasgow to potentially host the Commonwealth games in 2026. (S6O-03380)

**The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray):** The Commonwealth games are a hugely important event to Scotland and Scottish athletes—I say that as a former athlete. The Commonwealth Games Federation is working with a number of Commonwealth games associations to reset and reframe the games.

Commonwealth Games Scotland has confirmed that it is looking at a potential hosting solution in Glasgow if an alternative host cannot be found. That solution would be delivered using investment from the Commonwealth Games Federation, plus commercial income.

The Scottish Government is continuing discussions with Commonwealth Games Scotland and Glasgow City Council to further assess and develop the proposals, although no formal decision has been made as yet.

**John Mason:** Will Mr Gray go into a little more detail on timescales for making decisions? Will he confirm whether any public money would go into hosting?

**Neil Gray:** The Commonwealth Games Federation has said that it intends to announce a decision about the favoured proposed host in May 2024. If, at that stage, Scotland is deemed to be the only viable option, steps will be taken to gather additional information and assurances to enable the Scottish Government to confirm its support—or otherwise—to proceed.

The Commonwealth Games Scotland concept proposes a significantly reduced budget that is in the region of £135 million, with funding being drawn from £100 million of investment from the Commonwealth Games Federation and from commercial income, and not from the public purse.

**Paul Sweeney (Glasgow) (Lab):** The proposal to hold the 2026 Commonwealth games in Glasgow is great, and I encourage the Government to embrace it enthusiastically. However, I was disappointed that the scope of the proposal does not include an athletes village, which was one of the great legacies of the 2014 games. Perhaps there is an opportunity to focus state investment on expediting regeneration of derelict sites in Glasgow that are in the pipeline for development, such as Cowlairs or Red Road, as an athletes village. I encourage the cabinet secretary to engage with Wheatley Group and other social housing providers to look at the opportunity to bolster the proposal for hosting the Commonwealth games in Glasgow.

**Neil Gray:** I thank Paul Sweeney for his enthusiasm. There is quite a bit to consider, not least the timescales and public finance that are involved, as well as Glasgow's legacy from 2014, which—I say as a spectator—was incredible. That was a phenomenal games, and Glasgow has an incredible reputation around the world as a host.

The infrastructure that is in place puts Glasgow in a good position, but should Glasgow be the preferred location, there are considerations around timescales, the scale of the games and what we would be able to offer, which must align with the Commonwealth Games Federation's consideration of the long-term situation for the games.

### Renfrewshire Health and Social Care Partnership

**2. Paul O'Kane (West Scotland) (Lab):** To ask the Scottish Government when it last met with Renfrewshire health and social care partnership. (S6O-03381)

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Scottish Government officials last met Renfrewshire health and social care partnership officers on Thursday 4 April 2024.

**Paul O'Kane:** I welcomed the news on Tuesday that the integration joint board in Renfrewshire has abandoned the proposals to close or merge the Milldale and Mirin day centres for people with additional support needs. I congratulate all service users and their families on their tireless campaign to save those services. However, it should not have taken such intense efforts or legal action to change the proposal.

Other services are not being spared, such as Montrose care home in Paisley. The underlying problem remains that the Government is chronically underfunding HSCPs and slashing their budgets. When will the minister deliver for people in Renfrewshire—especially the most vulnerable—with proper funding to avoid cuts and

by taking action to end residential care charges and bring people who have a learning disability home to their areas, as has been promised by the Government for years?

**Maree Todd:** First, we do not want to see the closure of good-quality care homes and other important care services. We absolutely understand the concern that that can cause for supported people and their families. However, decisions on how to deliver local services are for integration authorities to make—in this case, the Renfrewshire integration joint board. The Scottish Government expects those decisions to be made in consultation with the people who use the services and in full awareness of the potential impact on them.

On funding, the Scottish Government has invested more than £2 billion in health and social care integration under the 2024-25 budget. That delivers on our commitment to increase social care spending by 25 per cent over the parliamentary session and does so two years ahead of our original target.

I know that discussions about a national care service are on-going, but the creation of that service is our proposal for rising to meet some of the challenges. Members of Parliament and the public want to hold ministers accountable and responsible, and the national care service proposal will enable that to happen.

### Hatton Lea Care Home

3. **Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what assessment it has made of the potential impact of reports that HC-One plans to terminate the contract for the hospital-based complex clinical care service at Hatton Lea care home. (S6O-03382)

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** Although we have overall responsibility for health and social care policy in Scotland, the statutory responsibility for delivering and commissioning appropriate services for the community lies with local authorities and integration joint boards. We set clear standards for the quality of care that is provided in Scotland and regularly engage with local partners to ensure that those standards are met.

We understand that North Lanarkshire health and social care partnership is working to identify a new location for the service and is conducting robust reviews for each individual to ensure that the safety and care of every resident remains everyone's top priority. We also understand that HC-One's managing director has offered to meet

residents' representatives and the affected families to discuss their concerns.

**Stephanie Callaghan:** The termination of HC-One's outdated contract with university health and social care North Lanarkshire has led to the closure of three of its five Hatton Lea care home units, as the physical layout is considered no longer suitable for residents with advanced dementia. Vulnerable patients and their families are left understandably distressed at the loss of their forever home. What steps is the Scottish Government taking to monitor planned closures and prevent such failures at a national level, so that any escalation in closures during this period of rising costs can be addressed at an early stage, to ensure that continuity of care is prioritised?

**Maree Todd:** We understand that university health and social care North Lanarkshire is working hard to identify a new location for the HBCCC service in a comfortable and homely environment. Its overriding priority for each and every patient is ensuring their continued safety, minimising any distress and supporting them and their families and carers through the process. It is also providing support, as necessary, to staff to ensure that the service's patients remain everyone's number 1 priority throughout the process.

Regrettably, there will be situations in which care homes that are run by the independent sector or a local authority close. Our focus is on ensuring that the local partners that are responsible do what is required to ensure transition to suitable alternative placements.

### Social Housing (Damp and Mould)

4. **Pam Gosal (West Scotland) (Con):** To ask the Scottish Government what action it is taking to help local authorities tackle damp and mould in social housing. (S6O-03383)

**The Minister for Housing (Paul McLennan):** The latest Scottish house condition survey results show that damp was present in 4 per cent of social sector dwellings in 2022. More than £200 million has been made available to social landlords through the social housing net zero fund, which was launched in 2020 to improve energy efficiency and install clean heat. Proposals for the new social housing net zero standard include measures to prevent damp and mould.

Local authorities have powers to tackle substandard housing and to decide how to spend available funds. Record funding of more than £14 billion has been provided to local government in the 2024-25 budget settlement.

**Pam Gosal:** My constituent is a single mother with three children who is trapped in a two-bedroom dwelling in Westwood with damp and

mould. Her infant and her toddler are now having respiratory problems. Efforts to fix the problems have been shockingly inadequate, and the damp and mould persist. I am sure that the minister agrees that that neglect is unacceptable.

Reflecting on the tragic loss in 2020 of two-year-old Awaab Ishak, whose life was claimed by poor housing conditions, the United Kingdom Government introduced Awaab's law, which creates a strict guideline to force social landlords to address damp and mould issues. What consideration has the Scottish Government given to introducing similar legislation?

**Paul McLennan:** I am happy to engage with the member to pick up the specific issue with the local authority and to discuss how we can take forward the proposal that she mentioned.

### Seasonal Workers (Protection)

**5. Ariane Burgess (Highlands and Islands) (Green):** To ask the Scottish Government what discussions the rural affairs secretary has had with ministerial colleagues regarding what steps it can take to protect horticultural workers on seasonal worker visas from unfair work practices and substandard accommodation. (S6O-03384)

**The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon):** The Scottish Government recognises the valuable contribution that seasonal agricultural workers make to the agriculture sector.

We are fully committed to ensuring that fair work applies to seasonal workers. We have funded the Worker Support Centre Scotland since 2022 to provide free and confidential support to seasonal migrant workers. The Royal Scottish Agricultural Benevolent Institution provides practical, emotional and financial support to all people involved in the Scottish agricultural industry.

The housing to 2040 strategy aims to ensure that there will be no margins of tolerance, no exemptions and no "acceptable levels" of sub-standard homes in urban, rural or island communities, deprived communities, or tenements.

**Ariane Burgess:** The Scottish Government has committed to rolling out fair work conditionality for public sector grants and recently confirmed that the real living wage and effective channels for worker representation would apply to five grant schemes for agriculture, crofting and forestry. However, it is unclear when those conditions will apply to direct farm payments, which would do the most to safeguard vulnerable workers on our big fruit farms and protect them from unfair dismissals, unfair piecework payment rates and unsuitable accommodation. Can the cabinet secretary

provide information on when fair work conditions will be extended to cover all farm payments?

**Mairi Gougeon:** The principles of fair work have been a key tenet of the Government's policies and are also a key driver for achieving sustainable and inclusive economic growth. We believe that, when it comes to public funding, those principles should be used to lever in wider benefits, such as the promotion of fair work, to support the development of a successful wellbeing economy over the longer term. That is why we are putting fair work principles at the heart of new agricultural funding streams. Specifically, we committed to introducing a requirement on public sector grants to pay at least the real living wage to all employees and to provide appropriate channels for an effective workers' voice, such as trade union recognition, in the limits of devolved competence.

**Emma Harper (South Scotland) (SNP):** A recent report, from April last year, on seasonal migrant workers in Scottish agriculture found that most seasonal workers come to Scotland because working here has been "personally recommended to them" and that 87 per cent of those who were surveyed were satisfied with the accommodation. Does the minister agree that Scottish agriculture needs access to the people who want to come to Scotland and make a vital contribution, and that the main route to doing that is to undo the damage of a Brexit that was forced on Scotland by Westminster?

**Mairi Gougeon:** I absolutely agree with that. The member has raised some important points. Scotland is a welcoming country; we value those who choose to come, live and work here.

Fruit and vegetables are one of the biggest and fastest-growing parts of our farming sector. Scottish employers are increasingly dependent on migrant workers for a growing proportion of their workforce. The issues that they are experiencing have all been exacerbated by the hard Brexit that the United Kingdom Government chose to pursue.

Seasonal agricultural workers play a hugely important role when it comes to filling vacancies across the agricultural sector as well as helping the overall sustainability of our rural economy. The UK Government's immigration policies fail to address Scotland's distinct demographic and economic needs, which highlights the need for a tailored approach to migration.

### Care Homes (South Lanarkshire)

**6. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what action it is taking to prevent the closure of care homes in South Lanarkshire. (S6O-03385)

**The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd):** No one

wants to see the closure of good-quality care homes, as I have said already. Decisions on how best to deliver services for local communities are for integration authorities to make, in consultation with people who use those services and in full awareness of the impact on them.

I met the save McClymont house group on 26 April. I have also written to the South Lanarkshire chief officer and chair of the integration joint board requesting an urgent meeting to seek reassurances on the steps that they plan to take to ensure that the residents of both care homes in question continue to receive the support that they deserve.

As the member knows, the 2024-25 national health service recovery, health and social care budget contains £2 billion investment for social care and integration. That represents an increase of more than £1 billion compared to 2021-22, exceeding our commitment to increase funding for social care by 25 per cent over this parliamentary session.

**Colin Smyth:** The residents of McClymont house do not want the minister to write to them to talk about assurances; they want the minister to intervene to save McClymont house. The IJB has made it clear to the minister that the closure is an entirely financial decision, in order to plug a funding shortfall of £33 million. The minister knows that the closure proposal is absolutely devastating for the older, vulnerable people who face being kicked out of their home, to save just a few hundred thousand pounds at a time when the home could be used as a step-down facility to tackle delayed discharge.

Will the minister intervene now? A national care service will be too late—people want intervention now. Will she save that care home for the residents who face being homeless as a result of its closure?

**Maree Todd:** The member is aware that the chief officer of the IJB has written to request my intervention in that case. As a result of that request, I have met the families who are affected by the closure and I have requested an urgent meeting with the IJB's chief officer and members, in order to discuss the closure.

The most important thing is that the individuals who live in that care home—and their families—are satisfied that the care that they currently receive, which is acknowledged to be of an exceptionally high quality, is continued beyond whatever arrangements are made for their care.

#### **Dental Payments (Mid Scotland and Fife)**

**7. Roz McCall (Mid Scotland and Fife) (Con):** To ask the Scottish Government what analysis it has conducted of the impact of its reformed dental

payments system, introduced on 1 November 2023, in the Mid Scotland and Fife region. (S6O-03386)

**The Minister for Public Health and Women's Health (Jenni Minto):** We have long-standing arrangements to publish activity on national health service dental services through Public Health Scotland, and data on the reformed dental payment system will continue to be provided through those arrangements on a quarterly basis.

Published data provides information at both a national and regional level, which officials use to inform on-going, regular analysis in discussion with all NHS boards, including NHS Fife, on the impact of national reform on local care provision.

**Roz McCall:** The dental payment system reforms that the Scottish Government embarked on were supposed to make it easier for people to access dental treatments. However, in my region, latest statistics show that, although around 90 per cent of adults in Fife are registered with an NHS dentist, only around half of them have actually seen an NHS dentist in the past two years, which has widened oral health inequalities.

Will the Scottish Government agree to amend the data collection on NHS dentistry to include participation as well as registration? How does it intend to deal with the growing oral health inequalities in my region?

**Jenni Minto:** I thank Roz McCall for her question and am happy to look at her initial suggestion.

We are working very closely with health boards on workforce initiatives because, as we were very clear at the start of payment reform, that was the first step on the journey. We are looking at things such as the direct access model, and I know that NHS Highland is keen to be involved in that.

I have also been working with the other United Kingdom nations and stakeholders to improve the overseas dentist pipeline, which I am pleased to see moving forward.

#### **Scottish Candidate Numbers (Use in Research)**

**8. Jeremy Balfour (Lothian) (Con):** To ask the Scottish Government whether it has followed the advice issued by the Information Commissioner's Office regarding appropriate governance and controls for the use of children's Scottish candidate numbers for research in the education system. (S6O-03387)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Yes.

**Jeremy Balfour:** As the cabinet secretary will be aware, when the health and wellbeing census was run in 2022, no governance was put in place



around the use of children's Scottish candidate numbers. For example, candidate numbers are used as pupil email addresses in some schools. The ICO has advised the Scottish Government that it needs to address serious risks of harm to children, due to the intimate nature of the data that is gathered about pupils and their families.

Will the Scottish Government commit to review and—if found to be infringing the general data protection regulation and ethical standards for health research—to delete the data that was gathered from 134,000 children who participated in the survey without being informed of those risks?

**Jenny Gilruth:** As the member will be aware, in the past year or so, my officials have had a series of meetings with the Information Commissioner's Office on that very issue. I understand that the ICO has also met local authorities to discuss the same issues with them. As a result, the Government is reviewing and enhancing our internal processes and procedures to further reduce the risks of using the Scottish candidate number for our own statistical and research purposes.

Those enhancements are also about ensuring that we have the improved technical and organisational measures that are designed to more effectively implement data protection principles. It will also ensure that improved safeguards will deliver on better meeting the requirements that are set out under United Kingdom general data protection regulation requirements.

## First Minister's Question Time

12:00

### Scottish National Party Leadership

**1. Douglas Ross (Highlands and Islands) (Con):** A week ago, I lodged the Scottish Conservative vote of no confidence motion that forced Humza Yousaf to resign in disgrace. This could very well be his final First Minister's question time as First Minister.

Humza Yousaf's replacement must focus on what really matters to Scotland. The SNP has to forget about independence and prioritise growing our economy, creating jobs and improving public services. John Swinney did the opposite of all those things in government, and his leadership campaign slogan, which was unveiled this morning, is "Uniting for independence". That is all that he offers. [*Applause.*]

**The Presiding Officer (Alison Johnstone):** Members, let us hear Mr Ross.

**Douglas Ross:** I am very grateful for that party election broadcast, which we will be using in the days, weeks and months to come, because all that Mr Swinney offers is more of the same nationalist obsession that has damaged Scotland for a decade, and SNP members are laughing and applauding that. He is fixated on independence, not on the things that really matter. Does uniting for independence not just mean more division for Scotland?

**The First Minister (Humza Yousaf):** No, it does not. Douglas Ross has every right and prerogative to gloat about the position that I am in; I made my statement on Monday. The only exception that I would take to what Douglas Ross said is that I do not feel disgraced at all. I am very proud of the fact that I became the first person of colour to be First Minister, the very first Muslim leader of a western nation and the youngest First Minister to serve in 25 years of devolution.

Most of all, I am proud to have served this Government and my country on the front bench for 12 years. Did I get everything right? Absolutely not—that is very evident and clear. Can I be proud of the Government's record? Absolutely.

Let me talk about the Government's record. In his next few questions, Douglas Ross will do his best to talk about personalities as opposed to policies. Why would he want to do that? When it comes to our policies, the SNP is the party of free university education, the party that abolished prescription charges, the party of free personal and nursing care, the party of free bus travel for those who are under 22 or over 60 and those with

a disability, the party of free school meals, the party of the baby box and the party of free childcare.

What about the Conservatives? They are the party of Windrush, the party of bankers' bonuses, the party of austerity, the party of Brexit, the party of the two-child limit, the party of Boris Johnson, the party of Liz Truss and the party of the cost of living crisis. With such an abysmal record, no wonder the leader of the nasty party wants to talk about personalities, not policies.

**Douglas Ross:** My criticism of the Government was mainly brought on by John Swinney's comments today, as he said that everything is so bad that he has to run for the leadership. Just when John Swinney thought that he was out, the SNP pulled him back in, because there is literally nobody else. The SNP's man for the future is its failed leader from the past. It is going from one continuity candidate to another.

John Swinney was Nicola Sturgeon's human shield. He masterminded the deal with the extremist Greens. For 16 out of the 17 years of SNP Government, John Swinney sat round the Cabinet table. His fingerprints are all over the Government's most toxic policies. How will going back to the future get the SNP out of the mess that it is in?

**The First Minister:** Has Douglas Ross never stopped to reflect on the fact that, for all that he has said about John Swinney, John Swinney and my colleague Kate Forbes are both more popular than Douglas Ross?

Douglas Ross seems absolutely determined to talk about personality. Let me remind him about the personalities that he associates himself with. Douglas Ross served in Boris Johnson's Government. He called Boris Johnson an honest man. That would be the Boris Johnson who was not only the architect of a damaging hard Brexit but who allegedly said to Covid victims, "Let the bodies pile up high."

Douglas Ross then went on to not only support Liz Truss to the hilt—[*Interruption.*]

**The Presiding Officer:** Members!

**The First Minister:** He demanded that we copy Liz Truss's disastrous tax plans. Of course, those were the tax plans that utterly annihilated the economy, and that is the Liz Truss who is now engaging in hard-right conspiracies about the deep state.

You can judge a man by the company that he keeps. Douglas Ross's company is Boris Johnson and the Conservative Party of Liz Truss, Suella Braverman and Priti Patel, and, formerly, of Lee Anderson, Mark Menzies, Peter Bone, Chris Pincher, Andrew Bridgen and Frank Hester. I can

see Douglas Ross looking more and more embarrassed. That is the company that he keeps. [*Interruption.*]

**The Presiding Officer:** Members!

**The First Minister:** I am very proud of John Swinney, Kate Forbes and all the company that I keep. [*Interruption.*]

**The Presiding Officer:** I call Douglas Ross. [*Interruption.*] Let us hear Mr Ross.

**Douglas Ross:** Humza Yousaf is talking a big game now. Has he forgotten that, just last Friday, he wrote this humiliating letter to me, begging the Conservatives and our colleagues here to save his skin? He was literally begging us to save his job. That is how quickly things change in the world of Humza Yousaf.

Let us go back to John Swinney. SNP members think that John Swinney is a safe pair of hands, but he has dropped the ball dozens of times. He was the Deputy First Minister who stood right by Nicola Sturgeon when she obsessed about independence, when she increased taxes and when she wrecked Scotland's public services. He was the architect of the hated named persons law. He deleted every WhatsApp message that should have gone to the United Kingdom Covid inquiry, in a disgraceful cover-up. [*Interruption.*]

**The Presiding Officer:** Members!

**Douglas Ross:** John Swinney was the education secretary who let our schools spiral down international league tables, below Estonia, Latvia and Hungary. The man who oversaw the disastrous ferries deal is supposed to steady the ship. Is that really the best that the SNP can do?

**The First Minister:** Let us compare records. John Swinney was part of a Government that set up Social Security Scotland. Through our anti-poverty measures, including through the benefits that are awarded through Social Security Scotland—[*Interruption.*] I can hear the Conservatives saying that those anti-poverty measures are not working, but it is estimated that they will lift 100,000 children out of poverty this year, in stark contrast to what the Conservatives are doing.

It is through John Swinney's efforts on education and the foundations that he laid that more young people from areas of deprivation are going to university now than ever before. It was John Swinney who helped to deliver the biggest expansion of early learning and childcare in our country's history. [*Interruption.*]

**The Presiding Officer:** Mr Ross!

**The First Minister:** Let us look at Douglas Ross's record. His voting record is there on websites such as TheyWorkForYou, which

aggregate and assess the voting records of all MPs. On taxation and employment, Douglas Ross generally voted against higher taxes on banks. On veterans, he generally voted against strengthening the military covenant. On environmental issues, he generally voted against—[*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** The Conservatives are getting worked up. It is all there in black and white. Douglas Ross cannot hide from the truth.

The website also says that he voted against improving—[*Interruption.*]

**The Presiding Officer:** We have gone well beyond the point at which we can hear one another. I have called only one person to speak, as far as I am aware, and I would like to hear the person who was called to speak, and them alone.

**The First Minister:** The Conservatives do not like the truth. They do not like it one bit, because the truth shows that Douglas Ross generally voted against measures to prevent climate change—what a surprise—that he generally voted against improving air quality and that he generally voted against laws to promote equality and human rights.

Let us find something that he did vote for: he voted for the Rwanda bill. What a shameful act. What a disgrace.

John Swinney, Kate Forbes or any one of my colleagues can stand proudly on their record. Can Douglas Ross stand proudly on his?

**Douglas Ross:** Humza Yousaf is lashing out today because he knows that it was the Scottish Conservatives who forced him out of his job, and he knows that, in seats up and down Scotland in the coming election, it will be a straight fight between the SNP and my party. We will stand on our record of forcing him out of office—[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Ross.

**Douglas Ross:** —and of holding this tired and failing SNP Government to account.

What will John Swinney and the SNP stand on? John Swinney has confirmed today that he will be another divisive nationalist, focused only on independence. His campaign slogan is literally “Uniting for independence”. That means more division for Scotland all over again. John Swinney has been at the heart of the failures that have defined the SNP’s time in office. How on earth will the SNP stop failing Scotland if it keeps doing the same thing over and over again?

**The First Minister:** Any colleagues who stand for the leadership of my party will stand on a

record that we will take to the people of Scotland, much as Douglas Ross’s party is taking its record to people in England and Wales in the local elections today. One suspects that the people will give the Conservatives a very harsh verdict indeed. [*Interruption.*]

**The Presiding Officer:** Mr Ross!

**The First Minister:** When it comes to the issue of independence—[*Interruption.*]

**The Presiding Officer:** Mr Ross!

**The First Minister:** Let us make it very clear that, when it comes to having a vote on the constitutional future of this country—which is a mandate that we have stood on and have won election after election on—the only reason why those in Westminster refuse to give that second referendum is that they fear the verdict.

