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AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

Wednesday 12 June 2024

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**Wednesday 12 June 2024**

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# Scottish Parliament

Wednesday 12 June 2024

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

## Portfolio Question Time

### Deputy First Minister Responsibilities, Economy and Gaelic

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business this afternoon is portfolio questions, and the first portfolio is Deputy First Minister responsibilities, economy and Gaelic.

#### Gaelic Language Skills

1. **Alasdair Allan (Na h-Eileanan an Iar) (SNP):** To ask the Scottish Government what its response is to the recently published data from Scotland's census on the number of people with Gaelic language skills.

Gus faighneachd de Riaghaltas na h-Alba dè a bheachd air na figearan a chaidh fhoillseachadh o chionn ghoirid bho chunntas-sluaigh na h-Alba a thaobh na h-àireimh de dhaoine aig a bheil sgilean sa Ghàidhlig? (S6O-03549)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Tha Riaghaltas na h-Alba a' cur fàilte air an àrdachadh air luchd-labhairt na Gàidhlig sa chunntas-shluaigh—a' chiad uair bho 1971 nach fhacar ìsleachadh san àireimh sin. Tha seo a' sealltainn an adhartais a rinneadh le obair às leth na Gàidhlig ann am foghlam, craoladh agus planadh coimhearsnachd is cànan. Ach, tha sinn ag aithneachadh nan duilgheadasan èiginneach a tha fhathast ann—agus sin follaiseach bho mar a thuit àireamh luchd-labhairt nan eilean. 'S e an dùbhlán fuasgladh fhaighinn air na duilgheadasan seo gus am bi Gàidhlig seasmhach nar n-eileanan agus a' fàs air feadh Alba.

The Scottish Government welcomes the rise in Gaelic speakers recorded by the census. This is the first census since 1971 not to show a decline in speakers, and that demonstrates the progress being made in education, broadcasting and the community, but we recognise the urgent difficulties still facing the language—something that was highlighted by the on-going decline in speakers in our island communities. Our challenges lie in tackling those difficulties to ensure that Gaelic is sustained within island communities while enjoying growth across the whole of Scotland.

**Alasdair Allan:** Ged a tha e fìor mhath fhaicinn gu bheil deagh bhuaidh air a bhith aig goireasan ùra airson luchd-ionnsachaidh na Gàidhlig, mar a thuir am ministear, tha na figearan ag innse sgeulachd eadar-dhealaichte ann an sgìrean far a bheil, no far an robh o chionn ghoirid, a' Ghàidhlig air a cleachdadh gu làitheil.

An urrainn don rùnaire barrachd a chantainn mu dheidhinn ciamar a tha na figearan seo, a tha a' sealltainn crìonadh de luchd-labhairt ann an sgìrean Gàidhlig, a' dol a thoirt buaidh air poileasaidh an Riaghaltais a thaobh taic làidir a stèidheachadh gus a' Ghàidhlig a dhìon airson an àm ri teachd?

While it is welcome to see the impact of new and accessible resources for Gaelic learners on the overall number of speakers, the statistics tell another story in the Gaelic heartlands, as the cabinet secretary said. Can the cabinet secretary say how census data showing a decline in the number of Gaelic speakers in those communities will impact on the Scottish Government's policy strategy to support the language's long-term survival?

**Kate Forbes:** Tha Riaghaltas na h-Alba ag aithneachadh gu bheil e fìor chudromach dèiligeadh ri lùghdachadh àireamh luchd-labhairt na Gàidhlig sna coimhearsnachdan seo. An-dràsta tha sinn a' leasachadh dà dhòigh-obrach poileasaidh ùr a th' air am fiosrachadh le toraidhean a' chunntais-shluaigh is a tha a' cur taic ris a' chànan aig ìre na coimhearsnachd. 'S e na sgìrean cànan sònraichte a thèid a chur an sàs le Bile nan Cànan Albannach ceum a dh'ionnsaigh ath-bheothachadh cànan a tha stèidhichte air a' choimhearsnachd.

Nar freagairt don bhuidhinn-obrach gheàrr-bheatha air cothroman eaconamach is sòisealta don Ghàidhlig bidh sinn a' dèiligeadh ris na cùisean eaconamach nas doimhne a tha sònraichte ris na coimhearsnachdan dùthchail is eileanach air an tug sibh iomradh. Tha iad seo a' togail air iomairtean a tha mu thràth an sàs leithid poileasaidh "Gàidhlig mar Chiad Chànan" Chomhairle nan Eilean Siar is an obair a tha Bòrd na Gàidhlig a' leantainn le buidhnean ionadail gus planaichean Gàidhlig coimhearsnachd ullachadh ann an Uibhist agus Leòdhas.

Agus anns a' Bheurla: the Scottish Government recognises the urgency of addressing the decline. We will do that through the Scottish Languages Bill and through the short-life working group, building on existing initiatives such as the Gaelic first policy in Comhairle nan Eilean Siar.

## Intergovernmental Relations

**2. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government what its priorities are for improving intergovernmental relations with the United Kingdom Government. (S6O-03550)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Intergovernmental relations have faced significant challenges since the Brexit referendum. The effective powers of the Scottish Parliament have been reduced, and the UK Government has asserted a role in matters for the Scottish Parliament in a way that was not intended by the devolution settlement.