Why do we need independence? We need independence because this country has suffered 14 years of austerity from a Government that has not won an election in Scotland since the 1950s. It is because a Brexit that we did not vote for was foisted upon us and because our people are suffering from a cost of living crisis that they did not create but are suffering the results of.

What drives John Swinney, Kate Forbes and every one of my colleagues beside and behind me—[*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** —is our social contract with the people to work day and night in the service of all communities in Scotland.

When we take the record that I stand proudly on and that my successor will stand proudly on, I have no doubt at all that the people will continue to put their trust in the SNP.

### Scottish National Party Government

2. **Anas Sarwar (Glasgow) (Lab):** Scotland cannot afford this distracted, divided and incompetent Scottish National Party Government. When we look past all the shouting, we see that our country is facing the greatest challenges since the creation of this Parliament. More than 800,000 people are on national health service waiting lists.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** What about Wales?

**Anas Sarwar:** We see increasing violence and falling standards in our schools.

**Keith Brown:** And in Wales.

**Anas Sarwar:** Police numbers are being cut and crimes are not being investigated. I remind Mr Brown that we are talking about his constituents,

who are suffering those consequences. Police numbers are being cut and crimes are not being investigated. Almost 10,000 children are living in temporary accommodation, millions of pounds is being wasted on failed projects and our economy is flatlining, while the huge potential of our people is being squandered.

Yet again, the SNP is putting party before country and its own problems before the people of Scotland. Is it not the case that, regardless of who the SNP imposes, it will not be able to fix this mess and deliver the change that Scotland needs?

**The First Minister (Humza Yousaf):** Obviously, I do not agree with that in the slightest. What I would say about some of the issues that Anas Sarwar has raised is that there are of course challenges, particularly in the face of a recovery from a global pandemic. However, on the NHS and our public services, we are choosing to invest in those public services, as opposed to introducing tax cuts for the wealthy, which is the choice of the United Kingdom Conservative Party but, it seems, is now also the choice of the UK Labour Party. Anas Sarwar once stood on a platform of progressive taxation, but that, like all his other principles, has gone out of the window.

Anas Sarwar asks us to concentrate on the day job. I remind him that it was he and his party that, yesterday, brought to this Parliament a motion of no confidence that they knew they were going to lose. Due to that waste of time, we had less time to debate justice and compensation for the WASPI—Women Against State Pension Inequality—women. Perhaps Anas Sarwar wanted it that way because, for all the photographs that he takes with the WASPI women, all the warm words and all the hugs that he gives the WASPI women, it was a disgrace that the Labour Party led by Anas Sarwar abstained on a motion that demanded full compensation for the women who have suffered such a disgraceful injustice.

While we are getting on with the day job and getting on with serving the people of Scotland, Anas Sarwar and his Labour Party are U-turning, flip-flopping and deflecting. They should not think that the people of Scotland cannot see through that.

**Anas Sarwar:** Presiding Officer, things are going so well that the First Minister is stepping down this week, yet he is now giving us political advice after the week that he has just had. I do not think that we could make it up. Regardless of—  
[*Interruption.*]

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** Regardless of the list that the First Minister wants to read out, it does not reflect the lived reality for people in Scotland right now under this SNP Government. While our country is

crying out for change, what is the SNP's answer? It is an internal stitch-up and more of the same—either the man who broke the public finances, who was the worst education secretary in the history of the Scottish Parliament, who was the Deputy First Minister who deleted evidence to the Covid inquiry and who has been at the heart of this incompetent SNP Government for the past 17 years, or a former cabinet secretary who many on her own benches say is more akin to a member of Douglas Ross's party than one of her own? Both represent chaos, both represent division and both represent more of the same. After 17 years of incompetence and failure, is that really the best that the SNP has to offer?

**The First Minister:** Anas Sarwar talks about a leadership stitch-up. He should know about that. Just ask Richard Leonard about what he did about a leadership stitch-up.

Our record has seen more young people from deprived areas going to university than ever before. Our record has delivered more than 128,000 affordable homes. Our record has established Social Security Scotland with 14 benefits, seven of which are available only in Scotland, including the game-changing Scottish child payment. It is estimated that our anti-poverty measures will lift 100,000 children out of poverty.

Anas Sarwar talks about what the Government has been doing over the past two weeks. In the past two weeks alone, we have announced £80 million of additional funds to ensure that we boost our affordable housing stock. On top of that, we confirmed £11 million of grant funding for public bodies such as leisure centres. What have Anas Sarwar and the Labour Party done in the past two weeks? They voted against keeping the Promise to care-experienced children. They are going to water down their plans for workers, and they announced that on May day, of all days. I say once again that, disgracefully, they refused to back justice and compensation for the WASPI women—a betrayal that they will not be forgiven for.

**Anas Sarwar:** The First Minister cut £189 million from the housing budget and then miraculously found £80 million on the day when was begging to keep his job. People can see right through the sham. As so many in his own party have said, continuity will not cut it. We need a Government that is focused on fixing the mess that the SNP has made. For all the First Minister's bluster today, he cannot ignore the fact that people across our country are being forced to remortgage their homes to pay for hip replacements.

There are mothers going without food in order to feed their children. There are families travelling south to get their child a private mental health

diagnosis. Cash-strapped families are being made to pay more and get less from their public services. What is the SNP focused on instead? It is desperately trying to cling on to power.

The SNP is so divided, so chaotic and so dysfunctional that it cannot now provide the stable, competent government that our country needs. That is why we need an election, but it does not want to call one. Why? Is it because it fears the judgment of the Scottish people?

**The First Minister:** I remind Anas Sarwar that, less than 24 hours ago, this Parliament voted to give confidence to the SNP-led Scottish Government. *[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** Let me also say to Anas Sarwar that, whoever succeeds me, they can say unequivocally that we stand proud of not only our record but the policies that we have enacted over 17 years. The difference between Anas Sarwar and me, my colleagues on the front benches, and colleagues such as John Swinney and Kate Forbes is that we are consistent in our principles; the only consistency in Anas Sarwar is his complete and utter inconsistency. I am surprised that he is not more embarrassed by that inconsistency. *[Interruption.]*

**The Presiding Officer:** Mr Sarwar!

**The First Minister:** He has U-turned on the two-child limit and the rape clause; he has U-turned on bankers' bonuses; he has U-turned on progressive taxation; he has U-turned on the £28 billion green prosperity fund; he has U-turned on rejoining the European Union; and he has U-turned on his support for compensation for the WASPI women. Anas Sarwar says that continuity will not cut it. It would be nice if, for five minutes, Anas Sarwar could continue with one principle without dumping it.

### Climate Emergency

3. **Lorna Slater (Lothian) (Green):** The First Minister's Government announced a new package of measures to ramp up action on climate change just a few weeks ago. Since then, though, he has needlessly ended the progressive pro-independence Government majority brought about by the Bute house agreement. Responding to the climate emergency was at the core of that agreement and I am proud of what the Scottish Greens achieved during our time in government: free bus travel for under-22s, banning new incinerators and ending fossil fuel heating in new-build homes. Those actions are already driving down our climate emissions, but climate action is now under threat. *[Interruption.]*

**The Presiding Officer:** Let us hear Ms Slater.

**Lorna Slater:** Climate action is now under threat, so will he confirm to me today whether the Scottish Government will recommit to the package of climate action announced, or will his last act as First Minister be watering down climate action and betraying future generations?

**The First Minister:** For 17 years, whether before the Bute house agreement or as part of that agreement, this Government has had a very proud track record of standing up to tackle the climate crisis. We are proud of the achievements that were made with the co-operation of the Greens, but we also had a long-standing record on tackling the climate crisis before we were in a co-operation agreement with the Greens.

On progressive values, which I have heard Lorna Slater talk about in recent days, the manifesto that we stood on—which ensured that the SNP was, by quite some considerable distance, the largest party in this Parliament—was rooted in progressive social values.

It will be for my successor and their Cabinet to come to the chamber to make clear their priorities in tackling the climate crisis. This Government absolutely supports that accelerated policy package, but it is now time for all of us to make sure that we continue to collaborate and work closely together on an issue-by-issue basis. I have no doubt that the Greens will do that with whoever my successor is.

**Lorna Slater:** One of the policies contained in the Bute house agreement was to conduct a climate compatibility assessment of the proposed dualling of the A96. That assessment is now long overdue. Achieving our climate goals means drastically driving down car use. *[Interruption.]*

**The Presiding Officer:** Let us hear Ms Slater.

**Lorna Slater:** The Infrastructure Commission for Scotland, the Climate Change Committee and Transform Scotland have all said that new road building to increase capacity is not compatible with the drive to net zero. When will the First Minister's Government publish the climate compatibility assessment for the A96? When it inevitably says that we cannot afford, for the sake of future generations, to dual that road in full, will he commit to investing the money earmarked for that project into safety improvements and better public transport for communities that live along the route?

**The First Minister:** Lorna Slater will know that it is important for such reviews to complete before we update the Parliament. Again, therefore, it will no doubt be for my successor to give an update on that matter.

However, when it comes to transport, we can tell a good story, for example on the investment that we have made in electric vehicle charging points and infrastructure. We look to accelerate that. We can talk about the fact that, since 2011, we have provided more than £200 million in interest-free loans, through the low-carbon transport loan scheme, for the purchase of zero-emission vehicles. We are committed to working with public bodies to decarbonise the public sector fleet, and have provided £80 million to date to support the procurement of more than 4,000 zero-emission and ultra-low-emission vehicles as well as charging and refuelling infrastructure. We have a proud record of building infrastructure—be that road or other infrastructure—but we also have a very proud record of ensuring that we continue to invest in low-emission transport and affordable public transport. We will continue to do that—again, I suspect, regardless of who my successor is.

**The Presiding Officer:** Many questions are still to be put, and more concise questions and responses will enable that opportunity for more members.

#### **Detention of Asylum Seekers (Impact on Police Scotland)**

**4. Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the First Minister what assessment the Scottish Government has made of the potential impact on Police Scotland and devolved agencies of reports that the Home Office has launched a major operation to detain asylum seekers across the United Kingdom, following the passing of the UK Safety of Rwanda (Asylum and Immigration) Act 2024. (S6F-03076)

**The First Minister (Humza Yousaf):** Let me be very clear: the dog-whistle politics that we have seen displayed this week through the disgusting Home Office footage and, frankly, the accompanying Westminster rhetoric, have no place here in Scotland. This Government has consistently opposed the Safety of Rwanda (Asylum and Immigration) Act 2024, while other members of this Parliament have voted for it in their capacity as MPs. We have absolutely opposed the that act and the Illegal Migration Act 2023. The “hostile environment” rhetoric is a symptom of a broken Westminster system that is focused on constantly attacking the most vulnerable and is a complete abdication of not just the moral responsibility of the UK but its international obligations.

Any unannounced Home Office immigration enforcement visits will raise concern and anxiety right across our communities. Although Police Scotland has a role in maintaining public order and public safety, it will never assist in the removal of

asylum seekers or other migrants. Ministers will continue to press to UK counterparts our deep concerns on reserved asylum policy.

**Karen Adam:** Given the news that the Home Office raids have begun, is the First Minister as sickened as I am, and as many of my constituents are, at the fact that this unworkable policy has been forced on Scotland by a fear-mongering and xenophobic UK Government?

**The First Minister:** I agree entirely with Karen Adam. However, I have great faith in the people of Scotland. Who will ever forget the heroic actions of those on Kenmure Street, for example?

The Government stands absolutely steadfast in our opposition to the Safety of Rwanda (Asylum and Immigration) Act 2024 and the Illegal Migration Act 2023. I deplore the inhumane Home Office enforcement action that we have seen. Detaining people in order to forcibly remove them to Rwanda is cruel and punishes some of the most vulnerable in our society.

At times like this, we all have an obligation to step back and think about what is going on. Often, those who flee persecution, war or extreme poverty come to our shores. What has happened to the UK that has so often opened its homes, its hearts and its arms to people who seek sanctuary? Instead, the UK Government wants to pit community against community, person against person and race against race. I am afraid that such inflammatory rhetoric—such stoking of the flames of division—is only detrimental to each and every one of us.

To end this answer, my plea to every political party, particularly in what is a general election year, is that we show moral leadership in relation to some of the issues that are most divisive. That is important. I hope that every member of the Parliament will play their part in ensuring that we put out rather than stoke the flames of racial and religious tension—which, I am afraid, the Safety of Rwanda (Asylum and Immigration) Act 2024 undoubtedly inflames.

#### **Retail Sector (Support)**

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister, in light of new reported data that nearly one in five shop premises in Scottish cities lie empty, what action the Scottish Government is taking to support the retail sector. (S6F-03070)

**The First Minister (Humza Yousaf):** I thank Murdo Fraser for asking an important question that in turn raises an important issue. Retail is an essential component of vibrant city-centre and town-centre economies. Our retail strategy sets out how we will work with businesses and trade unions to deliver a strong and prosperous retail

sector. It contains specific actions, such as supporting businesses, where possible, to utilise existing vacant space to strengthen retail's contribution to the economic and social success of communities, and it encourages our retailers to promote city centres as retail and cultural destinations. Many retailers in Scotland also benefit from the small business bonus scheme—the most generous of its kind in the United Kingdom—which offers up to 100 per cent relief from non-domestic rates.

**Murdo Fraser:** Research from the *Sunday Post* newspaper shows alarming shop vacancy rates in Scottish cities: 19.5 per cent in Aberdeen, 18 per cent in Dundee and 18.5 per cent in Perth. The decline of our traditional retail centres is well documented. The Conservative Government down south has given retail, hospitality and leisure premises 75 per cent rates relief for two years, but that has not been passed on by the Scottish Government despite its having had the Barnett consequential to do so. If the Scottish Government is not going to do that, what other intervention will make a real difference before we see many more closures on our high streets?

**The First Minister:** First, let me say that, had we followed the logic of what Murdo Fraser says we should have done, it would have meant passing on every single penny of consequential—and more—to businesses. However, that would have been at the expense of the investment that we have made in the national health service and in real-terms increases in the funding of our education and justice services. The Conservative Party in the UK Government chose to give tax cuts that will put money in the pockets of the wealthy at the expense of the national health service. When it comes to the pressures that both small and large businesses face, I remind Murdo Fraser of the unmitigated disaster that Brexit has been. [*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** The number 1 issues that businesses raise with me are high energy costs relating to the disastrous mini-budget, high inflation costs and high food prices, all of which have happened because of Murdo Fraser's party's mishandling of the economy. We will continue to invest in public services and to support businesses, which is why they benefit from the most generous small business rates relief anywhere in the UK.

### Action on Climate Change (Target Removal)

6. **Foysoil Choudhury (Lothian) (Lab):** To ask the First Minister what recent discussions the Scottish Government has had with environmental groups and communities regarding how it plans to

deliver strong action on climate change, following the removal of the 2030 climate target. (S6F-03083)

**The First Minister (Humza Yousaf):** The Government regularly engages with environmental groups and communities on tackling climate change. For example, in late March, the Cabinet Secretary for Wellbeing, Economy, Net Zero and Energy held a round-table meeting with environmental non-government organisations to discuss our climate targets. I have regularly met a number of individual organisations. Those discussions will continue as we consider further action on climate change, based on the Climate Change Committee's advice.

More generally, it is vital that everyone understands the scale of the climate emergency. Our public engagement strategy sets out our vision for everyone to embrace their role in our transition to a net zero Scotland. That is why we are providing a vehicle for communities to engage in collective climate action through our network of climate action hubs, which I know Foysoil Choudhury is aware of. In 2023-24, we provided around £4 million to expand the network of such hubs right across the country.

**Foysoil Choudhury:** Will the Scottish Government support my colleague Sarah Boyack's amendments to place the purpose of a circular economy in Scotland in the Circular Economy (Scotland) Bill, and my colleague Monica Lennon's amendment to put in place a reusable nappy scheme that would represent concrete action to reduce consumption-based carbon emissions in Scotland? Will it also properly fund local authorities so that they can deliver the transformation that we need in our local communities?

**The First Minister:** Any amendments to any legislation will be considered on their own merits. As I know Foysoil Choudhury will understand, it is important, particularly given that we are operating as a minority Government, that we continue to hear good ideas and co-operate across parties where we can.

I would also say this to Foysoil Choudhury. When it comes to tackling the climate crisis, that imperative and obligation is made far more difficult if, whenever we bring even the mildest of action to the chamber, it is opposed by, for example, members of the United Kingdom Labour Party—I mean the Scottish Labour Party; forgive me for that Freudian slip—and the Opposition. They opposed our introduction of low-emission zones in Glasgow. In this Parliament, they opposed a workplace parking levy. They are trying to water down new heating standards. Time and again, they have refused to back any measure that we bring.

We will of course look at the amendments or the ideas that Foysol Choudhury has suggested. I would hope that his party will do the same, so that we can work together to tackle the biggest challenge—the existential challenge—that our planet faces.

**John Mason (Glasgow Shettleston) (SNP):** Can the First Minister confirm that Scotland's climate ambitions are very dependent on Westminster funding and that, if a future Labour Government just carries on copying the Tory policies, as Labour seems to be doing, Scotland will continue to struggle to make climate progress?

**The First Minister:** That is absolutely right. I have asked Anas Sarwar and the Labour Party on a number of occasions, very gently, to confirm whether they would reverse the £1.3 billion capital cut to our budget that the Tories have imposed on us for the next few years. Every time I ask that question I get a lot of waffle, but I do not get an answer back.

That is the challenge here. When it comes to investing in tackling the climate crisis, capital infrastructure will be absolutely key: it will be vital for tackling the climate crisis. We expect the Conservatives to cut our capital budget to the bone; what we need Labour to do is to move away from Tory tax and spending plans, so that we have a chance to tackle the biggest challenge that our planet faces.

**Tess White (North East Scotland) (Con):** A protest is under way outside the Scottish Parliament against the monster pylon pathway proposed by the transmission operator, Scottish and Southern Electricity Networks, for the north of Scotland. Communities are alarmed and anxious.

The First Minister says that he does not want waffle, so will he commit to sit down with campaigners and explain how his Government will use its devolved powers to respond to their concerns?

**The First Minister:** I am well aware of the protest that is taking place. We strongly support action to reform the connection process, so that Scottish projects can connect to the grid when they are ready to do so. The powers to reform the grid connection process are of course reserved to the UK Government, and they require action at a UK level.

In Scotland, we have the most stringent environmental impact regulations in the world, and our planning and consent system ensures that local communities can have their say. All applications must be subject to site-specific assessments. It is not appropriate for ministers to comment on potential projects that may come forward for determinations. As our national planning framework 4 makes abundantly clear,

potential impacts on communities, nature and others are important considerations in the decision-making process.

It is of course important to listen to, hear from, consult and engage with our communities. Let us remind ourselves that it is equally important for powering Scotland's renewables potential for the future—in fact, it will be vital—that whoever forms the UK Government puts their hand in their pocket and invests in our grid infrastructure. All of us have a responsibility to talk up the importance of grid infrastructure. If we do not do that, we will simply not have the renewables boom that we are very much on the precipice or cusp of.

Let us of course engage with our communities; let us also make it abundantly clear that investment in the grid is absolutely required.

### **Social Security (Disability Benefits)**

**7. Collette Stevenson (East Kilbride) (SNP):** To ask the First Minister what assessment the Scottish Government has made of the potential impact on devolved social security benefits of the United Kingdom Government's proposed reforms to disability benefits. (S6F-03082)

**The First Minister (Humza Yousaf):** I can give a categorical assurance that whoever is in this office—I can say this even on behalf of my potential successor—will make it clear that the Scottish National Party-led Scottish Government will never accept the cruel welfare reforms that are being pursued by the United Kingdom Government. Those punitive proposals would only further stigmatise and impoverish disabled people, and they have rightly been called out by stakeholders as a “reckless assault” on disabled people.

In contrast, Scotland's social security system was designed with the principles of dignity, fairness and respect as foundation blocks. Those are the values of the Scottish Government and of the people of Scotland. Disability payments, should they be required, are there for all of us whenever we need them.

The Scottish Government is committed to continuing to deliver adult disability payments in a compassionate and caring way. I know that, earlier this week, the Cabinet Secretary for Social Justice sought urgent clarification from the Department for Work and Pensions that people who receive our adult disability payment will not be penalised and will continue to automatically receive the reserved benefits that they rely on. I call on the UK Government to provide assurance that it will not seek to impose any resultant cuts to expenditure on the Scottish Government.

**Collette Stevenson:** Social Security Scotland is built on the principles of dignity, fairness and



respect. In contrast, the UK Government continues to favour an outdated blame-and-shame approach. Does the First Minister share my concern that those narratives could have a detrimental impact on disabled people in Scotland applying for the support that they are entitled to? Will he outline measures that can be taken to minimise the impact?

**The First Minister:** I fully agree with that. I am clear that social security is a human right. It is an investment in our society and in the people. That is why we have transformed financial support for disabled people in Scotland and established a radically different system that is based on the foundation blocks of fairness, dignity and respect, as I have said.

The proposed changes, much like the Rwanda legislation, which we spoke about earlier, are just the latest examples of the Conservatives punching down and punishing marginalised communities to make up for their own failings. That is transparent for everyone to see.

While the Department for Work and Pensions continues to pursue punitive measures that would serve only to stigmatise and dehumanise disabled people, we will proactively ensure that people are aware of, and encouraged to access, the financial support that they are entitled to. We will continue to work in partnership with disabled people through our on-going review of adult disability payments and with our continued commitment to supporting people to access all their social security entitlements.

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

### Breast Cancer Treatment

**Michael Marra (North East Scotland) (Lab):** Hundreds of women in the Grampian region are travelling hundreds of miles to the central belt for vital breast cancer treatment. I was alerted to that issue this week by a clinician, who told me that there are great concerns about the impact of the treatment delays on patients' chances of recovery.

The First Minister knows that the situation is intolerable. Coupled with issues in NHS Tayside, which I have raised here many times, there is a significant issue regarding breast cancer care in north-east Scotland. Why has that happened? What can the First Minister do to fix the situation? What guarantees can he offer today that NHS Grampian is working urgently to restore a full service?

Delays to cancer treatment cost lives. Will the First Minister commit to a full assessment of the devastating impact of treatment delays for those women?

**The First Minister (Humza Yousaf):** Michael Marra has raised an important issue. He has raised the issue in relation to Tayside before, and he is right to raise it, because we do not want any delays in treatment.

I should say that those who are asked to travel for treatment will get the best possible care, wherever they are asked to travel, but of course we want them to be treated as close to home as they possibly can be. That is why we have increased our funding and head count in relation to oncologists and consultants over the years. However, there continues to be a shortage in some health boards, including NHS Grampian. I will therefore ask the Cabinet Secretary for NHS Recovery, Health and Social Care to write to Michael Marra with the details of the conversations that he has had with NHS Grampian and other health boards in whose areas there is a shortage, so that we can get to a position at which the best treatment for breast cancer and, indeed, any other condition takes place as close to home as possible.

### Off-road Vehicles

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** As summer approaches, my constituents in Maryhill and Springburn will increasingly be subjected to the dangers of the irresponsible use of off-road vehicles such as quad bikes. People have been injured and lives have been lost—I am talking about riders and the wider public.

At Westminster, the Glasgow North East member of Parliament, Anne McLaughlin, is seeking a legislative change to require off-road vehicle registration, and the Home Office has promised to establish a task force. However, we must do stuff in Scotland, too.

What can we do in Scotland? I am thinking, for example, about the need to support Police Scotland in its often hazardous task of clamping down on irresponsible off-road vehicle use, including enforcement, and—importantly—about promoting responsible usage. Will the Scottish Government meet me to see what work can be done in Scotland?

**The First Minister (Humza Yousaf):** I share the member's concerns about the antisocial behaviour that can be associated with those vehicles and about the risk to the safety of the public and the riders. The legislation that governs the registration of off-road vehicles, including quad bikes, is reserved to the United Kingdom Government, so it is there that we need action.

Bob Doris is right to mention the legislative change that Anne McLaughlin MP is pushing for. I hope that MPs can back that sensible change.

I fully support Police Scotland as partners in dealing with and handling the misuse of such vehicles. Local policing teams are ideally placed to engage with members of the local community to identify whether the misuse of such vehicles is causing problems in our neighbourhoods.

### **Sexual Crime (Dunfermline)**

**Roz McCall (Mid Scotland and Fife) (Con):** The number of recorded sexual crimes in Dunfermline is now higher than it was before the pandemic—1,000 sexual crimes have been reported in the city since 2017. Of those crimes, 223 were reported in 2022-23, which is a significantly higher number than the 163 such crimes that were reported in 2019-20, before the pandemic.

Local charities such as Safe Space—an organisation that supports survivors of child sex abuse in Dunfermline—work tirelessly to support victims of those horrendous crimes, but the numbers of those who are coming forward to use the service are such that they are simply overwhelming. It is obvious that current policy is not working. What will the Scottish Government do to halt the alarming increase in sexual crime?

**The First Minister (Humza Yousaf):** I thank Roz McCall for raising what is an exceptionally important issue indeed. We in this Government have always said that we must, first and foremost, improve the criminal justice system for those who, unfortunately, end up as victims and survivors of sexual offences, and I hope that we can get the support of the Conservatives on that.

On the prevention element, I know that Police Scotland is working extensively and tirelessly with communities to prevent sexual crimes from taking place in the first place. We will seek to do all that we can to support organisations such as Safe Space and many other third sector organisations. I will ensure that the Cabinet Secretary for Justice and Home Affairs writes to Roz McCall with some of the detail on what we can do, working in collaboration with both Police Scotland and—crucially—excellent third sector organisations such as Safe Space.

**Jamie Greene (West Scotland) (Con):** On a point of order, Presiding Officer. Forgive me for not giving advance notice of this point, but I noticed that only three back benchers have been able to ask constituency or supplementary questions today. Unfortunately, that has become a bit of a pattern at First Minister's questions. I know that a number of members on all sides of the chamber have very pertinent issues to raise. Are you reviewing any potential changes to the format of FMQs that would allow for a far wider range and volume of back-bench questions to be asked and for the First Minister to answer them?

**The Presiding Officer:** I thank Mr Greene for his point of order. I think that it is fair to say that I have shared my expectations with members on that issue on many occasions, and I have put forward my recommendation for timings of questions and responses. It is fair to say that there is still significant work to be done in the area. I note that, at the beginning of session 5, the Parliament extended First Minister's question time, for the very purpose that Mr Greene outlined. I certainly hope that we will see a real move towards that, because it is really important that as many members as possible have those opportunities.

There will be a short suspension to allow people to leave the chamber and the public gallery before the next item of business begins.

12:49

*Meeting suspended.*

12:54

*On resuming—*

## **New Energy Infrastructure in the North of Scotland**

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a members' business debate on motion S6M-12842, in the name of Tess White, on new energy infrastructure in the north of Scotland. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak button now or as soon as possible.

*Motion debated,*

That the Parliament acknowledges the reported concerns of communities across the north of Scotland, especially those in Aberdeenshire, Angus, Moray and the Highlands, regarding new energy infrastructure; notes that the Scottish Government reportedly indicates that this infrastructure is needed to meet the 2030 offshore wind connection dates and its net zero targets; recognises what it sees as the importance of decarbonising the electricity system, and notes the belief that the strategy to achieve net zero should use a variety of energy sources and consider all infrastructural options, such as undergrounding electrical transmission cables or submarine cables, in order to protect the local economy and character of rural communities; understands that the concerns of rural communities relate to the location, scale and accelerated timeframe of these projects, and that they feel their views are routinely disregarded by the Scottish Government's current strategy, which has reportedly resulted in an unjust transition taking place in rural communities across Scotland; notes in particular the impact of these plans on the wellbeing of affected residents, who are reportedly worried about their health, businesses, property value, cultural heritage, and the potential loss of prime agricultural land; understands that affected residents have criticised the consultation process of transmission network operator, Scottish and Southern Electricity Networks (SSEN); highlights petition PE2095 to improve the public consultation processes for energy infrastructure projects, which was lodged in the Scottish Parliament by Margaret Tracey Smith; notes the calls for the Scottish Government to ensure that local community submissions are considered as a key factor in considering what applications and routes should be approved; acknowledges what it sees as the strength of feeling among affected communities that rural Scotland is being disproportionately impacted by new energy infrastructure, and recognises local campaigners who are working to raise awareness of these plans so that the voices of affected residents are heard.

12:54

**Tess White (North East Scotland) (Con):** I am pleased to have secured parliamentary time to raise the issue of plans for massive transmission infrastructure in the north of Scotland. Thank you to all members who supported the motion.

The proposals in question, which have been put forward by Scottish and Southern Electricity Networks Transmission, include a new 400KV

pylon route from Kintore to Tealing in the north-east, as well as two new substations. If plans are allowed to go ahead, that towering and sprawling infrastructure will puncture our countryside and industrialise our rural communities. It will affect our hugely productive farmland in the north-east, which is seen as the bread basket of Scotland and boasts malting barley, soft fruit, bulbs and field vegetables. It will impact the local economy, and there are concerns about not only the financial implications but the implications for community wellbeing.

The public gallery is full of representatives from the affected communities, and I thank them for coming today. They have travelled from Angus and Aberdeenshire to protest outside the Scottish Parliament because they feel utterly disillusioned with and disenfranchised by this process.

We are told that this new infrastructure is needed for the connection of ScotWind offshore wind projects in the North Sea. The Scottish Government has exclusive discretion to approve and deny applications for offshore wind in Scotland and Scottish waters. There is already too much energy being licensed into the grid, far too few connections and an insufficient transfer mechanism, yet the first ScotWind leasing round allocated more offshore wind than anyone expected. In other words, the Scottish National Party Government sold it cheaply and it sold off much more than was needed.

Little thought was given by the SNP Government to the transmission network and the infrastructure required to land the power from those projects in the north of Scotland. It is no wonder that the Climate Change Committee concluded that the Scottish Government has failed "to bring to the Scottish people, and the Scottish Parliament, a climate change plan that is fit for purpose."

We are all keenly aware of the challenge that Scotland and the United Kingdom face as we continue down the road to net zero. We know that we need to decarbonise our electricity system, but many of the people who will live and work in the shadow of those monster pylons or next to the whopping substations do not feel that they are being helped along that road. For them, this is an unjust transition.

To reach net zero, we need joined-up thinking between the Scottish Government and transmission operators such as SSEN, as well as close working with local stakeholders. We need careful, consistent and considered engagement with affected communities, but that simply has not been the case.

**Douglas Ross (Highlands and Islands) (Con):** I reiterate Tess White's praise for the campaigners who have come to our Parliament today to protest

outside. It is also good to see significant numbers of them at a members' business debate.

Tess White was discussing consultation and listening to the communities. I have been contacted by many farmers in Moray who are concerned about the proposals to put large pylons through good agricultural land. Does Tess White believe, as I do, that much more needs to be done to listen to the concerns of our farmers and communities, who are raising serious issues about the proposals?

**Tess White:** Yes, we need to listen to the farmers. We are talking about productive land—once it is gone, it cannot come back. Food security is just as important as energy security.

**The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon):** I will touch on the important point that the member made about engagement with communities. I am sure that, like me, she shared the shock and real anger when the proposals for the new overhead line appeared seemingly out of nowhere at the start of last year, as it had not featured in any of the project plans that had been published up until that point, when there had been talk about line upgrades rather than a new line.

Does the member agree that meaningful consultation by the authorities that are responsible for those decisions should have been done before we got anywhere near a planning application and that proper, full and transparent consultation needs to be undertaken by National Grid Electricity System Operator Ltd when it takes important decisions that have massive ramifications for our constituents as well as for wider rural Scotland?

**The Deputy Presiding Officer:** Tess White, I can give you the time back for that intervention.

**Tess White:** I am glad that Mairi Gougeon raised that issue, because she is a minister in the Scottish Government and, as I said at First Minister's question time, the Scottish Government needs to use its devolved powers. It cannot, as the Minister for Energy, Just Transition and Fair Work did, wash its hands of the consultation and of this process.

My background is in the energy sector. I know the importance of proper consultation, and SSEN's consultation has fallen woefully short of an appropriate standard. It has totally and utterly dropped the ball. The anxiety and stress that it has caused my constituents is simply unacceptable. Yesterday, SSEN committed to consider alignments that are proposed by communities and landowners and confirmed that it has delayed the overhead line alignment consultation. It is such a shame that it has taken a very visible

demonstration from community groups to push SSEN into landowner and community consultation.

Affected residents know that, once SSEN has made its choices, the final decision will not rest with local councils. The buck, as I have said, will stop with the Scottish Government's energy consents unit, and that is what terrifies those residents. That is because many communities have already gone through the trauma of being steamrollered, with industrial-sized wind farms being put on their doorsteps.

That is bad enough, but, last year, SNP MP Alan Brown even tried to remove the right of local planning authorities to have a public inquiry into situations such as this. That has not been lost on local communities. That change was averted thanks to Andrew Bowie, the Scottish Conservative MP for West Aberdeenshire and Kincardine, who stopped it in its tracks. We will fight to retain the right to have a public local inquiry where the developer and the community are not able to agree terms.

Just last week, the Minister for Energy, Just Transition and Fair Work washed her hands of the whole issue. She said that it was up to the transmission operators to bring the affected communities with them. That will be hard for her constituents in Turriff and New Deer to hear.

The reality is that this is the wrong kit in the wrong location. It is perfectly possible to put infrastructure underground or offshore, and that needs to be an option.

I support the communities behind Save Our Mearns, Angus Pylon Action Group and Deeside Against Pylons in their petition to change the SNP Government's approach to what will be a generational change in our landscape. *[Applause.]*

**The Deputy Presiding Officer:** I advise those in the gallery—it is very good to see you here in such large numbers—that although this meeting is taking place in public, it is not a public meeting. Therefore, we do not permit participation, and that includes applause.

13:03

**Fergus Ewing (Inverness and Nairn) (SNP):** Tess White is to be congratulated on bringing forward such an important topic for debate.

I will start by saying that I have a great deal of respect for the Minister for Energy, Just Transition and Fair Work, who is extremely intelligent and diligent. I gently suggest that this really should have been a Government debate. *[Applause.]* If my opponents could stop applauding me, that would be less embarrassing.

I am deadly serious about this, because Tess White's motion covers a huge range of complex but absolutely essential matters for the future of Scotland. I was energy minister for five years—it was a privilege—and I was and remain a staunch supporter of renewables. I granted many consents for offshore and onshore wind farms, and I think that that was the right thing to do.

Five judicial reviews were raised against the Scottish Government and we won every single one. In fact, we managed to beat two particular litigants: one was a famous north-east businessman from the United States, who is now a presidential candidate, and the other was the Royal Society for the Protection of Birds. We won both reviews, and I do not know from which victory I derive the greater satisfaction—it is a toss-up.

In all seriousness, I want to make a couple of points, because there is not time in this short debate to do justice to the topic. First, there needs to be an electricity generation balance. As so often, it was Winston Churchill who summarised the issue when he said that, when it came to electricity generation, the solution was “variety and variety alone.” In other words, we cannot rely solely on one mode of generating electricity. Each mode has pros and cons; we cannot put all the eggs in one basket.

As a supporter of renewables—particularly the green freeports in Inverness and Cromarty Firth, where great work is done by many companies that already employ thousands of people and will employ thousands more, which is great for the Highlands—I ask whether there is now too much emphasis on wind energy. Do we not need to look at forms of electricity that are not stochastic or intermittent, such as gas? I think that we should.

Gas is now part of the approved European Union taxonomy. In other words, the EU says that it is an acceptable form of electricity generation with regard to emissions. My understanding is that the SNP wants to follow EU regulation, so perhaps the minister could say whether that automatically entails, as a concomitant conclusion, that we are now for new gas power stations. There needs to be back-up when the wind does not blow or the hydro power does not provide electricity because of seasonal issues. Every type of renewable energy has advantages and disadvantages.

Secondly, we should always ask ourselves, “Cui bono—who benefits?” I am really concerned that there will not be enough benefit to, for example, people in Kiltarlity and Broadford. I know that the debate is primarily about the north-east, but the member also mentioned the Highlands. Who benefits?

Scottish and Southern Energy and Scottish Power need to do far more. Why do they not

create new housing as a lasting legacy? I do not mean just £5,000 per megawatt—that is yesterday. There needs to be a debate. I know that lots of good things are being done, but not enough is being done.

I am not quite sure how much time I have left, Presiding Officer.

**The Deputy Presiding Officer:** You have run out of time, Mr Ewing.

**Fergus Ewing:** I will finish by urging the minister, in all sincerity, to have a three-hour debate about the topic, because I cannot do it justice in the time that I have and I do not think that anybody can. The issue is hugely important to Scotland. We have to reflect, get things right and not just rush on regardless, without reflection. Above all, we must listen to the people of Scotland, wherever they are from—

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

**Fergus Ewing:** In life and democracy, everybody counts or nobody counts.

**The Deputy Presiding Officer:** Thank you. There is a lot of interest in participating in the debate, as Mr Ewing anticipated, so members will have to adhere to the speaking time allocations if we are to get everybody involved. I call Tim Eagle for up to four minutes.

13:08

**Tim Eagle (Highlands and Islands) (Con):** I will try to nip on within my four minutes, Presiding Officer. I declare a bit of an interest in that I have previously worked in the field for crofting groups, advising them on tenancy rights and expected rents for a wind farm in the Highlands.

I offer my apologies to Tess White and the other members in the chamber. Unfortunately, after I have spoken, I have to go to another debate in the Parliament on an important rural issue that came up yesterday. Thank you, Presiding Officer, for giving me a pre-agreement that I could do so.

That is not to take anything away from the debate. The fact that we have so many people here for a members' business debate shows just how important the issue is. I echo Fergus Ewing's comment that it does not do the topic justice to debate it in 45 minutes. We really need to have a much longer debate about the issues and what is going on, because the green future that we want can be achieved only if we all come together—communities, politicians and everyone else.

Most people, including me, recognise the climate emergency that we face and the need for action and change. I want to be clear that I do not see this debate as one about climate policy or

politics. The debate is about how we reach climate goals together and how we ensure that the beauty of Scotland—and it is beautiful—which hundreds of thousands of residents and tourists enjoy each year, is not destroyed.

The trouble with politics is that, sometimes, in our race for the goal, we lose sight of all else that is important. In our race to secure a future of renewables, I believe that we are losing sight of the impact that the infrastructure is having now. We simply must stop to consider the how of our green future.

I fully support a strong renewable energy industry that creates jobs, provides community support and, importantly, expands and contributes to the Scottish economy as a whole.

**The Minister for Energy, Just Transition and Fair Work (Gillian Martin):** I agree with everything that Mr Eagle has said in that regard. Does he support my calls for making mandatory the consultation and engagement with the public by transmission operators?

**Tim Eagle:** Yes, I think that we would support those calls. However, it has to go beyond that—we need to see true engagement. At the moment, the likes of SSEN are putting forward pitiful proposals that are not fully developed, and they are turning up to meetings without the full knowledge base. Mandatory consultation and engagement are important, but we also have to make sure that the minister and the Scottish Government are listening to what the communities are saying. That is really important.

Yesterday, in the chamber, when she was questioned by my colleague Oliver Mundell, Gillian Martin commented on the need for meaningful engagement with communities. Oliver was trying to suggest that we should have legal support for communities during public inquiries. I would go further than that. In my previous life as a land agent, it was quite common for applicants to pay the professional fees for landlords and tenants where projects were being considered. I see no reason why that cannot be expanded to community groups. Applicants should give a fair amount of money so that community groups can seek professional support. At this point in time, they are on their own.

I also recognise that we are seeing some negative effects of the changes, and one of them involves water supplies. Some water supplies have decreased in areas where wind turbines have gone up. More thought needs to be given to the places where those projects take off, and we must ensure that there is financial support should things go wrong. At the moment, communities are being left on their own.

Specifically, Tess White made a point about the SSEN pylon work in the Highlands and Moray, on which I have received a phenomenal number of letters and emails. That is a huge development, and many local groups are rightly concerned. My thought is that there is a subsea alternative and that the only reason that SSEN is not pursuing that at the moment is cost. That alternative should not be off the agenda—it has to be discussed.

As politicians, we have spent years telling communities to get involved through community planning boards, local planning, local action groups, community councils and area forums. The Government's Community Empowerment (Scotland) Act 2015 talked at length about quality of life and engagement. Today, there are nearly 100 people sitting in this chamber, and many more at home, and they are engaging. The Government needs to listen, provide support where it is needed, tell SSEN to think again about its pylon plan, and work with communities to select the right locations in the right places, so that we can build our sustainable future together.

13:13

**Michael Marra (North East Scotland) (Lab):** I thank Tess White for securing the debate. I am the sole non-Conservative signatory to the motion, which I do not entirely agree with, but I felt that it was important to have this debate in Parliament today. I agree entirely with Fergus Ewing that there should be a debate on the issue in Government time, so that we can explore it fully. There is much that I will not be able to say today as a result of it being a members' business debate.

The failure to upgrade our energy infrastructure will jeopardise any chance that we have of achieving climate change targets that are set by both the UK and Scottish Governments, led by the SNP and the Conservatives. There is a shared mission in that regard, as Tim Eagle pointed out.

Having engaged with many experts on the issue, I have been persuaded by the case for overhead lines, but it is incumbent on the Government to make the case to residents who are here today and to those who have not been able to join us. I hope that the minister can do some of that today and can, more broadly, build the confidence of residents in that regard.

In February, I visited the village of Careston, near Brechin, and met local residents. Many accepted that the Kintore to Tealing project will go ahead, but they were seeking the best route for that overhead line, in order for it to have the least detrimental impact on residents, the environment and businesses. Residents expressed their concerns about some of the information that was

used to determine the route for that overhead line, including the maps that were being used, SSEN's familiarity with the topography and the failure, in their view, in not having somebody walk the line to understand the environment that they were intervening in. The impact on farming land was particularly acute.

Businesses were also impacted, including a local business that is at the cutting edge of new farming technology and a range of tourism businesses in the area from which I have had representations. As local employers, they have significant concerns about what the project will mean for the livelihoods of many in the areas and the potential for any compensation in that regard.

I am grateful to SSEN colleagues for meeting me on numerous occasions so that I could raise some of those issues with them. We have had constructive discussions about the challenges and the potential solutions, but more work must be done to improve those plans.

SSEN has rightly pointed out that the energy policies and targets that have been set by the UK and Scottish Governments require the infrastructure to be built. There is politics at play in the discussion, but it has to be done on the basis of achieving the ends that we all agree on. In some respects, the company is caught in the middle of that. I believe that both Governments have failed to communicate to the public just how necessary the infrastructure improvements are.

I gently point out to Conservative colleagues that the need for energy infrastructure upgrades is as much a result of UK Government policy as it is of Scottish Government policy.

**Gillian Martin:** I agree with the member's point about communicating the need for the infrastructure upgrades, but does he not agree that there is a need for the ESO and wider society—indeed, the media—to communicate the need for that if we want to reach net zero, and for energy security reasons?

**Michael Marra:** I strongly agree with that. It is incumbent on all of us to have that conversation. Again, I signed the motion to have the conversation here today and I encourage the Government to do its own part in that regard. There is a case to be made by both parties and I have already spoken about that in the debate.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Will the member take an intervention?

**Michael Marra:** Not at the moment; I want to make some progress. I am sorry, but I am almost running out of time.

I was pleased to see SSEN announcing yesterday that it is actively considering community

and landowner-proposed alignments in the Kintore to Tealing project around Careston, Drumoak and Echt. I know that SSEN is also engaging with some of the businesses that I met in Careston.

The planning route has to be flexible and responsive and when I have pushed the contractor, I have found them to be so. However, when I speak to some of the protesters outside, I recognise that they do not share that experience. I encourage them to get in contact with me, where possible, or other representatives, so that we can push their case with SSEN and see the changes that are absolutely necessary.

As the projects are rolled out across Scotland, I have been saying to colleagues that this is a film coming to a cinema near them, frankly. It is not just about the north-east; it will impact citizens right across Scotland, so the Parliament has to take note of it.

There is a broader issue about community benefit. We have to see economic benefit, by which I mean jobs. We have to see the supply chain investment that we need. We had a meeting in Parliament this morning, organised by Michelle Thomson MSP, to talk to investors. We have to make sure that jobs accompany the projects, because that will secure the support of the public more than anything else.

13:18

**Stephen Kerr (Central Scotland) (Con):** It is always a pleasure to follow Michael Marra, but I am sorry that I cannot agree with the premise of his argument on this occasion. His starting point is that the overhead line is the only possible solution and that is clearly not the case.

I thank Tess White. She is a doughty champion for her constituents and I am delighted that she has raised the topic in the chamber.

**Michael Marra:** Will the member give way?

**Stephen Kerr:** I will give way because I mentioned Michael Marra.

**Michael Marra:** I appreciate the member giving way. I did not say that in my speech. I said that I was convinced of the case by the experts with whom I have engaged. It is the right case, but it is incumbent on both Governments to make their case for why this is the solution that is being pursued.

**Stephen Kerr:** What I understood the member to say was that the overhead line was the single solution and that the case that needed to be made was for upgrading the grid. No one is arguing about the need for us to invest in the grid. What we are talking about here is how it impacts the communities of the north-east of Scotland.

**Finlay Carson (Galloway and West Dumfries) (Con):** Will the member give way?

**Stephen Kerr:** I will, yes.

**Finlay Carson:** I appreciate the member giving way, given the constraints on time. This is a national problem. I could fill the gallery with constituents from Dumfries and Galloway representing Hands Off Our Hills, Scotland Against Spin and Galloway Without Pylons. We are in exactly the same situation in that Scottish Power has defaulted to look at the lowest-cost consented route. It does not understand that overhead lines will not be consented because the communities do not want them, and there is a reluctance to look at undergrounding. That should be one of the first options, not one of the last.

**Stephen Kerr:** I am grateful to Finlay Carson for his intervention.

Ministers need to be aware—and beware—of the strength of feeling that there is in the communities of the north-east of Scotland about this issue. An attempt should not be made to confuse this matter in the minds of the public, because the public well understand that it is the Scottish ministers—the SNP Government—who are the ultimate planning authority on this matter.

**Gillian Martin:** Will the member give way?

**Stephen Kerr:** I will not be able to give way—I wish I could. The case for a longer debate was well made by Fergus Ewing.

We have seen how effectively the SNP can use the planning system to stop stuff that it does not like, such as nuclear power. That is another mistake. There is no point in the SNP hiding from the issue, as it is trying to do.