The general election presents an opportunity to reset the relationship, especially if there is a new UK Government that takes a more constructive and respectful approach to relations and devolution. We will be ready to engage following the election, whatever its outcome, to deliver for Scotland, while continuing to resist further encroachment into devolved policy and decision making.

**Clare Adamson:** The Institute for Government told the Constitution, Europe, External Affairs and Culture Committee:

“the operation of the intergovernmental relations machinery still tends to be quite patchy and dependent on the extent to which individual ministers and secretaries of state prioritise engagement with the devolved bodies.”— [Official Report, Constitution, Europe, External Affairs and Culture Committee, 16 March 2023; c 8.]

The Deputy First Minister has outlined some of the challenges that we have had, but we cannot have trust if we do not have the confidence that we can effectively legislate here. Does the Deputy First Minister agree that the best way forward for Scotland to engage would be on an equal footing as an independent nation, in control of our own affairs?

**Kate Forbes:** Having been until very recently on the Constitution, Europe, External Affairs and Culture Committee, which is ably convened by Clare Adamson, I take on board her comments in relation to the Institute for Government’s evidence to the committee. She is absolutely right that engaging as an equal partner is the only way of guaranteeing that the powers of the Parliament are respected, which would certainly be in stark contrast to our experience to date.

## Green Industrial Strategy (Hydrogen)

**3. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government, as part of its work to develop a green industrial strategy, what discussions the economy secretary has had with

ministerial colleagues regarding the role of hydrogen production in boosting economic growth. (S6O-03551)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** The Cabinet Secretary for Net Zero and Energy and I have joint responsibility for, and are engaged in extensive discussions on, the green industrial strategy, which will set out a clear view of the economic sectors and industries in which we have the greatest strengths and potential to develop globally competitive industries.

The development of a domestic hydrogen sector and hydrogen production for export, supported by a strong supply chain—including in Kevin Stewart’s constituency—will play an important role in supporting that just transition. The growth of our hydrogen sector presents significant long-term economic opportunities for Scotland and is a priority opportunity area for green growth.

**Kevin Stewart:** What is the Government doing to maximise our potential by ensuring that vital plant required for hydrogen production is manufactured in Scotland? Are the likes of the enterprise agencies and the Scottish National Investment Bank actively providing support to companies in Scotland that might wish to diversify into areas such as the production of hydrogen electrolyzers?

**Kate Forbes:** In short, Scottish Government officials and the enterprise agencies are maintaining close connections with domestic and international hydrogen developers to develop opportunities to attract electrolyser manufacturers to Scotland.

In 2023, we commissioned an assessment of the state of electrolyser manufacturing globally to support an understanding of the supply chain opportunities in Scotland. The figures speak for themselves: the “Scottish Hydrogen Assessment” report concluded that large-scale production of renewable hydrogen could create and protect between 70,000 to more than 300,000 jobs and has potential gross value added impacts of between £5 billion and £25 billion a year. The potential is enormous.

**Brian Whittle (South Scotland) (Con):** To make the most of Scotland’s huge opportunity in relation to the green hydrogen economy will require investment of significant scale, yet the Scottish Government has cut that budget. It will take hundreds of millions of pounds to effect the change required to create those jobs in a just transition. Will the Scottish Government make the investment required to realise Scotland’s potential?

**Kate Forbes:** This is an area where we see huge opportunity for Scotland, but we also need to

be blunt in recognising that the investment required is of such a scale that it will require both Governments to work together, as well as work with the private sector. We need clarity and certainty from the United Kingdom Government on the scale of the investment. The Scottish Government will continue to invest where we see big opportunities, but we need partners in the private sector and the UK Government to join us.

**Beatrice Wishart (Shetland Islands) (LD):** Given Shetland's long history of energy production expertise, what role does the Scottish Government see for Shetland in the future Scottish hydrogen production industry and in terms of economic growth potential?

**Kate Forbes:** I see huge opportunity for Shetland and for our other island communities, too. As a representative of one such community myself, I think that with such a transition, we need to make absolutely sure that the benefits are enjoyed and that there are legacy benefits for our islanders in particular. I think that Shetland—and, if I may say so, Orkney—demonstrated how to support communities in the last energy transition, and we can learn from them and implement those lessons in this transition.

#### **Brexit (Economic Impact)**

**4. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government what assessment it has made of the impact that Brexit is having on Scotland's economy. (S6O-03552)

**The Minister for Employment and Investment (Tom Arthur):** Scotland's economy is continuing to suffer from the effects of the United Kingdom's exit from the European Union, a decision that the Scottish public were strongly against. The latest modelling by the National Institute of Economic and Social Research finds that the UK economy is currently 2.5 per cent smaller than it would have been as an EU member. It is estimated that that figure will rise to 5.7 per cent by 2035.

Businesses continue to feel the difficulty of new trading arrangements. The latest results from the business insights and conditions survey showed that, of the businesses with 10 or more employees in Scotland that faced challenges with exporting, 38.5 per cent named Brexit as the main cause. That figure rose to more than 40 per cent in sectors such as manufacturing, retail and wholesale.

**James Dornan:** The National Audit Office has reported that more than £4.7 billion of public money is forecast to be spent on post-Brexit border arrangements, and His Majesty's Revenue and Customs has estimated that customs declarations could cost UK businesses around £7 billion every year. Can the minister provide any

update on what assessment the Scottish Government has made of the continued cost of Brexit to the taxpayer and to businesses—unlike both Labour and the Conservatives, who wish to deny that it is happening?

**Tom Arthur:** As outlined, the latest analysis by the NIESR suggests that the UK economy was around 2.5 per cent smaller in 2023 than it would have been under continued EU membership. That means that around £69 billion was wiped from national income in 2023, which equates to £28 billion of tax revenue. In Scotland, that equates to lower public revenues of around £2.3 billion in 2023.

Brexit has also added further fuel to the cost of living crisis. Research by the London School of Economics centre for economic performance suggests that an increase in trade barriers has pushed up average household food costs by £250 since December 2019. Those costs disproportionately impact low-income households, who spend a greater proportion of their income on food.

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

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government whether it will provide an update on what action it is taking to support the retail sector. (S6O-03553)

**The Minister for Employment and Investment (Tom Arthur):** Our retail strategy sets out how we will work with businesses and trade unions to deliver a strong and prosperous retail sector, in line with the vision of the national strategy for economic transformation. The strategy sets out a clear vision for a retail sector in Scotland that is successful, resilient, sustainable and profitable. It seeks to build on retail strengths and to maximise opportunities for the sector to fulfil its potential and contribute to our economic transformation. 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:** I thank the minister for his response, but the latest retail sales figures suggest that the sector is struggling. Of course, the sector is also struggling due to the fact that the Government did not pass on the 75 per cent rates relief that is available elsewhere in the UK to retail, hospitality and leisure businesses.

In the budget at the end of last year, the Scottish Government raised the possibility of an additional penalty—a rates surtax—on larger grocery stores, which the sector is very strongly opposed to and would find very damaging. Does the Scottish Government intend to proceed with that?

**Tom Arthur:** In my previous role as the Minister for Community Wealth and Public Finance, along with the then Deputy First Minister and Cabinet Secretary for Finance, I was part of several meetings with retail. Since taking up my new post and assuming the lead responsibility for retail, I have met the co-chair of the retail industry leadership group. At all those meetings, the matter was discussed in depth. Although a formal decision has not yet been taken, we are considering the representations from industry very seriously, and I am acutely aware of the concerns that they have expressed.

**Daniel Johnson (Edinburgh Southern) (Lab):** I remind members of my entry in the register of members' interests and the fact that I am a member of the Union of Shop, Distributive and Allied Workers.

I was at the Scottish Grocers Federation election event yesterday afternoon. What is clear is that the biggest issue that the sector faces is retail crime. Indeed, the USDAW survey shows that the proportion of retail workers reporting that they have suffered violence has risen from 2 per cent in 2016 to 18 per cent. Although that is largely a justice issue, will the minister outline how bodies such as the industry leadership group could be used to coalesce and provide an interface with other parts of the public sector, and will he outline in what other ways the economy brief and portfolio is looking at how it can tackle that issue, which the industry is facing?

**Tom Arthur:** I join Mr Johnson in recognising the serious concerns that have been raised, and I commend him for his long-standing interest in this area and his leadership in taking forward a member's bill in the previous session of the Parliament.

The specific matter that Mr Johnson highlights was raised in my conversations with the co-chair of the industry leadership group, and I am happy to confirm to him that there has been engagement on it, including with the participation of the Minister for Victims and Community Safety, Siobhian Brown. There is cross-ministerial engagement on the issue, and I would be happy to provide more detail in writing to Mr Johnson, if he would be interested, on the engagement that is taking place and the work that has been taken forward.

**Jackie Dunbar (Aberdeen Donside) (SNP):** The Scottish Retail Consortium is optimistic, citing Scottish Government policy, including the council tax freeze, as helping to "support demand".

Given that the cost of living crisis continues to impact household budgets, will the minister detail how the Scottish Government will continue to support retail and shoppers, putting money back in folks' pockets?

**Tom Arthur:** As Scotland continues to face a cost of living crisis, the current high levels of inflation, although they are coming down, have disproportionately impacted the most vulnerable in society and have heaped more pressure on our public services. The Scottish Government recognises the pressure on household budgets, which is why, since 2022-23, we have continued to allocate around £3 billion a year to policies that help to tackle poverty and protect people as far as possible during the cost of living crisis.

We have consistently called on the United Kingdom Government to provide additional support to help people with the cost of living crisis, but the Chancellor of the Exchequer has failed to deploy the full range of powers that are available to him to make the difference that would be required.

### Entrepreneurs and Start-ups (Support)

**6. Gordon MacDonald (Edinburgh Pentlands) (SNP):** To ask the Scottish Government how it plans to support entrepreneurs and start-up businesses. (S6O-03554)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** We have a clear ambition to support entrepreneurs and become a leading start-up economy. That is evident through the progress in the delivery of the national strategy for economic transformation; the "Scottish Technology Ecosystem Review" report; and the "Pathways: A New Approach for Women in Entrepreneurship" report.