When SSEN says that it cannot underground or offshore the lines and gives spurious technical excuses for not giving alternative solutions active consideration, I am afraid that it does not wash. I can see Michael Marra gesticulating, but that does not wash. We know that undergrounding or offshoring is feasible.

**Gillian Martin:** Will the member give way on that point?

**Stephen Kerr:** I wish I could.

Look at what is being done in Germany to protect its natural environment from megapylons and overhead lines. It is building a 200-mile-long underground cable route, which is called A-Nord, that will transport renewable energy from the north to the south of Germany. Therefore, it can be done.

I do not know any members of the community action groups—many of whom, as has been said, are here today—who are opposed to clean energy

or renewables. We may not all share the enthusiasm of some for the vast wind farms that we now see crowding our landscapes, but we all recognise the need to decarbonise and renew the grid.

However, the current plan industrialises rural Scotland with mega metal structures and power lines. We have before us an infrastructure project that will stand for between 50 and 100 years. With an eye on such a timescale, why are we rushing ahead with the lowest-cost, most intrusive solution because of some artificially imposed deadline?

**Gillian Martin:** Will Stephen Kerr give way?

**Stephen Kerr:** I would love to be able to give way, but I cannot.

I cannot understand why anyone would think about sacrificing our country's natural beauty and the wellbeing of our communities. Scotland is renowned for its magnificence. People come from all over the world to visit the most beautiful country in the world. They spend hundreds of millions of pounds. Are we really prepared to blight our tourism sector?

As MSPs, we should be empowering, not undermining, Scotland's natural beauty. I wholeheartedly support the aims of the Angus Pylon Action Group and the Stop Tealing Industrialisation Group, and I commend them for their campaign. I fear for communities in places such as Jericho and Douglstown, just next to where my grandparents, Charles and Maggie Kerr, farmed as tenants.

I am not speaking against what needs to be done to address the issues of clean energy and energy security, but I am not willing to stand back and see communities and landscapes being sacrificed when other options exist, but those options are not properly being addressed.

13:23

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I thank Tess White for securing the debate. Whether we always realise that energy infrastructure affects every one of us, people in rural constituencies such as mine probably realise it more than most.

To achieve the net zero emission targets of the UK and Scottish Governments by 2050 and 2045, respectively, the independent Climate Change Committee has forecast that a doubling of electricity supply will be required to meet demand. Naturally, that will require extensive improvements to and expansion of our existing electricity infrastructure.

As other members have accurately pointed out, the Scottish Government faces limitations in



reforming energy policy, as that is a matter that is reserved to the UK Government. I will give an example of that. Outdated transmission charges result in higher electricity costs for residents of northern Scotland, despite the fact that renewable energy sources are based there.

The UK Government's wider lack of adequate regulation leads to wider problems for rural and island areas. For instance, a constituent of mine was recently told by Octopus Energy that it had not encountered the island's postcode before, and that fitting a new meter could therefore take several years.

To return to the matter that we are debating today, I believe that there needs to be a greater understanding of how critical existing and planned infrastructure updates are to ensuring the safe and reliable transmission of electricity across Scotland.

I wish to focus on one particular project, which I understand has provoked debate along its route, to offer a different, more westerly perspective. Electricity for the whole of my constituency, the Western Isles, is currently supplied by two subsea cables from the north of Skye. Significant sections of the electricity line between Fort Augustus and Skye were built more than 70 years ago. Those sections are fast approaching the end of their operational life, as is demonstrated by three major faults suffered on the line during the past year.

The recent total failure of the cable between Skye and Harris resulted in 20,000 people in Lewis and Harris having to rely on a 70-year-old diesel-fired power station in Stornoway for several months. That was obviously far from ideal from an emissions perspective, and it has caused some anxiety about future sustainability. I should point out that the existing overhead line between Fort Augustus and Skye is a single circuit, with no back-up transmission circuits in the event of a fault. I have to register the view of many island constituents that a double-circuit replacement there would greatly strengthen network resilience and reliability.

One point that has been made very well is that community input is absolutely essential for infrastructure projects such as overhead lines. Listening to and addressing local concerns should be prioritised, not treated as an afterthought or as a tick-box exercise. When people work well together, important improvements can be made to proposals. I understand that, as a direct result of stakeholder feedback, SSEN is now planning—I hope—to underground some sections of the Fort Augustus to Skye line in the area around the iconic Cuillin mountain ranges.

As we move towards our net zero aims, we must look to do what is right for Scotland's future generations. Communities must be listened to,

and we must upgrade and expand our energy infrastructure so that it is fit for the years ahead. Those two aims need not be, and indeed should not be, in opposition to one another.

**The Deputy Presiding Officer:** I am conscious of the number of members who still want to contribute to the debate, so 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 Tess White to move such a motion.

*Motion moved,*

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

*Motion agreed to.*

13:27

**Douglas Lumsden (North East Scotland) (Con):** I start by congratulating my colleague Tess White on securing this vitally important debate. I pay tribute to Tess, who, like my colleague Stephen Kerr, has raised this issue time and again in the chamber. I also give big thanks to all the campaigners who have made their way down to Parliament today to have their voices heard on what is such a vital issue.

We often hear calls from the Government for a just transition for the north-east. However, what is going on with the electricity infrastructure plans is an unjust transition. Would it be just if we saw the mass industrialisation of the north-east of Scotland in the pursuit of net zero? I do not think so, but that is exactly what is happening right now. Local communities such as those in Turriff and New Deer are angry at the lack of understanding from this central belt-focused Government. They feel ignored, sidelined and shut out by a distant Holyrood, which is completely unaware of the needs of rural Scotland and is hell-bent on destroying vital natural environments that are key to the economic future of the north-east.

It is nothing short of vandalism that is being done to rural communities throughout the north-east. Last week, I asked the Minister for Energy, Just Transition and Fair Work, Gillian Martin, to ensure that the devolved Government used the planning powers that it has to ensure that the overdevelopment of those areas is stopped. The answer then was nothing short of a disgrace: passing the buck and saying that the Scottish Government has no powers to instruct the transmission operators to opt for underground cabling. Well, minister, you have—

**Gillian Martin:** I am stating a fact when I say that legislation and regulations relating to energy and gas networks are reserved to the UK Government. Therefore, we cannot mandate any kind of engineering—overgrounding or

undergrounding—but that could be done by the UK Government. Will the member write to the UK Government and make that point?

**Douglas Lumsden:** You are right: you cannot dictate to the operators what they must do, but you can dictate to them—

**The Deputy Presiding Officer:** Speak through the chair, Mr Lumsden.

**Douglas Lumsden:** She can dictate to them what they cannot do.

As we have already heard, you have planning powers to stop nuclear power stations, for example. You used the powers then—you could use those powers in exactly the same way to stop what we are seeing across the north-east of Scotland.

We are elected to the Parliament to represent and speak up for our constituents. Judging by the hundreds of emails that I have had on this subject, and the demonstration that we have had outside today, that is exactly what I am doing.

SNP MSPs are failing in their duty to represent the needs of our hard-working constituents. Gillian Martin is meant to be in Parliament to represent communities; instead, she is ignoring them: ignoring their pleas, emails—as I heard earlier—and calls, and their protests at what is being done to them.

We have seen and experienced the abject failure of the SNP Government in listening to the needs of our rural communities. It is a litany of failures and there is no end in sight, no matter whom the SNP chooses to lead it or with whom it partners. The party is so focused on independence that it has lost the ability to listen to our communities, which I am proud to serve.

I am fully behind our move towards net zero, but it cannot be at any cost. The decisions that we make now will be with us for the next 50 to 100 years, so let us do it right. We cannot allow the desecration of the north-east of Scotland to take place. We must work with our communities, not against them.

I think that we all agree that something needs to be done, but—[*Interruption.*]

Sorry—is that an intervention from Michael Marra? No.

The vandalism of our natural environment, the focus on the needs of the central belt and the deliberate rush to destroy our beautiful countryside with unwanted, unnecessary pylons must stop. I am proud to support the motion today, and—more importantly—I stand with, and support, my constituents, who have travelled here today. I fully support them.

13:32

**Mark Ruskell (Mid Scotland and Fife)**

**(Green):** I thank Tess White for bringing to the chamber this important debate. Of course, it is not a new debate, and there are many lessons from history. After the second world war, Tom Johnston brought hydro power to the glens for the first time, which led to dramatic economic progress and improved quality of life for so many communities. It would be wrong to assume, however, that that progress came with no cost. Some communities were abandoned, and pristine rivers were damaged—some, such as the River Garry, are starting to recover only now.

There will always be a balance to be struck between national energy needs, local and global environmental impacts and the need for communities to have a stake in both decision making and the economic rewards of projects.

In more recent times, the Beaully to Denny power line upgrade—which, I believe, was consented by Mr Ewing—has left us with many lessons. The debates from 18 years ago are now being rerun all over again with the SSEN programme. I will reflect on some of those debates, in which I was involved at the time.

First, there were arguments that no grid upgrades were needed, and that wind farms would never be built. However, today, we have to accept the reality that the Beaully to Denny scheme was needed, that it led to the construction of onshore wind farms, and that those wind farms have slashed the climate impact of electricity while benefiting communities across the UK through lower electricity generation costs.

Lord Callanan, the Conservative UK Minister for Energy Efficiency and Green Finance, was absolutely right when he said:

“we need to build about four times as much transmission infrastructure by 2030 as we built in the previous 30 years.”—[*Official Report, House of Lords, 29 February 2024; Vol 836, c 193GC.*]

The missed 2030 climate target reminds us that there is no path to net zero, in Scotland or the UK, without a massive switch from fossil fuels to electricity for both transport and heating. The reality is that the bulk of that can come only from renewable energy, and the new transmission lines will be required to get that energy to where it is needed.

**Finlay Carson:** Will the member take an intervention?

**Mark Ruskell:** If there is time in hand, I will give way to Mr Carson.

**Finlay Carson:** I will be brief. Taking into account everything that Mr Ruskell is saying, would he agree that the current planning system is

completely broken? Local authorities and planning departments do not have the capacity to deal with applications, and when they do deal with them, we see the sort of thing that happened in Dumfries and Galloway, where eight of the 12 applications to which local communities and local authorities objected then saw those objections overturned by the energy consents unit in the Scottish Government.

**Mark Ruskell:** I do not have much time to respond to that; a three-hour debate on this issue would be fantastic. There are certainly lessons to be learned from the Beaully to Denny line about early engagement with developers. In this case, of course, it goes through a different consenting process from the one that local authorities are engaged with. The critical issue here is early engagement, and I will come on to more points about that later, if I have time.

Secondly, reflecting on the Beaully to Denny line, some people acknowledged the national need for grid upgrades but believed that undergrounding was a panacea—out of sight, out of mind, shove it all underground. I wish that that were the case, because there will undoubtedly be a landscape impact from new pylon lines. They are not pretty, but digging a motorway-sized trench through sensitive landscapes and farmland and across rivers and streams causes environmental damage, leads to vulnerability of supply and requires vastly more expensive infrastructure—that is just a reality.

Thirdly, in relation to the Beaully to Denny line, some communities accepted the need for pylon upgrades and reluctantly accepted that complete undergrounding might not be feasible but successfully negotiated changes with developers. They not only won route alterations but managed to secure other improvements, including the removal of existing infrastructure such as substations.

I am pleased that there appears to be some progress in the negotiations around the current SSN programme, just as there was with the Beaully to Denny project, but it is clear that the developers need to go further. They need to double down on their work with communities and find compromises that are not going to be welcomed by everybody but will become more acceptable.

My final point is about mitigation. The long, drawn-out and bitter public inquiry into the Beaully to Denny project led to years of wrangling before a programme could be agreed and delivered. We cannot afford another four-year public inquiry process with the SSN programme. These projects must be delivered faster if we are to make progress. Communities cannot wait for funding for

landscape mitigation to come years after the event.

**The Deputy Presiding Officer:** You need to conclude.

**Mark Ruskell:** Developers need to design those options with communities alongside the route selection process.

The grid upgrades must happen—they cannot be delayed. It is inevitable that there will be some landscape impact, but developers need to work harder with communities, minimise the landscape impact and invest in the future.

13:37

**Alexander Burnett (Aberdeenshire West) (Con):** As many of my points have been covered, I will try to be brief. I start by thanking Tess White for securing the debate. I also welcome to the chamber people from the north-east who are part of Deeside Against Pylons, including constituents of mine. They are just some of the many who have travelled down to protest against the Scottish Government's destruction of our countryside.

Over the past year, I have repeatedly highlighted the impact of the Scottish National Party Government's unjust transition and how it will affect our rural communities. A month ago, I spoke about the hundreds of wind turbines that are currently in the planning process. I refer members to my entry in the register of members' interests in relation to two 12kW farm turbines that were built a decade ago, which are 45,000 times smaller than those planned in the Cabrach, an area that is impacted by the Government's plans to install 3,400 turbines between 2022 and 2030.

The report "Beyond 2030" proposes nine new major overhead lines across rural Scotland in addition to the current pylon proposals that rural communities are fighting against. Alternative options must be seriously considered, such as undergrounding and subsea cabling, which an Ofgem briefing just this morning states is most appropriate for transmission over long distances. Decisions need to consider the environmental impact on our countryside and, more importantly, on the people who live there and will be directly affected.

I have urged the Scottish Government and the energy minister, Gillian Martin, whose own constituency will be affected, to listen to the calls from local communities—and her constituents—for them to have a statutory voice in the planning process, as happens elsewhere in the United Kingdom. As it stands, communities are not being made aware of these developments at an early enough stage to influence the proposals. Consultation events are nothing more than tick-

box exercises for developers and are used to pit communities against each other.

My inbox is inundated with messages from constituents telling me that their concerns are repeatedly ignored by developers, that their requests for meetings are rejected and that events are held during the working day, when most people are unable to attend.

**Mark Ruskell:** Does the member recognise that the lessons from the Beaully to Denny project show that it is inevitable that the pylon lines will be constructed and that now is the time for developers to be working with communities on landscape mitigation, route selection and ensuring that the projects are developed in the best way? It is not about communities being pitted against each other; it is about having a process that gets to an outcome, delivers on climate and delivers what electricity consumers across the UK need and what his Government minister at Westminster wants to see.

**Alexander Burnett:** I am afraid that I fundamentally disagree that the pylons are the only solution. The purpose of the debate is to discuss what options are available not just for transmission but also for the production of energy—a wider debate about that would be beneficial, too. As Fergus Ewing said, we need to have varied sources of electricity.

Rural life is under threat, and I have heard from hundreds of constituents whose homes and livelihoods are at risk. There are currently more than 1,400 community objections to the Hill of Fare wind farm development, and I have lost count of how many messages objecting to the pylons I have received even in the past 48 hours, but, under the current process, those voices could be ignored. Further, it is not clear what involvement local authorities have, as people are told they cannot lobby their councillors on those applications.

Homes cannot be sold, farmland will be lost, historic sites and battlefields will be torn up and tourism will fall while the decisions are taken by Scottish ministers and the energy consents unit, who do not have to suffer the consequences of their work.

**Gillian Martin:** Will the member take an intervention?

**Alexander Burnett:** I am just closing, and the minister will have an opportunity to respond when she closes the debate. She can also say whether she will give communities a statutory voice in the planning process, as occurs in England. Further, will she review her onshore wind targets, which are causing this destruction of our countryside? Finally, will she meet community groups, as she is meeting developers? The SNP must listen to

those who have come to Edinburgh today and must give communities a statutory voice.

13:42

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I thank Tess White for securing the debate.

We all understand the need to transition to greener and sustainable fuel options. Put simply, electricity demand is set to double by 2050, and we must act now to deliver sustainable energy for our communities. The Scotland leasing round has exceeded expectations, almost tripling from an initial 10GW projection to the present 28GW, and the UK Government has also massively increased its offshore wind ambitions, stretching its overall target to 50GW.

Fundamental to all of that is our transmission network. However, it is resoundingly clear that the grid poses one of the biggest barriers to the deployment of our renewable energy pipeline. It is important to understand that electricity network legislation and regulations are reserved to the UK Government, with the electricity system operator responsible for electricity planning across Great Britain and closely regulated by Ofgem.

The pathway to 2030 project sets out the plan for new grid investment, connecting renewable energy to homes and businesses across the UK. The commitment that has been made by SSEN Transmission to invest more than £20 billion this decade for critical grid upgrades is hugely significant for Scotland's economy and energy security and for the aim of reducing energy bills for everyone. However, it is absolutely imperative that significant infrastructure development derives from industry and community needs, with communities having the opportunity to engage in the process, so that areas are developed in a consensual way.

**Tess White:** Will the member take an intervention?

**Audrey Nicoll:** Yes.

**Tess White:** I thank Audrey Nicoll for giving way and for speaking in today's debate, because one of the things that concerned me and my constituents was that, without Michael Marra's support, the debate would not have happened today and the subject would not have been aired. Why did Audrey Nicoll and her colleagues not support the motion to have the debate?

**Audrey Nicoll:** I note that, during the debate, it has been suggested that there should be a wider debate on this matter, and I would fully support that.

In my constituency, strategic infrastructure projects in the form of an energy-from-waste plant,

a new harbour and, potentially, an industrialised former green space, all within line of sight of the Balnagask area of Torry, have left residents feeling disconnected and disenfranchised. Getting the balance right is essential. I am pleased that SSEN Transmission has, just this week, committed to considering proposed alignments to the Kintore to Tealing project, with consultations on proposed substations at Emmock and Hurlie taking place next month, as planned. Like other north-east MSP colleagues, I have regular, open and positive engagement with SSE on a range of energy issues.

There is a pressing need for pace in developing such projects from desktop ambitions to project delivery. Although some goals are still years away, there needs to be action now, given the scale of the upskilling that is required. Delays in consenting risk pushing back some ambitious projects by years, which would risk jobs and vital investment.

However, we must strike a balance between the voice of communities and the planning process. In that regard, I would welcome additional guidance from the chief planning officer on national planning framework 4 policies on transmission infrastructure. I also support wider reform of the current section 37 process to streamline consenting for critical infrastructure. Fixing a clear period for consenting is required and should be delivered through the UK and Scottish Governments working together to address existing legislative challenges while protecting democratic rights at a local level.

As Mark Ruskell noted, Lord Callanan, the Minister for Energy Efficiency and Green Finance, said:

“we need to build about four times as much transmission infrastructure by 2030 as we built in the previous 30 years.”—[*Official Report, House of Lords*, 29 February 2024; Vol 836, c 193GC.]

I agree.

13:47

**Liam Kerr (North East Scotland) (Con):** I have listened very carefully to the powerful contributions from across the chamber this afternoon, and I align myself with most of them.

I will focus my remarks on the wider issues underlying the situation, because Fergus Ewing is absolutely right: the issue is bigger and should be debated in Government time. What people are facing is a function entirely of the Government's utter negligence and incomprehensible failure to come up with a holistic energy plan. It is all well and good for the Government to proudly trumpet that it wants to get to net zero by 2045, but surely any responsible Government would do more than

virtue signal and would, instead, work out how to get there in relation to energy generation.

**Gillian Martin:** Will the member take an intervention?

**Liam Kerr:** No. I say to the minister, with respect, that she can respond in her closing speech.

Audrey Nicoll is wrong. This is not about every other agency bar the Scottish Government. In fact, a responsible Government would produce a holistic energy strategy that recognises that we need a balanced energy mix, and that incorporates upskilling, support for jobs and a meaningful supply chain.

Instead, we have the usual piecemeal silo thinking, which is epitomised by a draft energy strategy that is years late, remains unsettled and does little more than signal a damaging presumption against oil and gas extraction in the North Sea. We have a Government that, in the face of all the evidence suggesting that its preconceptions are wrong, states that it will refuse to give planning permission for any new nuclear developments in Scotland, so when Torness nuclear power station closes, which could happen as soon as 2030, there will be no nuclear generation in Scotland's energy mix.

The Government crows that it has licensed the generation of about 28GW of electricity from offshore wind in the north of Scotland. It reckons that it can power the UK on wind that is generated in the north, but it gives cursory thought to how that electricity can be transported around Scotland and to markets throughout the UK. It is precisely that lack of thought—that abject failure to plan how to move the electricity around—that has ended up with our having this debate today.

It stands to reason that, if we have a proper energy mix, with energy stored in a different form—oil and gas, for example—or generated from where it has historically been generated, such as at Torness or Hunterston power stations in central Scotland, we might not need enormous pylons carving up the countryside of the north-east. They are not the fait accompli that Mark Ruskell seems to think they are, with people just needing to get used to them.

The second issue also relates to the lack of a plan, in the absence of such there is no coherent holistic consideration of how we might use the power generated. At a basic level, if we generate 28GW of offshore wind, power must go into the grid and taken to market or, presumably, large constraint payments must be made to turn the turbines off if they generate too much. Transporting electricity in that volume drastically increases the magnitude of infrastructure required—more pylons, more transmission lines

and more substations. Leaving aside Stephen Kerr's passionate and sage analysis of alternative methods, surely one of the solutions that should at least have been considered and strategised is electrolysing the power into green hydrogen as a battery or for use if the market is there. That could be transported in a different way—perhaps through the existing gas network.

I accept that I am simplifying, but I cannot understand why on earth the Government is not taking that holistic approach and getting to solutions in advance, with carefully structured, meaningful strategies around location, source and how best to transport and use what is generated.

The Government's virtue signalling, silo thinking and inability to do proper strategising and planning have led directly to the situation that we find ourselves in. That tells us all that we need to know about how much the Government cares about performative posturing and how little it cares for the people and countryside of the north-east.

**The Deputy Presiding Officer:** I invite Gillian Martin to respond to the debate. Minister, you have around seven minutes.

13:51

**The Minister for Energy, Just Transition and Fair Work (Gillian Martin):** First, here is my offer: will everybody who has called for changes to the regulation of electricity infrastructure and for market reforms that allow communities to have a stronger say in how the infrastructure is engineered in a way that is appropriate to the geography, and who mandate further community engagement and the holding to account of developers in relation to how they engage, join me in making that happen and in going to the people who can make that happen?

The people who can make that happen are in the UK Government, which sets the regulations. I have been calling on the UK Government to make reforms that would help the people in the gallery today. It is important that we manage people's expectations and do not push them into the wrong place when they could make meaningful change by contacting the right people.

Legislation and regulations relating to electricity networks are reserved to Westminster, and any changes to those regulations are made at the UK level. That includes direction of what engineering solutions are appropriate. The UK could change that in regulation. The ESO—again, a UK body—is responsible for the strategic approach to transmission investment.

I want to make the offer to everyone that we work together to make sure that communities have more meaningful and mandated engagement.

**Tess White:** Will the member take an intervention on that point?

**Gillian Martin:** I will, but before I do, I will say that I did not start the debate in the way that I would customarily do, by thanking Tess White for opening the discussion, so I do so now. There will be plenty of opportunity for us to debate the issue when I introduce the energy strategy, but I take on board the need for a wider debate to look at the effect that transmission infrastructure is having on communities, and how we must be flexible in the approach to it.

**Tess White:** The minister raised the issue of mandatory consultation, which is important. Does she agree that the quality of that consultation is extremely important? Will she support the Save our Mearns petition on that point?

**Gillian Martin:** I agree with Tess White's point, because of the stories that I have heard from members today and also from people who have emailed me. I cannot speak on particular potential applications—people need to understand that I would be breaking the ministerial code and putting everything in jeopardy, legally, if I did that. However, I listen to what people are saying and I take on board the fact that many people are not satisfied with how they have been engaged with.

Alexander Burnett made a point that I have often made to developers: they must tailor their engagement in a way that does not exclude anyone. He mentioned them having public meetings at a time when no one is able to go to them. That is ridiculous. That is not meaningful engagement.

Applications arrive on my desk for determination at the end of, as has been said, a very rigorous process, and I take that responsibility extremely seriously. However, before that application, I cannot tell developers how or where they site infrastructure and I cannot hold any position on what engineering methods they use to transmit power. Instead, I must judge the plans and the rationale that are put forward and make a decision based on what they have submitted. I cannot make any—I mean any—comment on the merits or otherwise of a development.

However, I can certainly say what I want to see from those who intend to make those applications. I expect applicants to have made every effort to reach out to affected communities. They must put forward rigorous environmental impact assessments where necessary. They must put forward a comprehensive and evidenced case for their development and the decisions that they are making about how they conduct the development, where they put the development and why.

I also very much expect that they explain the rationale for their plans, and, with regard to every

application against which there has been a community campaign—as has been the case with many of the cases that have been mentioned today, which I cannot speak to directly—I expect them to have taken that on board, worked with those communities and been flexible about those concerns.

**Finlay Carson:** Despite all the engagement that is promised, we need to address the intransigence of the power companies to change their minds. You can consult all day but if they are not in a position to change their minds, that is completely and utterly pointless. A lot of the conflict that we see in communities is due to that intransigence.

**Gillian Martin:** Again, I agree with the member. The engagement must be meaningful. One of his colleagues earlier quoted me saying that. That is why, if we have mandated engagement with guidance on what is appropriate and how that should be done, communities can hold developers to account. That is what I would like to see, and that would help us all greatly. At the moment, when I hear stories about developers that have not been engaging I think that, first of all, they are not doing themselves any favours whatsoever. That costs them money and puts them back years. They need to engage early, the engagement must be meaningful, and they must demonstrate an ability to look again at their plans and make adjustments that will bring the community with them.

Extreme weather events have seen homes and businesses left without power, not least in the north-east. Many households in my constituency and across the north-east lost power for over a week during storm Arwen. I think that we all agree that an upgrade is also needed to the existing transmission infrastructure.

**Douglas Lumsden:** Does the point about extreme weather not make the case for more undergrounding of cables? Or do you believe—

**The Deputy Presiding Officer:** Speak through the chair, Mr Lumsden.

**Douglas Lumsden:** —like Mark Ruskell that it is a fait accompli—that these pylons will go up regardless of the result of any consultation and that communities just have to get used to it? I think that that attitude, which we heard earlier, is appalling.

**Gillian Martin:** I have already said that I cannot comment on the merits or otherwise of any engineering solutions. I must look at what is put in front of me. However, these developers have a responsibility to work with communities and explain or adapt their plans with regard to the engineering solutions that they will provide. We have already heard that there has been flexibility in particular areas, and long may that continue.

That is the only way that developers will bring communities with them.

There will be impacts on the communities that host that infrastructure. Communities and statutory bodies must have the opportunity to engage in the process as early as possible.

I hosted a round-table meeting with fuel poverty campaigners yesterday, along with the Office of Gas and Electricity Markets. Inequity was a strong theme. Higher fuel costs in rural areas contribute to higher levels of fuel poverty. This is an inequity, and I agree very much with my friend and colleague Fergus Ewing that we should ask “Cui bono—who benefits?” We are hosting this infrastructure; our communities must see the benefit of that.

**Fergus Ewing:** Will the minister have discussions with SSEN and Scottish Power to get them to increase the amount of benefit that the people of Scotland get?

**Gillian Martin:** There has been some movement from the UK Government on mandating community benefit for transmission operators. I would absolutely go foursquare behind community benefit being increased. However, it is not just about community benefit; it is about the reform of the energy markets as a whole, to make sure that the areas of the country that host infrastructure and produce a lot of the power see the benefit directly. That would change minds a great deal. Fergus Ewing is absolutely right about the current situation.

We have repeatedly called on the UK Government to decouple the cost of gas from the price of electricity that consumers pay. Urgent market reforms are needed to support long-term energy affordability and to insulate bill payers, particularly those who are at risk of fuel poverty. Any market reforms that the current UK Government or the next one implements must right that wrong.

I will finish by thanking Tess White for bringing the debate to Parliament. It has allowed us to air to an extent some of the concerns and some of the expectations that we have of developers. I stand behind communities. They must have a say, and they must never feel that they are not being listened to. In this process, the UK Government, the Scottish Government, regulators, developers and communities have to work together to reach net zero and provide energy security for everyone.

**The Deputy Presiding Officer:** That concludes the debate, and I suspend this meeting of Parliament until 14:30.

14:01

*Meeting suspended.*

14:30

*On resuming—*

## Portfolio Question Time

### Transport

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The next item of business is portfolio questions on transport. I invite members who wish to ask a supplementary question to press their request-to-speak button during the relevant question.

Question 1 has been withdrawn.

#### Air Departure Tax (Short-haul Flights)

**2. Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what discussions the transport secretary has had with ministerial colleagues regarding the potential impact on Scotland's aviation industry of any proposals to levy an air departure tax on short-haul flights in Scotland. (S6O-03373)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** The Scottish Government continues to explore all the options to implement an air departure tax in a way that protects the connectivity of the Highlands and Islands and complies with the UK Government's subsidy control regime. At this stage, ministers have not discussed the specific issue that has been highlighted, but we will ensure that all viable options for an air departure tax are evaluated.

**Brian Whittle:** I think that, across the chamber, we all recognise the importance of reducing transport's carbon footprint but, unlike some, I do not believe that we can best achieve that change by punishing travellers through higher costs for more carbon-intensive travel. Instead, we should be looking to support the innovation that is already under way in Scotland's aerospace sector to create greener aircraft that are powered by alternatives such as sustainable aviation fuel and hydrogen. Does the minister agree that, before implementing any punitive taxes that would harm an important sector for our economy, we should expand our efforts to support zero-carbon innovation in our aviation sector?

**Jim Fairlie:** I absolutely agree with Brian Whittle that we should be looking to reduce the emissions that come from air travel. The Scottish Government will publish its aviation statement shortly, setting out the actions that we will take to help to achieve our emissions reduction targets and improve our connectivity.

**Mark Ruskell (Mid Scotland and Fife) (Green):** The latest report from the Government's

climate adviser is clear that there is no credible route to net zero without cutting unnecessary air miles. It is, then, time to shift frequent short-haul travellers away from high-carbon flights and on to low-carbon rail. Does the minister agree that the use of sustainable aviation fuels will not be enough to deliver net zero and that taxation has a key role to play in that transition?

**Jim Fairlie:** The Scottish Government continues to explore all the options for putting an air departure tax in place, but it must be done in a way that protects the connectivity of the Highlands and Islands and, in particular, the lifeline services that people who live and work in those areas rely on. I repeat that the Scottish Government will publish its aviation statement shortly, setting out the actions that we will take to help to achieve our aviation emissions reduction targets and improve our connectivity.

#### Transport Links (North-East Scotland)

**3. Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what it is doing to support the improvement of transport links in the north-east of Scotland. (S6O-03374)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Government is taking significant action to progress transport projects in the north-east of Scotland even in the face of unprecedented financial challenges. We remain absolutely committed to improving the A96, including by dualling the section from Inverness to Nairn and creating the Nairn bypass. Since 2007, we have spent more than £1 billion on road infrastructure in the north-east, as well as opening two new railway stations and making other investments in sustainable transport infrastructure. My officials continue to support local authorities and regional partners to help them to deliver on the priorities for transport.

**Karen Adam:** The Campaign for North East Rail's feasibility study on rerailing Peterhead and Fraserburgh is due to be submitted to the Scottish Government this week. Should that study give us the positive result that we are all hoping for, will the cabinet secretary consider funding a detailed options appraisal to reconnect the significant population of the area to the railway?

**Fiona Hyslop:** The Government remains committed to investing in our railways, including in the opening of new railway lines and stations, where there are strong business cases for doing so. We are committed to the north-east and we have demonstrated that commitment, not least through our contribution in respect of the rail line work that Karen Adam is pursuing. Any decision to extend funding will depend on the conclusions that



emerge from the study, which my officials are yet to receive.

**Douglas Lumsden (North East Scotland) (Con):** New figures show that just £67,000 has been spent on improvements to the A90 north of Ellon at the Toll of Birness since 2017. Three flashing signs are not enough to prevent the daily accidents and near misses that occur at one of the north east's most dangerous junctions.

Now that the coalition of chaos with the Greens has been relegated to the scrap heap, will the cabinet secretary finally commit to installing a roundabout at the junction and dualling that deadly road once and for all?

**Fiona Hyslop:** I note that members, including Douglas Lumsden and others, have continually raised issues around the A90 in particular areas. In my correspondence with a number of people, I have set out the improvements and assessments that are intended at different points.

I am acutely aware of concerns around the area of the A90 that Douglas Lumsden talked about—he should please take that as my consideration. We will continue to look closely at what further improvements can be made.

Road safety is absolutely imperative. I have concerns about some of the issues around road safety statistics. Those are concerns not just here in Scotland; I know from a recent visit to Ireland that there are also concerns about the road safety aspect there. The issue is not only about how we consider improvements to the road itself, but other aspects of road safety that we need to consider, including how people are driving in some of these areas.

#### Direct Freight Routes (Europe)

4. **Ivan McKee (Glasgow Provan) (SNP):** To ask the Scottish Government what its position is on direct freight routes to mainland Europe from Scottish ports. (S6O-03375)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Scottish port sector is crucial for the economy, enabling exporters to establish strong and secure links to get their goods to market. More than 250,000 containers are moved annually through the port of Grangemouth, which I visited recently, and 100,000 go through Greenock ocean terminal, along with many other commodities moved through ports across Scotland.

The Scottish Government is supportive of increasing direct freight services to Europe. As Cabinet Secretary for Transport, I have engaged with interested parties, and Transport Scotland officials continue to engage regularly with potential operators and Scotland's main ports.

**Ivan McKee:** Direct freight routes are critical for Scotland's export growth and economic resilience, and they can also reduce our carbon footprint. Most countries take an active interest in developing international trade links. For example, recently, Ireland worked with ports and the logistics sector to add additional routes to mainland Europe following Brexit.

What work is the Scottish Government doing with port operators and the sector to build that resilience and increase export routes for Scottish businesses?

**Fiona Hyslop:** I point out that, for Ireland, Brexit created opportunities; in Scotland, Brexit did not create opportunities. However, that does not stop us from continuing to develop our work. Ministers and officials are involved in regular discussions with port operators, freight forwarders and hauliers to explore whether Scottish exporters can benefit from more direct and resilient routes to market.

The United Kingdom's exit from the European Union has been hugely disruptive for our exports, but it has not altered the dynamic that any new service from Scotland to the continent would require to be operated on a commercial basis. The UK's subsidy control regulations ensure that international ferry services across the UK are operated on a commercial basis.

Many exporters move their goods through Scottish ports, and we continue to work with key stakeholders to explore whether there are opportunities to increase that further.

**The Deputy Presiding Officer:** We have a couple of supplementaries.

**Jamie Greene (West Scotland) (Con):** There has been a lot of talk over the years about a passenger and freight service from Rosyth to Dunkirk. DFDS seems to be the only player in town in that conversation, and it is very keen to develop that route. However, a number of obstacles seem to stand in its way, some of which involve port infrastructure and Government support.

Will the cabinet secretary write to members to update us on any conversations that the Scottish Government has had with DFDS, the port operator and, of course, our friends on the continent?

**Fiona Hyslop:** I have engaged directly with Douglas Chapman MP, who has been pursuing the issue, and there have been discussions with DFDS and the relevant ports.

I also wrote to the UK Government, and subsequently met Lord Davies of Gower, the Parliamentary Under Secretary of State at the Department for Transport, regarding the issue on 5 February. He confirmed that the UK Government is not in a position to financially support a new

service from Rosyth. He highlighted the competitive nature of the ferry sector, which I referred to. Services from UK ports to destinations across Europe have to operate on a commercial basis, and there is a risk of potential litigation should other operators consider such support to be a subsidy. However, that does not stop us from continuing to have our discussions and dialogue and trying to be creative about what can be done.

**Paul Sweeney (Glasgow) (Lab):** Does the minister agree that the privatisation of Scotland's major ports in the early 1990s was a massive strategic mistake, and will she consider options to establish trust ports in the Firth of Clyde and the Firth of Forth?

**Fiona Hyslop:** A number of our harbours still exist as trust ports, but I recognise the problems that were created by privatisation in that sector in the 1990s, which has led to the reliance on different private operators and investors and their capability to invest to make sure that good service continues from our harbours. From many of them, it does, but I know that there are criticisms that, in some circumstances, it does not. I hear what Paul Sweeney says, but I am not in a position to make such a commitment. I hear his request, but that is not the Government's current position.

#### **Public Transport (Motherwell and Wishaw)**

**5. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government whether it will provide an update on what action it is taking to encourage constituents in Motherwell and Wishaw to use public transport. (S6O-03376)

**The Minister for Agriculture and Connectivity (Jim Fairlie):** The Scottish Government is committed to sustainable travel and is investing more than £2.5 billion in this financial year to support public transport. We demonstrated that commitment through our peak fare removal pilot, which helps rail passengers across Scotland, including those in Clare Adamson's constituency, by keeping fares affordable during this time of cost of living challenge.

We are also providing more than £350 million of support through our concessionary travel schemes, which allow free bus travel for young people under the age of 22, disabled people and everyone aged 60 and over. In North Lanarkshire, more than 130,000 concessionary travel card holders benefit from free bus travel and made more than 700,000 journeys using the schemes in March alone.

With delivery partners, we have jointly invested £14.5 million in the Motherwell hub to allow residents in the Motherwell area to enjoy a vastly improved transport hub that greatly and truly

encourages seamless and integrated end-to-end journeys.

**Clare Adamson:** Convenient and accessible bus travel is essential for my constituents in Motherwell and Wishaw and for our environment. I have serious concerns over North Lanarkshire Council's decision to drastically cut school transport, the implications of that decision for child safety, and the wider potential impact on the local bus network, given that many of those pupils will have concessionary bus passes. Has the Scottish Government engaged in discussions with the local authority on the impacts that that decision could have on commuters who are reliant on public transport and on pupils in North Lanarkshire?

**Jim Fairlie:** Decisions about the provision of home-to-school transport services rest with local authorities. In 2024-25, North Lanarkshire Council will receive £824.2 million to fund local services. Compared with the 2023-24 budget, that equates to an extra £44.5 million—an additional 5.7 per cent—to support vital day-to-day services.

I am aware of the public's concerns about the changes to eligibility for free school transport in North Lanarkshire. I have agreed to meet Monica Lennon, who raised the issue in the chamber, and the families concerned, to discuss the interaction between the young persons free bus travel scheme and school transport in Lanarkshire.

**Martin Whitfield (South Scotland) (Lab):** Convenient and available bus travel is a requirement and a need not just in Motherwell and Wishaw but across the whole of Scotland.

In East Lothian, in South Scotland, Prentice Coaches Ltd has contacted me about the Scottish Government—rightly—requiring a fair work policy before considering payment of the network support grant. Prentice Coaches Ltd has paid the real living wage for a significant number of years, but its accreditation dates from September 2023 and Transport Scotland refuses to accept that for a bid for 24 October onwards. Given that that accreditation is live, it seems ridiculous to prevent a very successful company from applying for a network support grant to increase public transport to our constituents.

**Jim Fairlie:** I had not heard or seen anything about that issue, but I will speak to officials and get back to Martin Whitfield with an answer in writing.

**The Deputy Presiding Officer:** Due to the relevant member's absence from the chamber earlier in portfolio question time, I am minded not to take question 6. I expect an explanation and an apology for that absence.

### Small Vessel Replacement Programme (Procurement)

**7. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government whether it will provide an update on the procurement process for the small vessel replacement programme. (S6O-03378)

**The Cabinet Secretary for Transport (Fiona Hyslop):** Ministers are currently considering the outline business case for phase 1 of the small vessel replacement programme, which includes the potential approach to procurement. We expect an update on the outcome in the coming weeks. I know that many members are keen to know that outcome. However, it would not be appropriate for me to comment in detail while the business case is still being reviewed.

**Stuart McMillan:** The recent launch of the Glen Rosa at the Ferguson Marine shipyard in Port Glasgow was a milestone for the yard. It was also a reminder that the completion of the two vessels nears and that the yard needs to secure future work. I am aware that procurement is the responsibility of Màiri McAllan as Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, but will Ms Hyslop reaffirm her commitment to the yard and its workforce? Will she also confirm that the Scottish Government will aim to ensure that future work comes to the yard?

**Fiona Hyslop:** I agree that that was a milestone moment for Ferguson Marine and its workers. I point out that, under the current arrangements, the Cabinet Secretary for Transport is responsible for procurement, although, as I think Ms McAllan set out in response to a similar question yesterday, we are collectively considering the business case as it has been presented. Ms McAllan previously declared that

“we will leave no stone unturned when it comes to securing a sustainable future for Ferguson Marine”,—[*Official Report*, 18 April 2024; c 4.]

as she currently has responsibility for Ferguson Marine as a company.

We know that Ferguson Marine is actively pursuing future work, and we will continue to support it in any way that we can to secure new contracts and a sustainable future for commercial shipbuilding in Scotland.

**The Deputy Presiding Officer:** There are a number of supplementaries, and I will try to take them all.

**Graham Simpson (Central Scotland) (Con):** I hear what the cabinet secretary is saying about making a decision in the coming weeks, but the small ferries have been designed and are ready to go out to tender. Is it her preference to put that work out to tender or to give a direct award? What

does “in the coming weeks” mean? Does she have a deadline?

**Fiona Hyslop:** As Mr Simpson might understand, the Government is currently changing and we are in a transition period. The business case is still being reviewed. He will know that a direct award can be given only in specific cases, and there must be legal certainty that it can be given in such cases. I am not going to state a preference or say what is possible. The Government has to do what is responsible, which requires consideration of a whole load of areas. My priority as transport secretary is to provide what the islanders want.

**Alex Rowley (Mid Scotland and Fife) (Lab):** Until we start to see more new vessels coming into the CalMac fleet, we will basically be holding CalMac hostage to fortune, because maintenance costs for the old fleet are going up. Does the cabinet secretary accept that, until CalMac can get the new ferries on and we start to see a programme for them being put in place, islanders will continually be let down?

**Fiona Hyslop:** I have always acknowledged that the fleet’s resilience depends on its renewal. That is why we have six major new vessels being delivered before 2025, which will make a considerable difference. However, Alex Rowley is right that we need to have an on-going programme, which is exactly what the small vessel replacement programme is.

We will ensure that deployment can progress as quickly and responsibly as possible, because we want to ensure that islanders have the benefit of the new vessels. It would mean having 13 new vessels in that period, which in itself will help with the improvement of services. However, we have a few hurdles to get over during the next period to ensure that we can do that.

I reassure members that the small vessel replacement programme is a priority—as, I am sure, it will be for the incoming First Minister.

**Kenneth Gibson (Cunninghame North) (SNP):** I am struggling to see whether it is a priority, cabinet secretary, because I was asking those questions two years ago. I asked a question about the programme on 5 March, and then yesterday I asked when the scheme would happen. We keep getting answers such as that it will happen “in the coming weeks”. I do not think that that is good enough. Island communities have waited years for the new vessels, and the yard is already becoming extremely nervous about its future. We really need a timescale before the end of this parliamentary year, at the end of June, as to when a decision will be made.

**Fiona Hyslop:** I appreciate that Kenny Gibson has consistently pursued the programme, which

will most definitely benefit the island communities in his constituency just as it will benefit others elsewhere. I can reassure the member—and I hope that he has seen this—that, since I came to office, I have persistently pushed all those involved, whether our own officials or those at Caledonian Maritime Assets Ltd, and that a lot of good work has been done. We are now ready to go out to procurement and we have the funding available to do so, as has been indicated by the Cabinet Secretary for Finance.

There are a number of decisions within the Government involving interrelated responsibilities that must be very carefully considered. I want to give certainty to islanders that the additional vessels will be procured and can be delivered to help them. Our island communities deserve to have the services that they need. The businesses in those communities deserve that, and individuals and communities on the islands deserve that.

**Paul Sweeney (Glasgow) (Lab):** There is good will across the chamber to see the Government award the contract to Ferguson Marine, to ensure that a long-term shipbuilding programme can happen in Scotland. If there is an opportunity to get round this situation, it might be for the Government to arrange a competition, but a high social value weighting must be applied to the contract and any shipbuilding activity that takes place under the contract must happen in Scotland. The Government could instantly act as the owner of the shipyard, leasing it to whomever wins the competition, thus achieving the same outcome. Might the cabinet secretary consider that as an alternative?

**Fiona Hyslop:** I appreciate the member's suggestion. The outline business case is currently being considered by ministers, and that includes the potential route to procurement. I will update members, but we have been working on a case-by-case basis in the direct awarding of public contracts. Under public procurement rules, that is possible only under strictly limited circumstances. However, we have been tasking officials to consider different ways of achieving what might be of benefit. I would caution members that anything that we do, including what the member is suggesting, has to meet procurement and other legislative requirements.

### **Borders Railway (Extension)**

**8. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the Scottish Government what progress is being made on the extension of the Borders railway south to Carlisle. (S6O-03379)

**The Cabinet Secretary for Transport (Fiona Hyslop):** I am pleased to have recently met the member in Galashiels, together with

representatives of the Campaign for Borders Rail, other stakeholders and Scottish Borders Council, which is leading the project on behalf of Borderlands growth deal partners, to discuss progress. The Scottish Government remains committed to providing up to £5 million, via that growth deal, to develop a shared understanding of the benefits, challenges and options to extend the Edinburgh-Tweedbank Borders railway to Carlisle. That will include the undertaking of feasibility work to further develop the business case for the reinstatement of the railway. The council has submitted a proposal, seeking to appoint a project manager to lead the work, and my officials provided their feedback to Scottish Borders Council earlier this week.

**Christine Grahame:** I do not think that I have a supplementary question, as the cabinet secretary has answered my question. I thank her for her very full answer, and I am glad that we have progressed a bit towards appointing a project manager. I also thank her for the recent upbeat meeting with parties, including my colleague Rachael Hamilton and representatives of Scottish Borders Council. I think that we made progress.

**Fiona Hyslop:** I very much appreciated meeting members—I acknowledge that Rachael Hamilton was at the meeting—and I thought that the Campaign for Borders Rail set out a very considered position. The group has campaigned for a long time, and such projects do take a long time to secure, as I know from my personal experience in my own constituency. Considering the work that is being done by Scottish Borders Council, I think that there is light here and progress to be made. That will be helpful, as we must ensure that a robust analysis is carried out. I hope that, following the feedback that it has received, Scottish Borders Council can move very quickly to making the appointment.

**The Deputy Presiding Officer:** We will now have a supplementary from the aforementioned Rachael Hamilton.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank the cabinet secretary and my colleague Christine Grahame for their collegiate approach to meeting representatives of the Campaign for Borders Rail.

Which key metrics will be used to demonstrate value and to inform a business case to extend the Borders railway through towns such as Hawick and Newcastleton? How will the findings of the Scottish Government's strategic transport projects review 2 influence the ultimate outcome of the study?

**Fiona Hyslop:** The STPR2 findings were perhaps not necessarily as supportive as those who are campaigning would have wished.