Key successes include the £42 million Techscaler programme; two competitive funding rounds through the ecosystem fund and the pathways pre-start fund; and "The Entrepreneurial Campus" blueprint. Those initiatives are designed to foster entrepreneurial activity and support start-up businesses.

**Gordon MacDonald:** Despite promises that leaving the European Union would remove red tape, the most immediate impact of Brexit on entrepreneurs was the change in VAT regulations. With United Kingdom businesses now treated as those in a third country, VAT now applies to imports from and exports to most EU countries. Retail Economics and Tradebyte are reporting an 18 per cent drop in non-food exports from the UK to countries in the single market.

Will the cabinet secretary say more about the impact that the Scottish Government expects that those checks will have on small Scottish businesses?

**Kate Forbes:** The impact of Brexit has certainly been painfully felt by both exporters and importers, who have seen trade with the EU become



overcomplicated and saddled with additional costs. That is thanks to the fact that there are now new barriers to trade; supply chains have been disrupted; and food prices have been driven up. In fact, a recent National Audit Office report estimated that UK traders will face additional costs of £469 million a year. We are gravely concerned about those burdens, and we urge the UK Government to pragmatically align standards with the EU in order to abolish some of those burdens.

### Unemployment (Edinburgh)

**7. Sue Webber (Lothian) (Con):** To ask the Scottish Government what it is doing to address the rise in unemployment in Edinburgh as recently reported by the Office for National Statistics. (S6O-03555)

**The Minister for Employment and Investment (Tom Arthur):** In 2024-25, the Scottish Government has allocated up to £90 million for employability services. Edinburgh has a strong local employability partnership that is led by key employability stakeholders, including public, private and third sector organisations. The no-one-left-behind approach is delivered locally, ensuring that individuals receive person-centred and tailored support to help them to progress into sustainable employment.

The Edinburgh and south-east Scotland city region deal has a key role in helping the region to thrive. The Scottish Government will contribute £300 million over 15 years, including £25 million towards an integrated regional employability and skills programme.

**Sue Webber:** Unemployment in Edinburgh has risen by more than 50 per cent from December 2022 to December 2023. Small businesses are at the heart of the capital's economy; however, they are not benefiting from the same level of support as their English counterparts. The Scottish National Party Government's refusal to replicate the United Kingdom Government's business rates relief means that the average pub in Scotland is now paying £15,000 more than pubs in the rest of the UK. Further, that is replicated across various sectors in the economy—not just hospitality.

What analysis has the Scottish Government carried out to compare and contrast the impact of its decision to lay that additional burden on our small businesses? We should remember that those businesses are key to providing local jobs and employment opportunities for those who live in the city.

**Tom Arthur:** I join Sue Webber in recognising the importance of our small and medium-sized enterprises, which are the backbone of the economy not just in Edinburgh but across Scotland.

I will not rehearse the arguments that have been well aired in the chamber with regard to the decision on retail, hospitality and leisure rates relief. As Sue Webber will recall, to enable that relief to take place, we would have had to commit hundreds of millions of pounds from other vital public services, and that was a decision that we were simply not prepared to take.

Of course, we continue to invest significantly in the small business bonus scheme, which is estimated at a cost of £685 million this year and from which many small businesses, including those in the hospitality sector, benefit.

The Government is committed to continued engagement with the hospitality sector and wider businesses, which are liable for non-domestic rates. Indeed, my colleague, Ivan McKee, as Minister for Public Finance, in conjunction with the Cabinet Secretary for Finance and Local Government, will continue to take forward the work on non-domestic rates, as part of the new deal for business group.

**Foyso Choudhury (Lothian) (Lab):** Employability schemes can be a key factor in people joining the workforce or for parents rejoining it after having a child. Despite that, the Scottish Government cancelled £53 million for employability schemes and scrapped the parental transition fund.

Will the minister advise how the Government will make up for the shortfall in funding for employability schemes? What other measures is the Scottish Government taking to get people into employment in Edinburgh?

**Tom Arthur:** As I set out in my original answer, we are providing £90 million of support for devolved employability schemes in this financial year and we continue to work with partners to ensure effective delivery, but we recognise that delivery best takes place locally on the ground, to ensure a joined-up, holistic and person-centred approach.

I have recently come into this post, and I am looking forward to engagement with local employability partnerships and other stakeholders across the summer.

In that spirit, if there are any particular areas on which Foyso Choudhury would like me to engage with him directly, I am more than happy to do that.

**The Deputy Presiding Officer:** Gordon MacDonald has a brief supplementary question.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Employment in Edinburgh is at 82 per cent and has increased compared with the previous year. What steps is the Scottish Government taking to further boost Edinburgh and Scotland's economic activity?

**The Deputy Presiding Officer:** Please answer as briefly as possible, minister.

**Tom Arthur:** I have already touched on a range of measures, such as the city region deal and the significant investment that will be channelled through that.

We also have a national strategy for economic transformation. The First Minister has set out that the key, core priority of this Government is stimulating economic growth for all parts of Scotland, including our capital city.

### Migration (Labour Market)

**8. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it has carried out any analysis of the potential impact that a policy to reduce net migration to the United Kingdom would have on its long-term labour market strategy. (S6O-03556)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** Current and proposed UK immigration policies fail to address Scotland's distinct demographic and economic needs. Migrant workers are vital in addressing the decline of our working-age population, and Scottish employers are increasingly dependent on migrant workers for a growing proportion of their workforce.

The work of our independent expert advisory group on migration and population has consistently shown the economic benefits that migration brings to Scotland.

**Colin Beattie:** Scotland has a declining working-age population. Migration will only become more important to maintaining a thriving economy and robust public services. Given that both the Tories and Labour seem determined to slash the numbers, does the cabinet secretary share my concerns about the potential impact on Scotland's workforce?

**Kate Forbes:** I share those concerns absolutely and in full, because evidence shows that migrants who choose Scotland as their home help to grow our economy, increase productivity and innovation, address skills shortages and make essential contributions to communities.

We need to be able to access skilled labour, not least at a time when unemployment is at a record low. We know that, particularly in rural areas, we face the prospect of double-digit depopulation.

As one way to mitigate those barriers, in March, we launched Scotland's migration service, which provides vital information and advice to employers and people who have recently moved to Scotland. However, ultimately, that matter needs to be resolved at source.

**The Deputy Presiding Officer:** That concludes portfolio questions on Deputy First Minister responsibilities, the economy and Gaelic. There will be a brief pause before we move to the next item of business, to allow front-bench teams to change position.

### Finance and Local Government

**The Deputy Presiding Officer:** The next portfolio is finance and local government. If any member wishes to ask a supplementary question, they should press their request-to-speak button during the relevant question.

#### Local Authorities (Budget)

**1. Foysoil Choudhury (Lothian) (Lab):** To ask the Scottish Government what discussions it has had with local authorities regarding any further allocation from its budget, including for house building. (S6O-03557)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** Throughout the budget process, I confirmed my intention to prioritise affordable housing if the United Kingdom spring budget delivered more consequential. Unfortunately, the UK Government once again let Scotland down and our capital budget is expected to reduce cumulatively by more than £1.3 billion by 2027-28.

Despite that, in April, we announced an additional £80 million investment over two years for the acquisition of properties to be brought into use for affordable housing to help to reduce homelessness. We will shortly be discussing the allocation of the additional £40 million for 2024-25 with the Convention of Scottish Local Authorities, which brings this Government's investment towards the delivery of affordable homes to nearly £600 million in 2024-25.

**Foysoil Choudhury:** In May, the City of Edinburgh Council said that it would not be able to deliver more Government grant-funded affordable homes due to cuts to the affordable housing supply programme, which has meant that the council housing budget is 24 per cent smaller. Now that the Scottish Government has heeded Labour's call to declare a housing emergency, does the cabinet secretary agree that that should be met with action, including the restoration of that money to local authorities to build affordable housing?

**Shona Robison:** We have a good track record, having led the UK by delivering more than 128,000 affordable homes since 2007, with more than 90,000 for social rent. That is higher than anywhere else in these islands.

We acknowledge that these are exceptionally challenging times. That is why we agree that there is a national housing emergency, and why we continue to call on the UK Government to reverse the almost 9 per cent cut to Scotland's capital budget. If there is a cut to the capital budget and a 60-plus per cent cut to financial transactions, which underpin the affordable housing supply programme, that will have an impact.

In the autumn budget that will follow the general election, we need a reversal of that capital cut and a restoration of financial transaction funding.

**The Deputy Presiding Officer:** There are a number of supplementaries. I will try to get them all in, but they will need to be brief, as will the responses.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** In the context of the real-terms cut to the Scottish Government's capital budget and its impressive record of affordable house building—with more being built per head of population than elsewhere in the UK—on the £600 million that has been allocated this financial year, a prioritisation for Edinburgh would make a big difference, especially in Granton, in my constituency, where the local authority has been able to purchase land. I would be grateful for the cabinet secretary's continued engagement in the realisation of the potential for building affordable housing in Granton.

**Shona Robison:** As I said to Mr Choudhury, officials are working to consider the allocation of the £40 million this year. Local authorities will direct the affordable housing supply programme investment to the priorities that they have identified in their strategic housing investment plans. We know that, in 2023-24, £7.5 million from the affordable housing supply programme was invested in Granton to support the eventual delivery of more than 400 affordable homes. That is absolutely a priority project for the city of Edinburgh, which we want to support.

**Liz Smith (Mid Scotland and Fife) (Con):** Something else that would help local government with housing would be for the Scottish Government to meet its promise to have multiyear funding in budgets. Are we any closer to getting that?

**Shona Robison:** If the Scottish Government got multiyear funding in our budgets, we would be able to agree multiyear funding settlements for local government, the third sector and others. However, that is very difficult when we have had only single-year budgets set, because we do not have the certainty to provide a multiyear funding settlement. We will take that up with the UK Government post the general election.

**Beatrice Wishart (Shetland Islands) (LD):** When considering funding for house building, in addition to engaging with local authorities, what engagement does the Scottish Government have with renewable community benefit and business organisations such as Salmon Scotland that express interest in investing in housing in rural areas?

**Shona Robison:** It is important that we look at all the options available to us, which is why the Minister for Housing has convened the housing investment task force. We need to look beyond traditional capital, particularly if the capital cut is not restored. We are keen to look at all vehicles that we can use, working with organisations such as the one that Beatrice Wishart mentioned and other housing stakeholders to lever in as much housing investment as possible.