However, we have to acknowledge the desire in the Borderlands growth deal to ensure that the opportunity is given. As we know, the environmental, economic and social aspects are really important in all the different and varying projects that are presented to the Government and campaigned for. What struck me in my conversations at that meeting was the importance of connectivity and the ability for young people, in particular, to feel connected not only to their own community but to elsewhere. The balance of social, economic, environmental and other value-for-money factors comes into play when we are considering the Borders rail project and other projects that members have consistently raised with me.

## Point of Order

14:55

**Maurice Golden (North East Scotland) (Con):**

On a point of order, Deputy Presiding Officer. I would like to correct the record. During the earlier members' business debate, Alasdair Allan said:

"transmission charges result in higher electricity costs for residents of northern Scotland".

This is not a debating point. That is not true. I will quote from the Net Zero, Energy and Transport Committee's report on Scotland's electricity infrastructure. In paragraph 131 of that report, Jack Presley Abbott of the Office of Gas and Electricity Markets is quoted as telling the committee:

"it is a fact that Scottish consumers pay the lowest transmission charges anywhere in Great Britain."

I hope that that corrects the record.

**The Deputy Presiding Officer (Liam McArthur):** Thank you, Mr Golden. You know that that is not a point of order, but it is now on the record.

There will be a brief pause to allow members on the front benches to change before we move to the next item of business.

## Unborn Victims of Violence

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-12995, in the name of Jackson Carlaw, on behalf of the Citizen Participation and Public Petitions Committee, on petition PE1887, on creating an unborn victims of violence act.

I call Jackson Carlaw to speak to and move the motion on behalf of the Citizen Participation and Public Petitions Committee.

14:57

**Jackson Carlaw (Eastwood) (Con):** It is an absolute delight to be able to bring a petition to the chamber for debate. I say that because, when the Parliament convened and I found that it fell to the Scottish Conservatives to convene the public petitions committee for the first time in the Parliament's history, I fought very hard to have that opportunity. That is because I happen to believe that we have one of the finest petitions committee systems of any Parliament anywhere. That is not just because important issues such as free personal care for the elderly, the scandal of mesh and the extension of care to those who suffer from dementia at the age of 50 came to the Parliament through the committee, but because of the various people whom the committee hears from.

That includes young Callum Isted, who, at the age of seven, was the youngest person ever to bring a petition before the Scottish Parliament. He left a little disappointed in one respect because, when Nicola Sturgeon was First Minister, she promised him a tour of Bute house, but, unfortunately, she left office before that promise could be fulfilled. I catch out of the corner of my eye a man who might be able to fix that sin of omission. I say to John Swinney that he will have the undying gratitude of the Citizen Participation and Public Petitions Committee if young Callum Isted finally has the opportunity to have that tour. We wait to see whether that promise can be fulfilled.

I always say that I bring petitions to the chamber not with the mandate of any party election manifesto but with the mandate of the petitioner themselves. That is what motivates the Citizen Participation and Public Petitions Committee, and that invariably unites us behind the aims of a petition. I speak today very much on behalf of the committee, but also on behalf of the petitioner, Nicola Murray, and all those affected by the issues that are raised in the petition.

**John Swinney (Perthshire North) (SNP):** Before Mr Carlaw leaves his point about the comparison between different petitions systems, I

note that the Scottish Parliament's development of what has been an effective parliamentary petitions system should be recognised. In my experience in the House of Commons, petitions arrived and went nowhere. In this Parliament, however—as is obvious—petitions are lodged and can end up occupying the afternoon business in the parliamentary chamber. That is a commendation of the strength of the parliamentary rules here and of the work of the Citizen Participation and Public Petitions Committee.

**Jackson Carlaw:** I thank Mr Swinney for that observation. I also observe that we were able to take forward a petition to secure free transport for asylum seekers at the recent Conveners Group meeting with the sitting First Minister, who was able, at that time, to give a commitment and a promise to include that in the legislative programme. The Citizen Participation and Public Petitions Committee is a committee that can achieve things.

I am pleased to discuss the petition that is before us. It was lodged in 2021 by Nicola Murray, who has, along with members of her family, joined us in the public gallery today. It calls for the creation of a specific offence that would enable courts to hand down longer sentences when miscarriage has been caused by acts of domestic violence.

In considering the issues that the petition raises, the committee was fortunate enough to hear directly from Nicola. I thank her for the courage and determination that she demonstrated back in 2022 in sharing with us her harrowing experience. It is no small matter to come to the Parliament to discuss these issues. *[Applause.]*

We must not underestimate how daunting it is for someone to share their personal experiences and present their case to a parliamentary committee. Nicola has also supported and campaigned on behalf of other women who have suffered pregnancy loss as a result of domestic abuse. Her resolve was instrumental in our decision to bring her petition to the chamber today.

In the current session of Parliament, we held a round-table discussion with Steven Tidy from Victim Support Scotland, Dr Mary Neal from the University of Strathclyde and Dr Marsha Scott from Scottish Women's Aid, and I will refer to their evidence during my remarks.

There is currently a legal framework for responding to domestic abuse, and we recognise in particular the Scottish Government's recent work through the Domestic Abuse (Scotland) Act 2018. The act created a new statutory offence of domestic abuse and, in particular, it allows for physical, psychological and controlling behaviour that is carried out over a sustained period to be

prosecuted as a single course of conduct. The maximum penalty for an offence under the act is imprisonment for a term of up to 14 years.

A joint protocol exists between Police Scotland and the Crown Office and Procurator Fiscal Service that outlines how domestic abuse cases should be handled. However, the current legal framework does not specifically recognise pregnancy loss as a result of domestic abuse. We heard about the impact on victims and the importance of having that specific type of abuse recognised in the justice system. We also heard that pregnancy can act as a trigger for the abuse beginning in the first place and that abuse can intensify during the pregnancy. We recognise that, at any time, pregnancy can be a very vulnerable time for any woman.

The evidence that we have gathered to date has been profoundly moving and extremely effective. In bringing the committee to a view on the issue, we made two recommendations to the Scottish Government following our evidence taking. The first was that the Scottish Government should undertake

“a review and evaluation of the effectiveness of the current legal framework in bringing forward prosecuting charges”

of this nature.

We heard that, in cases of domestic abuse, there are problems with the system, from initial contact with the police through to charging and prosecuting perpetrators. There have been positive steps, with additional Police Scotland funding to support training on the implementation of the 2018 act. However, despite that, it is clear that we can still do more to support survivors of domestic abuse.

Nicola Murray expressed the view that

“The justice system ... fails on many levels when it comes to domestic violence”—[*Official Report, Citizen Participation and Public Petitions Committee*, 29 June 2022; c 2.]

and that that deters women from even reporting in the first place.

Stakeholders warned us that the reported figures could be underrepresenting the scale of the problem because of the significant barriers to disclosure that women face. We heard that those barriers might be particularly acute in cases of coercive and controlling behaviour. Scottish Women’s Aid told us:

“coercive and controlling behaviour is the single variable that best predicts lethality, so it is critical that, if nothing else, police officers are able to identify whether coercive and controlling behaviours are being exhibited”.—[*Official Report, Citizen Participation and Public Petitions Committee*, 9 November 2022; c 15.]

Scottish Women’s Aid also shared concerns that police risk assessments focus on physical abuse.

We were told that women do not get the help and support that they need when they first reach out and that they will be deterred from seeking help in future.

Nicola Murray told the committee that

“it is a lottery as to whether”

the responding police officers will be knowledgeable about domestic abuse and that some officers will advise women

“that reporting ... is a waste of time”—[*Official Report, Citizen Participation and Public Petitions Committee*, 29 June 2022; c 2.]

or even blame victims for what they have gone through.

We understand that Police Scotland is working to improve its response to domestic abuse and that it is time for the 2018 act to be fully effective. However, we heard that Scotland has an implementation disorder and that more needs to be done.

We were concerned to hear that victims do not feel informed and supported when they report domestic abuse. We were told that communication is lacking when cases are taken to court, particularly when charges are reduced, and that the process of seeking justice often traumatises victims. In one of Nicola’s cases, the perpetrator took a deal to lessen his charge. In the end, he was ordered to pay her just £300 in compensation for the loss of her unborn child. Nicola described that as deeply inappropriate, given the trauma that she was caused. We heard of another case in which the perpetrator was ordered to pay just £50 in compensation for his actions.

Although this is not a political point, it is worth noting that provisions in other parts of the United Kingdom are much stronger in relation to the statutory offence of child destruction as an aggravating factor. In February last year, the then Cabinet Secretary for Justice and Veterans responded to our recommendations by highlighting research projects on the experiences of witnesses in domestic abuse cases. I look forward to hearing an update on that from the current cabinet secretary.

The committee’s second and more significant recommendation is that legislation should be introduced to create a specific statutory offence or a statutory aggravator of causing miscarriage through acts of violence. We heard from Nicola that the loss of her pregnancies impacted her entire family and that she was deeply traumatised and emotional. I will conclude by quoting Nicola:

“It is life impacting, not just for the victims but for their families. When I lost my pregnancies, I lost a child—I lost children—my children lost siblings and my parents lost grandchildren, so it impacts the entire family. Obviously,

afterwards, it is deeply traumatising and emotional. It is not just that you have to deal with the loss itself; it is the circumstances of the loss and the fact that the perpetrator can get away with it so easily. It is often the case that they are not even charged at all. However, if they are ... the sentencing is inappropriate, which is like rubbing salt in the wounds of the victims. It is almost like saying to them that what happened meant nothing. That can add further trauma to the victims and their families, because they feel like they have not received justice.”

She said:

“I am very lucky that I have such an amazing family. My mum has been a tremendous support. I really do not know what I would have done without her. However, a lot of the women I engage with do not have family support, for whatever reason. They might have had to flee their homes and their support network of friends. They feel very vulnerable, very let down and, at times, almost hopeless. We need to change that, and we need to have an opportunity to do that.”—[*Official Report, Citizen Participation and Public Petitions Committee*, 29 June 2022; c 2, 8-9.]

On behalf of the Citizen Participation and Public Petitions Committee, I hope that we can play a part in considering how we recognise, support and find justice for victims of that harrowing form of domestic abuse. I very much look forward to hearing the Government’s response and to the debate that will follow.

I move,

That the Parliament notes public petition PE1887 on creating a specific offence that enables courts to hand down longer sentences where miscarriage has been caused through acts of domestic violence.

15:08

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I, too, welcome the opportunity to participate in the debate. First, I thank and commend the convener and members of the Citizen Participation and Public Petitions Committee for their consideration of the petition from Ms Nicola Murray. I welcome Ms Murray to her Parliament.

It is evident to all that the circumstances that have been outlined by Ms Murray and that have driven the debate are shattering and deeply heartbreaking, and are something that no woman should ever have to endure. The petition reflects the most tragic of circumstances arising from a relationship that was based on the cruel realities of domestic abuse, which is something that I am committed to addressing and responding to as best I can—an endeavour that I know that all parliamentarians share.

When I was first asked by the committee to consider the petition, I knew that I would have to wrestle with the natural instinct to respond positively to the tragic circumstances against some of the realities of my role and responsibilities as Cabinet Secretary for Justice and Home Affairs.

I come to the debate in the spirit of co-operation, collaboration and compassion. We all want to focus on doing what is right, what is deliverable and what will make a difference.

As we have heard from Mr Carlaw, the petition seeks to create a specific criminal offence that would allow the courts to place longer sentences on those convicted of domestic abuse that causes the loss of an unborn child. As a matter of principle, I can fully understand the reasons for that request, rooted as it is in the belief that the current law cannot adequately punish individuals who cause the loss of an unborn child through their violent actions or coercive control.

I noted on the committee’s website that there are a number of written submissions alongside those from the Scottish Government. There are some challenges that we need to think through. We need to consider what the consequences of progressing such a proposal might be, to evaluate what other options might already exist that seek to deliver the same outcome and, of course, to consider what else might be required.

It is important to first consider how the current legislative framework responds to the circumstances outlined in the petition. As we have already heard from Mr Carlaw, the Domestic Abuse (Scotland) Act 2018 created a specific course of conduct offence for the first time, enabling physical, psychological and controlling behaviour to be prosecuted together. The 2018 act makes it a criminal offence if a person

“engages in a course of behaviour which is abusive of”

their partner or ex-partner. The 2018 act criminalises not only physical abuse but other forms of psychological abuse and coercive and controlling behaviour that were previously difficult to prosecute. In addition, the 2018 act provides a non-exhaustive definition of what is considered abusive behaviour for the operation of the domestic abuse offence, and it therefore recognises the multifaceted nature of domestic abuse. Furthermore, section 1 allows imprisonment for a term of up to 14 years.

Although I absolutely acknowledge the significant difference between the maximum penalty under the 2018 act and the penalty received in respect of the case of the petitioner, with respect—I hope that members will understand this—as I have explained in correspondence to the committee, the functions of Police Scotland and the Crown Office and Procurator Fiscal Service to investigate and prosecute cases under the legislation are independent from ministers. I will return later to talk about what ministers can do.

When considering any report submitted by the police, prosecutors apply the prosecution test set out in their published “Prosecution Code” and



exercise professional judgment in deciding on the most appropriate charges based on the facts and circumstances of each case. Where there is evidence that a victim has suffered severe injury, including miscarriage, as a result of the accused's actions, the injury would be reflected in both the charge libelled against the accused and the forum selected for prosecution of that offence.

I am aware that the petitioner and others have called for an amendment to the 2018 act that reflects the impact of the death of an unborn child, because of their concerns that current laws are not fit for purpose. As matters stand with our current legislation, the law can ensure that the death of an unborn child is provided appropriate recognition in the criminal justice system; however, that does not mean that there is not further action, either legislative or non-legislative, that should be pursued.

**Jamie Greene (West Scotland) (Con):** I was listening intently to what the cabinet secretary had to say just there, but that relates to the manner in which the Crown prosecutes and which legislation it uses to prosecute. The petition specifically asks that some form of aggravator is involved in sentencing; therefore, it is sentencing that needs to be looked at. That is a matter that the Parliament has addressed in the past with regard to informing the Scottish Sentencing Council guidelines, and I think that it can do so again. I am yet to hear the objections or limitations to our doing that.

**Angela Constance:** I will come on to talk about some of the areas that we need to think and feel our way through, but I will also come on to the legitimate points around the merits of aggravated offences.

Although I cannot comment on specific cases, I know that section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 can be and has been used in similar circumstances to those of the petitioner, where an offence was aggravated by abuse of a partner or ex-partner, where the commission of any offence amounts to domestic violence. Such examples have included custodial sentences being imposed. That demonstrates that the law in Scotland can be utilised successfully in such circumstances. That is notwithstanding the merits of further debate around other actions, which I will touch on a wee bit later.

I share some of the committee's reflections about the clear and evident difficulties with the desire to create a new offence in this area, not least in terms of how it could be proven. It is likely to prove difficult, both medically and causally, to demonstrate, for example, that psychological abuse led to a woman's miscarriage.

Any change to the law in this area would also need to consider the possibility of unintended consequences—a possibility that the committee discussed during its deliberations—such as requests to extend the law into other areas. To address one of Mr Greene's points, examples could include an unhelpful focus on the behaviour of mothers and other household members that may lead to miscarriage and stillbirth, and prosecution for child destruction. I carefully noted the evidence from Dr Marsha Scott when she spoke to the legislative provision that is available in England and Wales, but I also heard her concerns that there were women victims who were being prosecuted for child destruction. I say that only to show that we need to give matters careful consideration in order to reach the aims that we want to reach while avoiding unintended consequences.

Mr Greene and others have mentioned the Scottish Sentencing Council, which has clearly stated the opportunities that the court already has and said that there is nothing to preclude

“the loss of an unborn child caused by violent actions or coercive control from being libelled as part of an offence”.

However, I also note the work that the Sentencing Council is progressing to develop a guideline on domestic abuse offences, and I await its conclusion. Further to that work, I will ensure that the concerns that are expressed by the petitioner form part of the discussions of the Scottish Government-led domestic abuse justice partners round-table, and I will endeavour to keep members fully informed on that.

Dr Marsha Scott from Scottish Women's Aid said:

“I think that the law has the tools that we need”.—  
[*Official Report, Citizen Participation and Public Petitions Committee*, 9 November 2022; c 6.]

I have referenced such a tool that has been used in the circumstances described by the petitioner. There are also other actions, beyond the law, that we need to consider.

I end my remarks by saying that I will continue to listen and to reflect on the contributions of members this afternoon. I will touch more on the arguments around aggravated offences in my closing remarks. Once again, I commend the bravery of the lady who brought the petition.

15:18

**Pam Gosal (West Scotland) (Con):** I am honoured to open this important debate, on behalf of the Scottish Conservatives, on the creation of an unborn victims of violence act.

I commend and thank Nicola Murray for bringing the petition to Parliament. Nicola lost her baby due

to domestic abuse after her partner drove a car at her when she was six weeks pregnant. Four years later, she lost a second pregnancy in similar circumstances. She has since been campaigning for the Scottish Parliament to urge the Scottish Government to introduce an unborn victims of violence bill, which would create a particular offence that enables courts to hand down longer sentences to perpetrators of domestic violence that causes a miscarriage.

Nicola's unwavering determination and courage in advocating for that cause have unquestionably advanced the discourse and will potentially go on to influence legislation and, ultimately, result in the preservation of numerous lives. Aside from the petition, she set up Brodie's Trust to support women who have lost babies because of domestic violence or forced termination. The trust provides a safe space for women to share their grief and trauma.

The horrifying act of domestic abuse and its impact on pregnant mothers is often overshadowed in the debate. Pregnancy loss is a deeply personal and often traumatic experience on its own; it takes an even darker hue when intertwined with the web of domestic violence. Behind every statistic lies a story of pain, shattered dreams and lives forever altered. It is a reality that many endure in silence, plagued by fear, shame and a sense of powerlessness. We must confront those uncomfortable truths to pave the way for a future where every pregnancy can be met with joy, every home is a sanctuary and every individual is free from the shackles of abuse.

Domestic abuse is rampant in Scotland, with almost 62,000 recorded incidents of abuse last year alone. In 2022, it was reported that, every day, four pregnant women are the victims of domestic abuse. Nicola Murray's abuser was convicted of reckless conduct and ordered to pay £300 in compensation.

Another case of justice not served was raised with the Scottish Parliament's Citizen Participation and Public Petitions Committee. In 2019, Stephen Ramsay stabbed, punched and throttled his pregnant partner, Lisa Donaldson, causing her a spinal cord injury, brain damage, extensive bruising and numerous other injuries. She had been 32 weeks pregnant with twins, who both died as a result. Ramsay received five years in prison for attempted murder.

In comparison, elsewhere in the UK, Ramsay could have received a life sentence for child destruction. In England, Wales and Northern Ireland, deliberate acts of violence resulting in the death of late-term fetuses can lead to criminal charges. That has been applied alongside other offences such as assault and murder, as seen in the case of *R v Wilson*, where the perpetrator

received a life sentence for causing grievous bodily harm with intent and child destruction, with a minimum term of 14 years.

Although nothing can heal the profound loss suffered in such cases, stricter sentences could play a pivotal role in deterring abusers. We acknowledge the gravity of domestic violence-induced miscarriages but also note that pregnant victims of domestic abuse face an agonising battle to protect themselves and their unborn children.

The Scottish Government and the Crown Office have assured us that crimes of that measure are covered by existing legislation, but campaigners and the victim support organisations believe that the existing legal framework falls short. This week, I have had conversations with five survivors of domestic abuse, and each story reveals a system that has let them down. Whether it is a lenient sentence, repeated breaches of bail orders or plea deals struck without the victim's knowledge, the failures are glaring. Too often, lenient sentences fall short of reflecting the gravity of the crime and allow abusers to roam free and potentially reoffend.

The debate on the creation of an unborn victims of violence act is crucial. It is imperative to enhance protections for pregnant women and their unborn children from violent perpetrators. The Scottish Conservatives remain steadfast in advocating for victims and are committed to exploring effective measures to combat this abhorrent crime.

15:24

**Pauline McNeill (Glasgow) (Lab):** I agree with what Jackson Carlaw said about the importance of the Citizen Participation and Public Petitions Committee in his excellent speech today, and I wish him well with his endeavours to enable young Callum to visit Bute house.

A miscarriage is one of the hardest things that a woman might ever have to go through, but it does not bear thinking about that that miscarriage could be caused by the violence of a partner. I, too, join others in welcoming to the public gallery Nicola Murray, the petitioner who brought the issue to the petitions committee and the Parliament. She is absolutely right when she says that the system fails victims and that it fails victims of domestic violence.

As we have discussed before across the parties, male violence is already a scar on society. It is even more shocking when men commit violence on pregnant women, and the law must be able to deal with those men. The pain and worry of protecting yourself as well as the child that you are carrying is unimaginable.

I, too, was surprised to learn that domestic violence often increases when a woman is pregnant or even begins at that time. That is true for women from all backgrounds, not just those from socially disadvantaged backgrounds. Pregnancy is an especially dangerous time for women who are in an abusive relationship. As we know, abuse is based on power and control, and it is common for an abusive partner to become resentful or jealous, resulting in further escalation of violence. A woman is more vulnerable when she is pregnant; the abuser knows that and uses it to gain more control.

The World Health Organization tells us that one in three women worldwide have experienced physical or sexual violence at the hands of an intimate partner. Sometimes, pregnancy alters the pattern of assault, with pregnant women more likely to be struck on the abdomen or have multiple sites of injury. Women who experience domestic abuse when they are pregnant are much more likely to have babies born prematurely or with a low birth weight, both of which are leading causes of neonatal mortality.

Between 2017 and 2021, more than 7,000 domestic incidents in which the victims were identified as being pregnant were reported to Police Scotland; that equates to four women every day. However, that number is likely to be far lower than the reality; many pregnant women are scared to report abuse, because they worry that their child might end up being taken into care. In fact, it is estimated that fewer than one in five cases of domestic abuse are reported to the police, so we need more deterrence, and I agree with Pam Gosal on that point.

As well as the interventions that the national health service already provides for victims of domestic abuse, we need tough sentences for those abusers who cause miscarriage when a woman is pregnant.

Scottish Labour supported the Domestic Abuse (Scotland) Act 2018 as a key means of introducing tough sentences for those who are convicted of abusing their partners or ex-partners.

I want to address the question of the law, as the cabinet secretary also did. Scots law is different in nature to English and Welsh law. We have a common-law system for the courts to consider issues such as miscarriage or forced termination as a serious aggravation of domestic abuse when sentencing, and they can take into account harm to children. The question that we need to examine is whether the law is being used to its full effect.

I agree with others that the loss of a child caused by violence should be led as evidence in any court case. We need to be clear that it is a crime in itself, but the question is whether Scots

law adequately covers it, or whether there is scope for further exploration if it does not. Jamie Greene made a point about the importance of the Sentencing Council addressing that in its guidance.

The petition proposes a specific offence with regard to an unborn victim of violence similar to England, Wales and Northern Ireland, but England has a much more statutory and rigid system of law than Scotland. A specific offence, such as the crime of child destruction, would have to be proved separately from the original charge. It is not clear to me how successful that has been in England and Wales but, in legal terms, a clear causal link would need to be proved in those cases. Arguably, in Scots law, the burden of proof is lesser.