### Councillor Remuneration

**2. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government when councillors' pay is expected to rise. (S6O-03558)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** Councillors received an uplift of 6.2 per cent in April 2024, in line with the 2017 agreement with the Convention of Scottish Local Authorities to annually uprate councillor remuneration. Scottish ministers are considering the recommendations that are contained in the report that the Scottish local authorities remuneration committee published earlier this year and will respond to that in due course.

**John Mason:** MPs are paid £91,000 a year, we are paid £72,000 a year and councillors get something like £21,000 a year. That seems a bit out of line. Councillors whom I know work just as hard as most MSPs, put in the hours and make major decisions. Does the cabinet secretary agree that there is a bit of an inconsistency there?

**Shona Robison:** I recognise John Mason's point that councillors play a vital role in local communities and decision making across local authorities. I am grateful for all their contributions.

I am currently considering SLARC's report in which it sets out its recommended remuneration rates for councillors, which reflect changing roles and responsibilities. It is important that there is due diligence and due consideration is given to the report. As I said, we will publish our response in due course. However, we want to ensure that we make being a councillor an attractive proposition, not just for current councillors but for future generations of councillors.

**Pam Gosal (West Scotland) (Con):** On the question of women's representation in councils,

Councillor Shona Morrison, who is the president of COSLA, said:

“it always comes down to remuneration. That is the biggest barrier.”—[*Official Report, Local Government, Housing and Planning Committee*, 28 May 2024; c 38.]

Does the cabinet secretary agree with that assessment? What more is the Scottish Government doing to increase female representation in councils?

**Shona Robison:** I agree with Pam Gosal that remuneration is part of the picture when it comes to attracting more women into politics generally, whether that is in local government, in the Scottish Parliament or elsewhere.

However, culture also has a role to play. I know that many women whom I have tried to encourage to stand look at our political environment and are put off by it. We all have a job to do to encourage more women into politics at whatever level.

### Public Sector Pay Policy

**3. Maggie Chapman (North East Scotland) (Green):** To ask the Scottish Government how its recently published public sector pay policy will support public sector workers to cope with the cost of living. (S6O-03559)

**Shona Robison:** The Scottish Government's public sector pay policy for 2024-25 sets out a multiyear framework that offers pay metrics that are above the current forecast levels of inflation. We are continuing our commitment to pay at least the real living wage and are maintaining our progressive approach to pay awards.

As a result of those policies, public sector staff in Scotland are paid 6 per cent more on average than those in the rest of the United Kingdom, which demonstrates our support for workers through the cost of living crisis, despite the tight fiscal position that we face.

**Maggie Chapman:** The results from the equality impact assessment of last year's public sector pay policy are clear. The assessment states that

“pay proposals”

should

“be progressive and protect lower paid staff.”

There is higher representation of women, disabled people, those from a minority ethnic group and those from the younger age group among lower earners. Will the cabinet secretary consider recommending in future pay policies specific measures such as set pay ratios and targeted benefits to support on-going work to reduce the gender pay gap and overall income inequality and therefore better support people to cope with current and future economic crises?

**Shona Robison:** Public bodies have the flexibility to draw up their own pay proposals within the policy, but they are encouraged to consider a progressive pay approach, which might include setting a cash underpin, a higher percentage uplift or a non-consolidated cash payment. The matters that Maggie Chapman raises are important, and we encourage support for the lower paid within the public sector pay policy.

### Visitor Levy (Local Authority Revenue)

**4. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government, regarding any implications for its budget and public sector finances, what assessment the finance secretary has made of how much revenue the visitor levy could generate for local authorities. (S6O-03560)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** As a visitor levy is a local tax, the level of revenue that it raises will depend, first, on whether a local authority decides to introduce a visitor levy and, secondly, on what percentage rate the local authority sets.

In the business and regulatory impact assessment that accompanied the Visitor Levy (Scotland) Bill, the Scottish Government analysed a range of visitor levy percentage rates and what would be raised with them. As just one example, analysis indicates that if every local authority in Scotland were to introduce a visitor levy at 2 per cent, that would raise around £33.7 million.

**Rachael Hamilton:** Some local authorities have, justifiably, chosen not to implement a visitor levy, due to the administrative costs that they would incur versus the income that they would generate. Can the cabinet secretary confirm whether the Scottish Government has considered what would be the likely impact on a local council's future funding settlement if it chose not to implement the visitor levy, in order to protect its financial situation?

**Shona Robison:** As I said at the start of my answer, as it is a local tax, the level of revenue from the levy will depend, first, on whether a local authority decides to introduce a visitor levy. There is no requirement on local authorities to do so. The bill is about our empowerment of local government with a range of fiscal levers, which I would have thought Rachael Hamilton would welcome.

If a local authority decides that it wishes to proceed with a levy, it is for that authority to decide the rate, and it has to carry out the assessment and consultation with local businesses and other stakeholders before proceeding, as is set out in the bill. Any revenue that is raised by the council through the levy will not impact on any of the local government funding that it otherwise receives—it

will be additional revenue. I would have thought that Rachael Hamilton would welcome that, too.

#### **Fife Council (Bellwin Scheme)**

**5. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government whether Fife Council will be given assistance under the Bellwin scheme. (S6O-03561)

**The Cabinet Secretary for Finance and Local Government (Shona Robison):** The Bellwin scheme allows Scottish ministers to make revenue support available to councils to assist with immediate and unforeseen costs in the aftermath of emergencies that exceed a council's annual Bellwin threshold. The key criteria of the scheme are that the assistance will

“safeguard life and property, and prevent suffering or severe inconvenience”.

In 2023-24, Fife Council did not submit a claim under the Bellwin scheme. However, discussions are on-going with Fife Council to explore alternative forms of support, including delivery of targeted support for residents and businesses in Cupar, which was badly affected by storm Gerrit.

**Claire Baker:** As the cabinet secretary has recognised, there have been significant problems in Cupar, and across my region there have been a number of significant flooding events. Although local flood grants are available, the pressures on local authorities to manage the impacts of flooding and coastal erosion are increasing.

As the cabinet secretary recognised, Fife Council has recently contacted the Scottish Government and the United Kingdom Government to request an audit of the Bellwin scheme and to seek more financial support for weather events beyond those that are classified as amber.

Will the cabinet secretary say a wee bit more about how the Scottish Government will respond to that request, whether she thinks that there is potential to extend the criteria of the Bellwin scheme, and how we can all ensure that local authorities are better supported to meet the financial costs of flooding impacts in our communities?

**Shona Robison:** I am happy to write to Claire Baker with some detail on that. She knows that the Bellwin scheme goes back to about 2005. We are keen to discuss with local government the arrangements going forward. We have agreed a number of recommendations from the work of the Scottish Government and Convention of Scottish Local Authorities flood risk management working group, which was formed in order to look at improving some of the schemes and how they work.

However, I am absolutely open to looking at whether further reform is required. Of course, we have put a great deal of investment into flood-risk management, and we will continue to do that and to support communities that are adversely affected.

I am happy to write to Claire Baker with further detail on support for Fife and the on-going discussions on that.

#### **Elgin Procurator Fiscal's Office (Refurbishment Cost)**

**6. Fergus Ewing (Inverness and Nairn) (SNP):** To ask the Scottish Government, regarding the application of the principles in the Scottish public finance manual, what its position is on whether the reported estimated cost of £3.56 million—that is £3,560,000—for refurbishment to decarbonise the procurator fiscal's office in Elgin represents value for money, in light of the property being valued at just £275,000 in March 2022. (S6O-03562)

**The Minister for Public Finance (Ivan McKee):** The Scottish Government takes getting best value for money from public spend seriously, and we recognise the need to meet our climate commitments. That includes spending the limited public money available for that purpose most effectively to achieve our targets.

Fergus Ewing has raised valid concerns about the value-for-money aspects of that particular investment: I have to say that I share those concerns very much. The project was intended to increase understanding of the technology and processes around deep retrofitting of historic buildings. As such, it will not be replicated, but the lessons that have been learned should support cost-effective delivery of future projects. The member can rest assured that any future projects will be rigorously assessed to ensure that public money is used most effectively to deliver the Government's objectives, taking into account strict value-for-money criteria.

**Fergus Ewing:** I have long believed that the household implement of which the Scottish Government was in most dire need was a new broom. From what I have heard, I am pleased that we appear to have found, in the minister, that new broom and can secure value for money and avoid waste of money in investment in our public buildings in general.

With regard to new projects, can the minister use that new broom to prevent further waste of money on a gigantic white elephant of a project of eye-watering proportions to build a new office for Scottish Government staff in Glasgow when, frankly, huge numbers of empty public buildings are already available for its use?

**Ivan McKee:** Fergus Ewing has raised a very important point. He will be delighted to hear that the project that he has highlighted is under scrutiny at the moment. He will be well aware, as I am, that there is unused capacity in Scottish Government and agency premises in Glasgow. Any proposals for new capacity would need to be viewed in the light of whether that capacity is required and the requirement to meet the very strict value-for-money criteria that I have outlined.

#### **Non-domestic Rates Relief (Ayrshire)**

**7. Sharon Dowey (South Scotland) (Con):** To ask the Scottish Government what assessment it has made of the potential impact that replicating the non-domestic rates relief available to businesses in England would have in Ayrshire, including in relation to job creation. (S6O-03563)

**The Minister for Public Finance (Ivan McKee):** The Scottish Government has a long-standing commitment to delivering a competitive rates regime that supports businesses and communities, including in employment. The Scottish budget delivers a non-domestic rates relief package, which is worth an estimated £685 million in 2024-25 and includes a number of reliefs that are not available elsewhere in the UK, as well as up to 100 per cent relief for hospitality businesses on islands including Arran and Cumbrae in the member's constituency.

Due to the generous small business bonus scheme and other reliefs, we estimate that, as at 1 July 2023, more than half of properties in Ayrshire do not pay any rates at all. Although the Scottish ministers are sympathetic to calls to replicate the rates relief that is available in England in the retail, hospitality and leisure sectors, doing so would have meant that the Scottish Government could not provide the national health service, schools or emergency services with the funding that they require.

**Sharon Dowey:** In the year ending December 2023, across Scotland 74.7 per cent of people aged from 16 to 64 were employed. However, in South Ayrshire, the figure was significantly lower, at just 65.2 per cent. South Ayrshire is home to fantastic businesses that have much to offer, but they face multiple challenges, including high business rates, that leave them at a disadvantage. Given that the average pub is now paying £15,000 more in tax than its counterparts in the rest of the United Kingdom, does the minister agree that that money could have been better used by small businesses to hire more staff—in particular, young people?

**Ivan McKee:** If Sharon Dowey is advocating for cuts to the NHS or to the education budget, that needs to be considered as the context of the proposal, or choice, that she is advocating.

The Scottish Government works hard to support employment prospects across the country, including in Ayrshire. My economy minister colleagues do so every day. It is worth remembering that half of businesses in Ayrshire do not pay any rates at all. In Scotland, 95 per cent of non-domestic properties continue to be liable for lower property tax rates than properties elsewhere in the United Kingdom. A number of reliefs are available in Scotland that are not available in England, including day nursery relief, fresh start relief, hydro relief and others. Half of properties in the retail, hospitality and leisure sectors are eligible for 100 per cent relief in Scotland in the current financial year.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Thanks to the Scottish Government's budget decisions, businesses across Scotland continue to benefit from the most generous small business bonus scheme in the UK. Can the minister provide any update on the Scottish Government's assessment of the number of businesses that the scheme supports?

**Ivan McKee:** Information from the last snapshot date, which was 1 July 2023, showed that more than 114,000 properties had been taken out of paying rates altogether as a result of the Scottish Government's policies, with at least 98,000 of them having benefited in some form from the small business bonus, which, as Gordon MacDonald acknowledges, is the most generous scheme of its type in the UK.

**The Deputy Presiding Officer:** I am unable to call question 8 because Mr Golden is not in the chamber. I have not received an explanation for that. I will expect one, along with an apology.

With that, portfolio question time is concluded. There will be a brief pause before we move to the next item of business, to allow front-bench members to change places.

## Business Motion

14:47

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is consideration of business motion S6M-13580, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Abortion Services (Safe Access Zones) (Scotland) Bill at stage 3.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Abortion Services (Safe Access Zones) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 45 minutes

Groups 4 to 6: 1 hour 25 minutes.—[*Jamie Hepburn*]

*Motion agreed to.*

## Abortion Services (Safe Access Zones) (Scotland) Bill: Stage 3

14:48

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is stage 3 proceedings on the Abortion Services (Safe Access Zones) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 34A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons, or enter RTS in the chat function, as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 2—Establishment of safe access zones

**The Deputy Presiding Officer:** Group 1 is on minor amendment. Amendment 1, in the name of the minister, is the only amendment in the group.

**The Minister for Public Health and Women's Health (Jenni Minto):** I hope that all members will agree that amendment 1 is uncontroversial. The definition of “protected site” was added at stage 2. It is currently:

“the protected premises and its grounds”.

However, not all protected premises will have grounds. Therefore, it is more accurate to define the protected site as “the protected premises and any grounds”. This amendment does not affect the substance of provisions around what defines a protected site, and, although it does not have a policy impact, it is nevertheless an important change to make the bill clearer and more easily understood.

I move amendment 1.

**Gillian Mackay (Central Scotland) (Green):** I support amendment 1 and I am grateful for the improvement that it makes. I am keen for legislation to be written in a way that is understood by all, especially legislation that is of so much importance because it offers protection to women and staff. I encourage members to vote for the amendment.

**Jenni Minto:** I thank Ms Mackay for her supportive words. As members have heard, this amendment is not contentious, and I therefore ask them to support it and vote for it.

*Amendment 1 agreed to.*

### After Section 3

**The Deputy Presiding Officer:** Group 2 relates to signage. Amendment 2, in the name of Meghan Gallacher, is the only amendment in the group.

**Meghan Gallacher (Central Scotland) (Con):** Thank you, Presiding Officer. Amendment 2 would introduce a requirement for operators of a protected premises to include signage that outlines the safe access zone and summarises the restrictions of the zone. The amendment would require that the operator displayed the sign on the day that the safe access zone took effect. It would also allow ministers to make regulations about the signage. However, those regulations would be subject to the affirmative procedure.

I am grateful for the conversations that I had with the minister and Gillian Mackay on signage, and I hope that they understand the good intentions behind lodging this amendment at stage 3. It is not my intention to press the amendment, but I wanted to raise the matter in the chamber because signage was not included in the original consultation process and in case any member wished to make further comments.

From my perspective, I am content with the reason that I received from the minister and Gillian Mackay for why they would not support the amendment at stage 3. The reason relates to health boards making their own decisions with regard to whether or not signage would be appropriate outside the particular premises concerned. I am content with the answer that I got from the minister and Gillian Mackay at stage 2, and I do not intend to press the amendment at stage 3.

**The Deputy Presiding Officer:** Ms Gallacher, may I ask you to move the amendment formally?

**Meghan Gallacher:** Not moved.

**The Deputy Presiding Officer:** The procedure requires you to move the amendment at this stage, because you have spoken to it. We will get to the next bit when we get there