The petition raises a hugely important subject, which is that the loss of a wanted pregnancy is a unique and traumatic kind of harm to women, distinct from the injury suffered during an attack. The debate is an important opportunity to explore whether there are gaps in our law. As is clear, the petition has not been through a subject committee. Today is about examining the preliminary issues and deciding whether there is scope for the Parliament to do further work.

15:30

**Maggie Chapman (North East Scotland) (Green):** I begin this afternoon, as others have done, by paying tribute to the petitioner, Nicola Murray. Her testimony has been extraordinarily courageous and utterly heartbreaking. I express my personal sorrow for her suffering and multiple losses, my solidarity with her anger at the way in which the criminal justice system has let her down and my admiration for her years of work. That work includes not only her engagement with this Parliament but the creation of Brodie's Trust, supporting others who have undergone similar experiences and campaigning together for a change in the law.

I also thank Jackson Carlaw and the Citizen Participation and Public Petitions Committee for their careful and sensitive work on this serious issue and for securing today's important debate. I am grateful to all who gave evidence during the committee's discussion of the petition and to the committee clerks and others for the information that they have collated for us today.

As other members have pointed out, and as we heard in evidence as the petition went through the committee process, today's debate is not about reproductive rights. The petitioner made that very clear in her original petition information and she clarified it again in her evidence and written submissions. The title of the petition, unfortunately

in my view, carries echoes of the US Unborn Victims of Violence Act. That act is a deeply problematic law, which was introduced by anti-choice Republican Lindsey Graham, who is perhaps best known for his dramatic conversion to the cause of Donald Trump. That act is not what the petitioner is calling for, and it is crucial that we recognise that. The body of the petition and its supporting evidence highlight the malignant yet disregarded scandal of the domestic abuse that is inflicted on women by intimate partners during pregnancy and following childbirth, and its life-changing and life-ending impact. As Jackson Carlaw said earlier, Nicola Murray spoke so eloquently about her experience of just that.

It is difficult to ascertain quite how prevalent such abuse is. Answers depend on how and when questions are asked. Rates of reporting are understandably low, especially when women are financially dependent on their abuser. However, the evidence that we have reveals appalling levels of physical, emotional and sexual violence. That is both pre-existent abuse that is exacerbated during pregnancy and after the birth of a baby, and new abuse that is triggered by those events. The petitioner's freedom of information request to Police Scotland shows that reported cases average four every single day. The real number is, of course, likely to be many times higher than that.

The petitioner has outlined her own experiences of the original abuse and of traumatic treatment by the criminal justice system. I profoundly hope that those systemic problems will be effectively addressed by the Victims, Witnesses, and Justice Reform (Scotland) Bill. Earlier in the session, I spoke about the importance of that bill and I will be fighting hard to ensure that it remains robust and radical in protecting the rights of survivors such as the petitioner.

However, we need more. Dr Mary Neal's submission to the Justice Committee during stage 1 of the Domestic Abuse (Scotland) Act 2018 detailed exactly what was needed, but the offences that she proposed were not included in that act. That might now look like a missed opportunity.

My Scottish Green colleagues and I agree with the petitions committee's recommendations. I have already mentioned the Victims, Witnesses, and Justice Reform (Scotland) Bill and the hopes pinned thereon, but we also need to be open to the need for other mechanisms of review and evaluation that go beyond that legislation to support survivors through the criminal justice system. I also believe that there should be a statutory aggravator for causing miscarriage through violence.

I hope that the petitioner and others will understand that we maybe cannot support the

petition in its precise current form because of the ambiguity of its title, which could be used to undermine essential reproductive rights against the petitioner's wishes. However, we need urgent action, including legislative change, to address this particular and tragic form of abuse. I am interested in exploring some of the potential barriers to new legislation that the cabinet secretary mentioned, and I am very willing to work with the petitioner, her organisation and members across the chamber to explore how such abuse can be addressed effectively.

Dr Neal has suggested amending the 2018 act. That is perhaps the logical pathway, and it is one that I would support, although I am aware that such a process would take considerable time and would require to be prioritised in a busy parliamentary timetable. The issue is, of course, related to both the Victims, Witnesses, and Justice Reform (Scotland) Bill and the proposed misogyny bill, so such an amendment might be possible through those bills.

I look forward to hearing more contributions to the debate and to returning to some of the practical possibilities in my closing speech.

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

15:35

**Clare Haughey (Rutherglen) (SNP):** As other members have done, I thank colleagues on the Citizen Participation and Public Petitions Committee for their work on the issue, and those stakeholders who have engaged with them. I also commend the petitioner, Nicola Murray, for her bravery and tenacity in bringing the issue to the Parliament and sharing her personal testimony, which the committee described as "profoundly moving", on a subject that could not be more sensitive or personal. Her on-going work to create spaces for other women who have experienced the loss of a pregnancy through violence or abuse to provide comfort and support to one another is invaluable to many.

Through Nicola Murray's work, the shocking reality of the scale of the issue has been brought into sharp focus. Every day in Scotland, four pregnant women will be the victim of domestic violence. Those figures, which are already stark, are likely to be underreported, based on what we know about the reporting of domestic violence more generally.

Pregnancy is one of the most dangerous times for victims of domestic abuse. Almost one in three women who suffer abuse experience it for the first time while they are pregnant. That makes domestic abuse the most commonly experienced

threat to the health and wellbeing of women during pregnancy.

As many members will recognise from their constituents, violence against woman causes devastating physical and psychological impacts for its victims, and it has wide-ranging costs for them, their families and their communities as a whole.

Brodie's Trust, which was set up by the petitioner, has reported that many women who have suffered pregnancy loss as a result of abuse had never spoken about what had happened to them before they found the group. They brought with them deep and specific trauma, which was often wrapped up in self-blame. All too often, their experiences are still hidden.

The Domestic Abuse (Scotland) Act 2018 was a welcome step forward in creating new statutory domestic abuse offences, which made it easier for certain forms of abuse and coercive and controlling behaviour to be prosecuted. The briefing notes from that time state that the fact that a pregnancy was lost as the result of domestic abuse could be considered as an important factor in sentencing. However, as things stand in Scots law, there is no specific offence of ending a pregnancy through violence or abusive behaviour.

In other parts of the UK, the Infant Life (Preservation) Act 1929 may be used to prosecute someone who attacks a pregnant woman and causes the loss of her unborn child, but that piece of legislation stands alone, and it is nearly 100 years old.

Across Scotland, campaigners such as the petitioner, Nicola Murray, and other groups, organisations and stakeholders work tirelessly every day to protect, advocate for and support victims of domestic abuse.

Recently, I spoke in the chamber about how it is imperative that we treat victims and survivors of crime with compassion, and the fact that we owe it to them to listen to and act on their experiences and concerns. We must do more to ensure that they feel not only that they are treated with compassion but that they have received the justice that they deserve and that the perpetrator has received the punishment that they are due.

Domestic violence is a pernicious issue, and there is still much work to be done in changing attitudes and breaking stigma and taboos.

The loss of a pregnancy is always heartbreaking. When such a loss is caused by abuse or through violence, the trauma and emotional pain must surely be magnified beyond recognition. It is for that reason that I welcome the opportunity to speak on the issue today, and I thank the committee for bringing its motion to the

chamber. Most of all, I thank Nicola for bringing her petition to Parliament.

15:39

**Maurice Golden (North East Scotland) (Con):**

The Citizen Participation and Public Petitions Committee considers many petitions on a range of issues and it is rare for one of those issues to make it to a full debate in the chamber. For that, and for her efforts to ensure that the issue has the consideration and awareness that it deserves, I pay tribute to the petitioner, Nicola Murray. However, I am sure that seeing Parliament debate this important issue gives very little solace to Nicola or to the thousands of other women who have suffered, and continue to suffer, domestic abuse—particularly those who have lost an unborn child as a result of that abuse.

As a recently appointed member of the committee, I was not there to hear Nicola's evidence, but the *Official Report* is a harrowing read. The experience was clearly distressing and traumatic, not only for Nicola but for her children and other family members. It is evident that Nicola has been badly let down by the justice system. Her ex-partner hit her with his car and she miscarried less than 48 hours later because of her injuries. In addition to the loss of her unborn child and the grief that she suffers, she has been left with permanent left-side weakness, difficulty walking for long periods, pain in her back, hip and pelvis and complex post-traumatic stress disorder, but his sentence was only that he should pay Nicola £300 compensation.

Nicola's personal tragedy, those of the women she supports and her own research all show that her experience is far from being an isolated example. In addition to the petitioner's case, I was struck by the case that Dr Mary Neal highlighted in her submission to the committee. She cited the example of a man who stabbed, punched, and throttled his partner who was 32 weeks pregnant with twins, which caused her a spinal cord injury, brain damage, extensive bruising and numerous other injuries. Both unborn babies died as a result of the attack, yet the perpetrator received only five years' imprisonment for attempted murder. Whether that sentence is evidence that a specific offence is required, or is an indictment of the current state of Scotland's justice system, or both, it is clear that the status quo is not good enough when it comes to handing down sentences when a miscarriage is caused by domestic violence.

Elsewhere in the UK, a perpetrator could and probably would receive a life sentence for such a crime: life sentences have been handed down throughout the UK on numerous occasions for the crime of child destruction. Although Dr Neal clearly pointed out in her submission that there are

shortcomings in the existing crime of child destruction, she also made it clear that the legislation can be used to prosecute a partner or ex-partner who deliberately causes the death of a late-term fetus through violence. No such specific legislation exists in Scotland.

In her submission to the committee, the Cabinet Secretary for Justice and Home Affairs stated that the Scottish Government is not persuaded that a new offence should be introduced, that legislating in this area could be difficult and that the unintended consequences must be considered.

It is not good enough to say that unintended consequences must be considered in a way that suggests that that is a reason not to introduce a new law. As with all new laws, it is the job of Parliament to ensure that any unintended consequences are fully considered when new legislation is introduced.

The petitioner has said:

“I am steadfast in my belief that within domestic abuse law is the natural home for this amendment and that the wording by Dr Mary Neal leaves no room for misinterpretation and unintended consequences for women.”

The Citizen Participation and Public Petitions Committee’s position on the issue is clear. It recommends

“that the Scottish Government brings forward legislation to create a specific statutory offence and/or statutory aggravator for causing miscarriage through acts of domestic violence.”

Whether it is through an amendment to our domestic abuse laws or some other mechanism, I urge the Scottish Government to look at the issue again and give further consideration to legislating in the area.

15:45

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I open by thanking Nicola Murray and all those who helped the Citizen Participation and Public Petitions Committee for all their hard work in taking the petition through the committee process and bringing it to the chamber today. Nicola has gone on the record to talk about her harrowing personal motivations for raising the issue, and her diligent work must be commended.

The petition seeks the introduction of a specific criminal offence that will enable the courts to impose longer sentences for perpetrators of domestic abuse that causes the loss of an unborn child. The petition suggests that current legislation is unable to effectively prosecute those who cause the loss of an unborn child through their violent actions or coercive control.

All of us in the chamber can agree that abusive behaviour that results in miscarriage is detestable and that those who engage in such behaviour must be held to account. The experience is not something that should ever happen to anyone, and the unfathomable pain that it causes should be recognised.

I will reflect for a moment on my time as a social worker. We saw domestic violence regularly and—as others have said, including Pauline McNeill and Clare Haughey—it was often noted that, for women, pregnancy was a time of increased risk of domestic violence, whether that was within a current abusive relationship or because it signalled the beginning of domestic abuse. That should shock us all. Although I worked in that sector, it continues to shock me, even as I speak about it.

The challenge for the Scottish Government when looking at the petition is that it must balance acknowledging the gravity of such experiences with analysing any potential challenges that introducing new legislation can bring. When researching potential new legislation, the Scottish Government must also look at whether there are ways to achieve similar results without introducing new acts.

On the laws that are in place, the Domestic Abuse (Scotland) Act 2018, which was passed in the previous session of Parliament, created a new statutory offence of domestic abuse. It sets out three conditions, all of which must be proven for a conviction. It provides that a person commits an offence if they engage

“in a course of behaviour which is abusive of”

their

“partner or ex-partner”,

if

“a reasonable person would consider the course of behaviour to be likely to cause”

the partner or ex-partner

“to suffer physical or psychological harm”

and if the person intended the course of behaviour to cause such harm or was reckless as to whether it would cause that. The act provides that abusive behaviour is

“behaviour ... that is violent, threatening or intimidating”.

In recognising that abusive behaviour can be psychological as well as physical, the act acknowledges that domestic abuse is a multifaceted issue.

One of my constituents, Carla Basu, recently won the prestigious Royal Television Society Scotland student award for her film “Bruised”, which deals with the varying types of domestic abuse and the support that is available to

survivors. I am looking to organise a screening of “Bruised” at Holyrood. When I put out the invitation to that, I will encourage all members to attend.

As we know, it is for Police Scotland and the COPFS to investigate and prosecute cases under the domestic abuse offence. As well as statutory law, common law may be used to bring a perpetrator to justice. The common-law offence of assault could be used when an abuser causes a victim to miscarry or even forces a woman to terminate her pregnancy against her will. The maximum penalty for the common-law offence of assault ranges up to life imprisonment and is limited only by the sentencing powers of the court in which the case is heard.

With those powers already existing, the Scottish Government is, as we have heard, not convinced at this time that a new offence should be introduced. However, a bit more thought may need to be given to this area. One way to do that may be through the Scottish Sentencing Council. As I mentioned, the penalties for assault are limited only by the sentencing powers of the court in which the case is heard. In correspondence with the committee, the Scottish Sentencing Council acknowledged the evidence-based approach to guideline development and noted that it was at an early stage of gathering evidence in preparation for developing a guideline on domestic abuse offences. It said that, in its evidence sessions, it would consider all the evidence that the committee has gathered on the petition. Presently, the domestic abuse guideline is at stage 2 of processing, and we must let the council independently progress through those stages—there is possibly scope there.

The petition has brought attention to a very real and serious issue that—deplorably—occurs in Scotland today. We can agree that the reasons for the proposed new legislation are legitimate, but we must be sure to fully examine the legal challenges and unintended consequences, although I accept the point that Maurice Golden made. We must analyse what consequences exist with any new legislation.

I again thank Nicola for bringing the petition to the Parliament and ask the Government to continue to give full consideration to the issue, in any way that it can help.

15:50

**Foysoi Choudhury (Lothian) (Lab):** In 2018, the Scottish Parliament passed its Domestic Abuse (Scotland) Bill. It was said at that time to be landmark legislation and a momentous day for survivors of domestic abuse in Scotland. In that case, we should be proud of the Parliament’s work. However, as the petition and the evidence

that we have heard make clear, more work has to be done to support those who are subject to domestic abuse.

According to the National Centre for Domestic Violence, one in four women will experience domestic abuse in their lives. In the most recent statistics, 61 per cent of logged incidents of domestic abuse did not include the recording of a crime or offence. Yet we must keep it in mind that the true rate of abuse is likely to be much greater than what is reported. The National Centre for Domestic Violence estimates that less than 24 per cent of domestic abuse crime is reported to the police. That should be greatly concerning.

Last year, the Criminal Justice Committee’s report on the implementation of the Domestic Abuse (Scotland) Act 2018 outlined several areas that need improvement. Police need to be fully trained in recognising domestic abuse, particularly when it is of a non-violent, psychological nature. Some survivors felt that building a case against non-physical abuse was too difficult, and the use of time-limited non-harassment orders caused survivors to leave their homes when the orders expired.

The evidence that the committee has seen in considering the petition demonstrates that pregnancy amplifies the barriers that survivors face in reporting domestic abuse. Four pregnant women every day in Scotland face domestic abuse. Research from the University of Edinburgh shows that domestic abuse becomes more likely when a woman is pregnant.

Nicola Murray, who brought the petition to the Scottish Parliament, outlined in her harrowing evidence to the committee that we are failing survivors. There is the fear of having to see their abuser again in the court and having to relive their trauma, the lottery as to whether the police pursue a case, and survivors being told, without being consulted, that their case is being closed. Pregnant survivors or those with young children often avoid reporting their abuse for fear that they will be seen as a bad mother or their children will be taken from them. Empowering survivors so that they can go to the police and leave their abusers and get support to break the cycle of abuse must be made paramount by this Parliament.

On healthcare, I am sure that many members have spoken to Held in Our Hearts this week. It is calling for a minimum bereavement framework for women who have lost a baby. It also describes a postcode lottery of care for bereaved mothers. Where care is available, there is no personalised one-to-one support that is inclusive of both families and mothers.

In the evidence that the committee heard and from my conversation with Held in Our Hearts, I

think that we are failing women who have lost their child. The introduction of the memorial book of pregnancy and baby loss prior to 24 weeks is a good start to officially recognising the grief of losing a pregnancy, but universal personal support is needed.

The petition has raised important issues that are faced by too many women across Scotland. We must recognise the immense pain of losing a child to domestic abuse.

When it comes to domestic abuse and supporting women who have lost a child, it is clear that we are failing on multiple levels. The unacceptable increase in domestic abuse when women become pregnant must be investigated, and our system of support for victims of domestic abuse should reflect that reality. Laws need to be better implemented and enforced, so that no abuser goes unpunished or underpunished. In addition, mothers need to have access to counselling and other support, so that no one is left to suffer in silence.

15:55

**John Swinney (Perthshire North) (SNP):** The speech by Jackson Carlaw, the convener of the Citizen Participation and Public Petitions Committee, was, in two respects, an outstanding one with which to open the debate.

First, it explained something that does not get nearly enough airtime: the significance and effectiveness of the public petitions process, which is one of the jewels in the crown of the identity of this Parliament.

The second element of the importance of Mr Carlaw's speech was the recognition of the seriousness of the issue that has been raised by Nicola Murray, who is one of my constituents. One point that I have tried to explain to Nicola is an understanding of the significance of the fact that we are gathered here this afternoon, in this chamber, to devote our entire afternoon's business to the consideration of her petition. If ever there was an example of the triumph of the design of our parliamentary system, it is that one member of the public, who has had an absolutely harrowing experience, is able to find some—I stress the word “some”—solace in the fact that her Parliament is able to respond to the suffering that she has endured. It has provided the opportunity for the Government to be challenged by the petition that has come to the committee. The committee has considered the petition, which has overcome the necessary process of scrutiny, given that many petitions come to the Parliament, and has decided that the petition is of such importance that the Government should be challenged about

it, the minister should respond to it, and we should debate it all afternoon.

That is a triumph not only for the design of our parliamentary system but for my constituent Nicola Murray, who has endured inexplicable suffering and has brought this issue to us. The issue is very significant, because Ms Murray challenges us to think about whether the existing arrangements—which all of us, in good faith, have put in place—are adequate to deal with the circumstances that people face.

As I have discussed with Ms Murray, the events in her case took place before the Domestic Abuse (Scotland) Act 2018 was in force, and, when I think through some of the issues that are involved, I wonder whether things would have been different had it been in force. Would that have given more protection to my constituent than our pre-existing system did?

That brings me to a wider experience, which has come from spending a large part of the past year sitting on the Criminal Justice Committee—in particular, over the past few months, as it has been scrutinising the Victims, Witnesses, and Justice Reform (Scotland) Bill, which is currently before the committee and which Parliament has approved at stage 1. The evidence that the committee took about the experience of victims was, again, harrowing. We have—I think—strong legislative frameworks in place just now, but we have taken from members of the public testimony that was, in some cases and at some times, impossible to listen to.

As a Parliament—and I encourage the Government to do likewise—we must remain open to exploring in our minds the question that is at the heart of Nicola Murray's petition, which is whether our current arrangements are adequate and fit for purpose.

I very much take the point that Maggie Chapman and Maurice Golden made. Nicola Murray's exact proposition might not be perfect. However, as all members know, as we scrutinise legislation, a proposal made at stage 2 might not be perfect, but the Government will take it away, work with the relevant member and come back at stage 3 with a refined proposition that everybody agrees will work. I hope that we can leave today's debate with members of Parliament and the Cabinet Secretary for Justice and Home Affairs feeling able to consider that, although my constituent's proposal might not be the perfect solution, a solution needs to be found to address the circumstances that she has experienced.

Having listened to the debate, and in particular to Jamie Greene's intervention on the cabinet secretary, I am left questioning whether the answer lies in sentencing guidelines or in a new



offence. I understand exactly where the cabinet secretary is coming from on the point that we have judicial independence and operational independence for the police and for the Crown.

Going back to what Mr Carlaw said, though, I do not think that any of us can look at my constituent's experience and say that a £300 fine feels appropriate. The question that the petition forces us to encounter and consider is: what is the right approach? Is it a new offence, or is it to recognise that sentencing guidelines are not appropriate?

My plea to the Government would be not to close the door on this case, but to leave it open for further consideration of the appropriate way to address my constituent's unquestionable suffering. We should address that by commending her courage and doing something about it.

**The Deputy Presiding Officer:** Sharon Dowe will be the final speaker in the open debate, after which we will move to closing speeches.

16:02

**Sharon Dowe (South Scotland) (Con):** Domestic abuse is a despicable and evil crime. It is particularly abhorrent when it also results in harm to a child. I cannot imagine how harrowing it is for a mother-to-be to go through the cruelty of domestic abuse, only for the attack to be made more harrowing because it results in miscarriage or stillbirth or forces the termination of a pregnancy against her will. I say to anyone in such a situation that the thoughts of the whole Parliament are with them. We all want to do all that we can for women who suffer in such dreadful situations. It is our duty to give them whatever help we can so that they receive at least some measure of justice.

I pay tribute to the petitioner who has lodged the proposal, who is in the public gallery this afternoon. Nicola Murray has lost three babies as a result of domestic violence. The summary of her petition to the Citizen Participation and Public Petitions Committee said:

"I was absolutely devastated and grief stricken. I felt incredibly let down because in my experience, the law as it currently stands offered no protection or redress. I believe that the current law cannot adequately prosecute perpetrators who cause such loss through their violent actions or coercive control."

I am sure that we are all touched by the power of Ms Murray's words and what she has been through. For even one person to have been in such a position is a tragedy. The change to the law that she seeks seems right. It is reasonable and fair, and it identifies and fixes an apparent loophole in current legislation.

I note that the committee heard evidence that similar offences to the one that Ms Murray seeks are already in operation elsewhere. For example, in England and Wales, and also in Northern Ireland, if someone deliberately causes the death of a fetus through violence they can be charged with that. There are a number of examples of that being used in recent cases. There are also examples from further afield, such as in the New York penal code, where the definition of homicide includes causing the death of an unborn child.

I note that much of the evidence that the committee heard established that it is not easy to seek prosecutions in this scenario by using other laws. Although some other laws appear to be possible options, in practice they cannot guarantee appropriate punishment. That leaves the need to create a specific offence that enables courts to hand down longer sentences for perpetrators of domestic violence that causes miscarriage. The Domestic Abuse (Scotland) Act 2018 includes a new statutory aggravation where the offence involves a child, but it does not appear to cover an unborn child. I can see no reason why such a legal change should not be made.

I was not convinced by evidence from the Crown Office, which suggested that existing practices are appropriate to cover the death of an unborn child. The Crown Office said that prosecutors exercise professional judgment when deciding a charge and that miscarriage would reflect that charge. The Crown Office also highlighted the creation of the offence of engaging

"in a course of behaviour which is abusive of the person's partner or ex-partner"

under the Domestic Abuse (Scotland) Act 2018.

Although I recognise the Crown's position that the result of a forced termination in the context of domestic abuse could fall into the parameters of that offence, I am not sure that it is suitable in practice. As such, I welcome the proposal from Dr Mary Neal, a reader in law at the University of Strathclyde, who suggested a reform to the existing legislation to include a new offence. She said that that offence should cover

"Behaviour contributing to the ending of a partner's or ex-partner's pregnancy".

In her proposal,

"A person commits an offence if ... the person ... contributes, or attempts to contribute ... to the ending of a partner's or ex-partner's pregnancy"

and intends for that behaviour

"to contribute to the end of the pregnancy, or ... is reckless",

and such behaviour leads to the end of the pregnancy. Such an amendment would give women in that terrible situation some small measure of justice.

Given how harrowing such a situation must be, that is only right. As for how to proceed, I briefly highlight something that was raised by the Citizen Participation and Public Petitions Committee, which is that there are already too many members' bills to pass during the current legislative session. I hope that, as a result of that, the Government will look to step in and expedite the process, as only the Government can. It should be consensual and a unanimous change to the law, and I believe that the proposal should be fast-tracked by the Government as quickly as possible.

Before I conclude, I remind the Parliament of the case of Lisa Donaldson. She was stabbed, punched and throttled, all while she was 32 weeks pregnant. Her partner caused her a spinal cord injury, brain damage, extensive bruising and numerous other injuries. Her unborn twins died as a result. He received just five years in prison.

The women who suffer the horrific crime of domestic abuse and the harrowing distress of miscarriage deserve to be heard. They deserve a change to the law. They should not be made to wait many years before they receive justice. The Government and every party in the Parliament should act urgently now.

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

16:08

**Maggie Chapman:** I am encouraged to have witnessed and been part of such a thoughtful and considered debate this afternoon. There is a significant degree of cross-party consensus on this vital issue. I am hopeful that, where there is not agreement, on-going conversations might enable and support the shifting of some views, and that we might see progress on each of the recommendations of the Citizen Participation and Public Petitions Committee. I thank the petitioner for her testimony and her work, and I reiterate my willingness to work with her and others in achieving robust and effective change.

As many members have said this afternoon, pregnancy should be a happy time. Families should be able to look forward to the birth of a new life with hope and excitement. No one should fear a pregnancy in case it triggers abuse. No one should have to suffer abuse because, or when, they are pregnant.

As Pauline McNeill, Clare Haughey and others have highlighted, the loss of a pregnancy must be one of the most traumatic events imaginable. To have that happen as a consequence of domestic violence only compounds and complicates the pain, trauma, loss and grief that those affected go through. The criminal justice system then fails survivors. The phrase "adding insult to injury" does

not even come close. As Clare Haughey and John Swinney have so clearly articulated, we must ensure that the approaches and systems that we have in place to support survivors are the right ones, that they do what we need them to do, and that they do so with compassion and in ways that really do deliver justice.

I am grateful to Foysol Choudhury, Pam Gosal and others for highlighting the importance of having well-resourced organisations to support survivors. We know that third sector organisations do phenomenal, life-saving work. I am also grateful to them.

It is clear to me that we need a change in law along the lines outlined by the petitioner and developed by Dr Neal to address abuse that either intentionally or recklessly ends a wanted pregnancy. There are likely to be different ways of delivering that. We must ensure that, if we go down that route, there can be no impact on abortion law or questions of legal personhood.

Across the chamber, we have different views about some of those issues. However, as the passing of Gillian Mackay's Abortion Services (Safe Access Zones) (Scotland) Bill at stage 1 this week showed, we can come together despite those differences to protect those whose rights and wellbeing are under threat. I believe that, in the same way, we can co-operate to fill the legal gap that the petitioner has so eloquently and movingly described. I urge the Scottish Government to ensure that that work has the time and resources that it needs and deserves.

Of course, we all wish that we did not need such laws. They come into play only when the worst has already happened—when people have already suffered and lost. Therefore, we must also consider in all that we do how best to address the root causes of domestic abuse—that malignant hostility towards those who are pregnant or have recently given birth. That is why our potentially ground-breaking and transformative work on misogyny must continue, must be courageous, and must be rooted in the real experience of survivors such as the petitioner.

Today's debate has perhaps given us a glimpse of a Scotland that we would prefer not to see. Indeed, we have been confronted with the failings of both the state and wider society to protect, support, nurture and lift up our fellow human beings. However, if we are to change that and create a world in which laws such as those that we are discussing today are not needed anywhere near as often as they currently are—if at all—we cannot turn away. We must look, we must see, and we must act.

16:12

**Katy Clark (West Scotland) (Lab):** I am pleased to close the debate on behalf of Scottish Labour.

We congratulate the petitioner, Nicola Murray, on bringing the issue to the Scottish Parliament and on her courage in sharing her personal experiences, and we welcome the opportunity to consider whether the law in the area is adequate. We know that, historically, the justice system has treated victims of domestic abuse very poorly and, indeed, that it has often not treated domestic abuse as a crime. We must all recognise that, although there has been significant progress over recent decades, there is still a long way to go.

As Pauline McNeill, Fulton MacGregor, Foysol Choudhury and others have said, pregnancy loss is not an uncommon feature of domestic abuse. Pregnant women, in particular, are often a target of male partners, and there is often a rise in violence against women during pregnancy. As Pauline McNeill said, pregnancy can alter the pattern of assault, with pregnant women more likely to be struck on the abdomen.

We recognise that Scots law has always allowed the facts of a case and the injury as part of an assault to be narrated by the Crown and that the Scots legal system has always had a far more flexible approach than there has been in England and Wales. As the cabinet secretary said, there is already provision in Scots law for pregnancy loss and the intense distress that it can cause, which could be lifelong, to be taken into account in sentencing. It would be very helpful to get more detail from the Scottish Government—either from the cabinet secretary in her summing up or after the debate—as to whether the sentences that courts are giving in such situations are adequate.

**Jamie Greene:** I thank all members for taking my interventions—I did not have a speaking slot in the debate, but it is a very important debate and I was keen to involve myself in it.

I was struck by the responses to the Citizen Participation and Public Petitions Committee's small report on the petition, including from the Crown Office, which made it clear that the Crown was confident that it was able to libel an accused when it believed that there was evidence of "forced termination". I presume that that would relate only to a situation of coerced abortion, for example, and not necessarily to consequential loss as a result of domestic violence. Perhaps the Government could look at that and at whether the 2018 act is the right vehicle for addressing that or whether—as John Swinney said—the sentencing guidelines would be a better vehicle by which to deliver the same result.

**Katy Clark:** I welcome that intervention from Jamie Greene. He always makes very helpful contributions to these debates, so I am glad that he has been able to make a very short contribution on this occasion.

A number of members have spoken about specific cases. We are not aware of every case, but it is appropriate that we consider whether those cases have been dealt with adequately and whether sentences are appropriate.

With regard to the specific point that Jamie Greene made, my understanding has always been that it has been possible for the Crown to narrate those facts and the injuries suffered, but that will be at the point of sentencing and we will not always know the long-term impact that an assault and an injury may have on a woman who has experienced pregnancy loss.

The cabinet secretary spoke about the work that the Scottish Sentencing Council is undertaking in relation to domestic abuse and the work of the domestic abuse justice partners round table. It would be helpful if she kept the Criminal Justice Committee advised of that work.

Pam Gosal spoke about the appalling circumstances that led Nicola Murray to petition the Parliament. It is the Parliament's responsibility to ensure that the justice system deals with violence against women effectively when there is pregnancy loss, that there are effective sentences available to the court and that they being used.

We need to recognise that pregnancy—and, indeed, having children—makes women more vulnerable. As John Swinney said, the Criminal Justice Committee has been scrutinising the Victims, Witnesses, and Justice Reform (Scotland) Bill and has given a great deal of consideration as to how the justice system fails women.

We have also carried out post-legislative scrutiny of the Domestic Abuse (Scotland) Act 2018. We are of the view that it has been an effective piece of legislation, but I think that we need to look more carefully at sentencing in cases such as Nicola Murray's to see whether sentencing is being effectively administered in instances of pregnancy loss or whether further attention needs to be paid to that, either through a new offence or through other mechanisms such as the Scottish Sentencing Council. Whatever mechanism is used, we need to look at the maximum penalties that are attached to offences. These sentences are available to the court now. So, it would be helpful to know from the Scottish Government whether the Lord Advocate believes that there is a need to strengthen the law in this area, what view the Crown Office takes on its ability to prosecute in such cases, and whether

there is concern that the courts are giving lenient sentences.

There have been a number of references to what happens in England and Wales, particularly from Maurice Golden and Pam Gosal. It would be helpful if the cabinet secretary could advise whether sentences are, indeed, more lenient in Scotland. In general, sentences are not more lenient in Scotland, but it would be helpful to get more information from the Scottish Government in that regard.

I conclude by thanking Nicola Murray again for bringing the issue to the Parliament. I hope that, as we move forward, the Parliament will scrutinise both the law and the practice of the courts in administering justice to ensure that the issues that the petition raises are properly addressed.

16:19

**Alexander Stewart (Mid Scotland and Fife)**  
**(Con):** This afternoon's debate has provided an opportunity to explore this important issue in detail, and I am grateful for the opportunity to close the debate on behalf of the Scottish Conservatives. The petition has been under consideration for much of the parliamentary session and I welcome the debate.

When Nicola Murray first submitted her petition, I helped to scrutinise the proposals as a member of the Citizen Participation and Public Petitions Committee. I thank the committee clerks for their assistance with the process, as well as those who gave written and oral evidence. I also—of course—thank Nicola Murray herself. As we have heard, she has had the courage and tenacity to lodge the petition, with the support of organisations such as Scottish Women's Aid and Victim Support Scotland.

It is vitally important that we are discussing the issue in the chamber, because it shines a light on the matter. We have already heard that a loss of this kind can impact other family members, as it can mean the loss of a sibling or a grandchild. We also know that the current justice system can leave victims feeling as though the perpetrator has not been brought to justice. Many members have highlighted a leniency around the information and what happens to individuals in cases like this. That needs to change. The petition that was lodged by Nicola Murray has highlighted several issues around the effects of domestic abuse and coercive control, which need to be exposed as problems in how they are dealt with in the Scottish system.

Since the Domestic Abuse (Scotland) Act 2018, Police Scotland's approach to domestic abuse has improved—it needed to improve—but there are still gaps in the system around showing that coercive control has taken place. Nicola Murray

has spoken about how much more needs to be done to support victims throughout the current process and how victims can sometimes struggle to be taken seriously when reporting this type of domestic abuse. We have heard today about groups such as Brodie's Trust, which are there to support victims. It is fantastic that we have organisations, charities and trusts to support victims, but they need to be supported by our judicial system and our police force.

During scrutiny of the petition, the committee raised the possibility of a new requirement that could be introduced, which would ensure that the fact that violence has led to the loss of an unborn child will always be mentioned when the perpetrators of those crimes are charged. That could be a possible alternative to the creation of a completely new criminal offence for actions that lead to the loss of an unborn child. The Scottish Sentencing Council has stated that there is nothing in the current sentencing guidelines to prevent that requirement from becoming a reality. However, as Nicola herself highlighted, there are very few examples of cases in which that type of reference has been included in a charge. So, although that part of the legal framework may already exist, it is clear that it is not effective enough and that more should be done.

We have heard some excellent contributions in the debate. As I said, it shows the strength of the Parliament when we can have a debate of this nature in the chamber. As the convener, Jackson Carlaw, said in his impressive, excellent and emotive speech, the committee has an important role to play in the Parliament and it should be praised for the role that it has taken. There is no doubt that this type of process is a real asset to the Scottish Parliament, when a petition of this calibre can come forward and we can ensure that a review takes place.

The cabinet secretary spoke about her approach of co-operation and collaboration, as well as the challenges with the petition. She also acknowledged that more needs to be done. I look forward to hearing, in her summing up, where we can take this.

My colleague Pam Gosal spoke about the loss, fear, shame and silence that women experience in these circumstances. The fact that four pregnant women are abused every day in Scotland shows the harrowing situation that we find ourselves in.

Pauline McNeill spoke about the fear that victims experience and the loss that they deal with. She said that women should not be put in that position by men and that it is the men we need to manage. That is important, so we need to be tough with their sentencing.

Maurice Golden spoke about the women's harrowing experience of being badly let down and the pathetic compensation of £300 that Nicola Murray received, which is insulting to say the least.

Sharon Dowe spoke about this evil crime and the lack of justice.

John Swinney spoke very eloquently about the effectiveness of the committee. He shone a light on the committee being a prime example of what the Parliament has the ability to do when an individual raises such an important issue. The matter can be given the respect and support that are required, and the Government can make some changes. I look forward to seeing that happen.

Clare Haughey, Maggie Chapman, Fulton MacGregor and Foysol Choudhury all made very passionate speeches about the issues.

As I have said, the petition has shone a light on many issues, but it is not possible to cover everything in the debate. I hope that the debate will ensure that the Scottish Government looks at the issues highlighted by support groups and campaigners such as Nicola Murray, who have led the charge.

In conclusion, it is vitally important that the appalling crimes of domestic abuse and coercive control are dealt with, to ensure that our justice system is proper and fit for purpose. I look forward to seeing the debate progress and the issues continue to be discussed. I join colleagues in hoping to see a real change and an improvement in the situation, because it is clearly long overdue. With all of us working together, we will ensure that a solution can be found—because solutions need to be found for people like Nicola Murray.

16:26

**Angela Constance:** Jackson Carlaw started the debate by asking for a review of the legal framework and the wider systems that seek to support victims and survivors. I assure him and Parliament that we are doing, and will continue to do, both. That is done in part through our very constructive engagement with the Citizen Participation and Public Petitions Committee, including the debate that we have all participated in this afternoon; however, there is also a wider hinterland with our cross-Government agenda to tackle and end violence against women and girls, whether through the equally safe strategy, the victims task force, which I and the Lord Advocate co-chair, or the domestic abuse justice partners round table, to which the matter will be referred.

I also want to make it clear to Parliament that no doors are ever closed and that solutions still have

to be found, because our journey to ending violence against women and girls is far from over.

I agree with Pam Gosal that we must confront the uncomfortable truths. More than 61,000 domestic abuse incidents were reported to Police Scotland last year, but we know, as Maggie Chapman said, that such crimes are underreported—quite possibly by 30 to 40 per cent. Indeed, the Scottish crime and justice survey found that less than a sixth—16 per cent—of people who experienced domestic abuse in the previous 12 months went to the police. There is a serious issue of underreporting in this country.

Clare Haughey, Pauline McNeill and others spoke to the heightened and amplified danger that pregnant women face when they are in an abusive relationship. Pauline McNeill and Katy Clark spoke, as they always do, in a very informed and eloquent way about Scots law. Fulton MacGregor spoke about some of the strengths of our legal system, including its flexibility, not least with the common law offence of assault that appears in the High Court, and the unlimited sentencing opportunities that go with that.

I have heard from each and every member who has participated in the debate that there is further work to do on some of the issues that have been highlighted by the committee. I will not repeat Marsha Scott's evidence that I referenced earlier, when she spoke of the unintended consequences based on the English and Welsh experience, but I stress to Parliament that those experiences and unintended consequences are not a reason to do nothing; they give us every reason to learn from them.

I was struck by the evidence from Dr Mary Neal on her proposal that a new statutory aggravation be considered in relation to domestic abuse offending. Such an aggravation has been suggested not just by Dr Neal but by others, including in an intervention from Mr Greene during today's debate. It also appears, I believe, to have some support from the petitioner. Although much more work would be needed to assess how it might be done, one advantage that a new aggravation would have over the development of a new offence is that it would not seek to newly criminalise an activity, but instead would allow the court to acknowledge the specific seriousness that arises when an existing offence is committed against a pregnant woman.

The benefit and advantage of having aggravated offences is that they give us the opportunity to recognise and label behaviours for what they are. They give us an opportunity to more robustly and evidently acknowledge when harm is done and, in this case, when harm is done to an unborn child as a result of domestic violence.

In my opening remarks, I made it very clear that the issues that are raised today would be subject to full consideration by the Scottish Government. I also made it clear that our work with our domestic abuse justice partners is very important to ensure that, whatever next steps we take, we get them absolutely right. I will also highlight that the work of the Scottish Sentencing Council is important. The council consults on all draft guidelines before they are finalised, and it is open to anyone to make representations to the council about specific matters that should be covered in guidelines. I am sure that we can facilitate this parliamentary debate being drawn to the attention of the Sentencing Council in its deliberations.

In its 25-year history, Parliament has placed a heavy emphasis on tackling domestic abuse and violence against women and girls. We have all endeavoured to work collaboratively on that. If there is any hope to be taken from the debate, it is because there is no doubt that we will all continue to face in the same direction and try our best to march forward together. The personal testimony and campaigns have continued to reinvigorate all of our energy and commitment, day in and day out, to do more to support victims of domestic abuse and, crucially, to tackle the root causes of that vile and cowardly behaviour.

I am sure that I, the Government and the Parliament will all work together to deliver step changes in our response to the crimes of domestic violence. I hope that the petitioner can take some hope and some solace from the tone and tenor of the debate and the actions that I have outlined. My grateful thanks go most of all to the petitioner, but also to the convener, the committee members and everybody who has participated in the debate.

**The Presiding Officer (Alison Johnstone):** I call David Torrance to wind up the debate on behalf of the Citizen Participation and Public Petitions Committee.

16:33

**David Torrance (Kirkcaldy) (SNP):** I thank members for their thoughtful and compassionate contributions to the debate. As the convener set out and as many colleagues, such as Pauline McNeill, have mentioned, we can be left in little doubt about the devastating impact of miscarriage that has been caused by domestic abuse.

Colleagues across the chamber have touched on Nicola Murray's testimony and contributions regarding her petition. Clare Haughey spoke of Nicola's "bravery and tenacity". Jackson Carlaw spoke of her "courage and determination". Fulton MacGregor spoke of her motivation. John Swinney spoke of her "harrowing experience" and "suffering". We are all grateful to her. I, too, put on

record my thanks to the petitioner, Nicola Murray, for her dedication to this issue and my admiration for the way in which she has worked to support other victims of domestic abuse.

As a Parliament, we have considered the issue of how to tackle domestic abuse for many years; it is an issue that gathers support from members of all the parties that are represented in the chamber today. That support has been evident throughout the debate in the contributions from Pam Gosal, Maurice Golden, Katy Clark and all the other speakers.

I reiterate that our work on the petition has been profoundly moving. The committee considers a high volume of petitions, each with its own background and, often, with a personal story from the petitioner. The role of our committee is often to amplify the voice of petitioners and put their case to the Scottish Government. It is a testament to Nicola's hard work that we are here to debate her petition.

As a committee, we do not routinely hear from petitioners, simply because of the volume of petitions that we receive. However, we all considered that it would be helpful in this instance to give Nicola Murray an opportunity to speak to us about why her petition is important.

Nicola's evidence was compelling; she spoke with great passion and feeling about how

"life impacting"

it is

"not just for the victims but for their families."

Speaking of her own experience, she said:

"When I lost my pregnancies, I lost a child—I lost children—my children lost siblings and my parents lost grandchildren, so it impacts the entire family. Obviously, afterwards, it is deeply traumatising and emotional. It is not just that you have to deal with the loss itself; it is the circumstances of the loss ... That can add further trauma to the victims and their families, because they feel like they have not received justice."—[*Official Report, Citizen Participation and Public Petitions Committee*, 29 June 2022; c 2.]

I agree that we should work to prevent this type of abuse from happening in the first place. We recognise that there is no single solution to this complex problem, but I know that we will all continue to work towards the collective goal of tackling domestic abuse and gender-based violence.

The proposal in the petition is quite specific. It aims to secure justice that is proportionate and appropriate and recognises the trauma that this type of abuse causes. We are aware of the Scottish Government's concerns that it would be difficult to evidence a crime of this nature, but that

does not mean that we should simply do nothing. Dr Mary Neal told the committee:

“we should remember that other crimes with primarily women victims are underreported, difficult to persuade people to come and give evidence about and prosecuted with varying levels of success, but we do not suggest that they should not be crimes for those reasons. Just because rape might be difficult to prosecute, or difficult to get a victim to report because it might be traumatic for a victim to do so and go through that process, we do not say that it should not be a crime”.—[*Official Report, Citizen Participation and Public Petitions Committee*, 9 November 2022; c 13-14.]

Jackson Carlaw, who is the committee’s convener, highlighted in detail the concerns that Scottish Women’s Aid raised in evidence around “coercive and controlling behaviour.” It is right that we consider the potential for unintended consequences. We must not underestimate the importance of ensuring that we do not risk criminalising victims. Northern Ireland achieved that by changing the relevant offence to ensure that women and their doctors could no longer be prosecuted under abortion law. If a new offence were to be created, it could be designed to ensure that it was separated from abortion law.

The Scottish Government believes that more work is required before we can consider introducing a new offence. However, we all agree that we must find a way to protect pregnant women from this harrowing form of domestic abuse. I welcome the cabinet secretary’s statement that there will be a Scottish Government forum on domestic abuse later this year.

I thank members across the chamber for the sensitive and considered manner in which they have conducted the debate. I also put on record our thanks to the committee clerks for all their hard work, to the Scottish Parliament information centre and to everyone who has contributed to our work so far, either in our evidence sessions or through written submissions to the committee.

Our committee has heard powerful testimony from the petitioner and thoughtful evidence from stakeholders. We have heard about the long-lasting impact of losing a pregnancy through domestic abuse and the considerable challenges for those women who attempt to seek justice.

The committee understands that this proposal is one of many ways to address domestic abuse and gender-based violence more broadly. We recognise that there is a long way to go to implement the Domestic Abuse (Scotland) Act 2018 and that tackling the problem will take a concerted, multi-organisational approach. However, we believe that suffering pregnancy loss as a result of domestic abuse is a unique and traumatic experience, which merits recognition in its own right.

I thank Nicola Murray for submitting the petition and raising this important issue, and I look forward to engaging with the Scottish Government in the future.

**The Presiding Officer:** That concludes the Citizen Participation and Public Petitions Committee debate on petition PE1887.

## Point of Order

16:40

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** On a point of order, Presiding Officer. I understand that, earlier this afternoon, Maurice Golden suggested that I had misled the chamber by pointing to the higher electricity transmission charges that are faced in the north of Scotland. With your permission, I seek to put on the record that my comments were based on a statement by the director of business planning at Scottish and Southern Electricity Networks, who, in February 2021, said:

“Transmission use of system charges are indeed many, many times higher in the north of Scotland than elsewhere in GB.”

I suggest that, rather than making accusations, Mr Golden might want to take his point up with SSEN, although I have nothing to indicate that SSEN is wrong.

**The Presiding Officer (Alison Johnstone):** Thank you, Dr Allan. We are probably all clear that the content of members’ contributions is ordinarily a matter for the member. Although your comments are on the record, that is not a point of order.

## Motion without Notice

16:41

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

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.41pm.—[George Adam]

*Motion agreed to.*

## Decision Time

16:41

**The Presiding Officer (Alison Johnstone):** There is one question to be put as a result of today’s business. The question is, that motion S6M-12995, in the name of Jackson Carlaw, on behalf of the Citizen Participation and Public Petitions Committee, on petition PE1887, on creating an unborn victims of violence act, be agreed to.

*Motion agreed to,*

That the Parliament notes public petition PE1887 on creating a specific offence that enables courts to hand down longer sentences where miscarriage has been caused through acts of domestic violence.

**The Presiding Officer:** That concludes decision time.

*Meeting closed at 16:42.*



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.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba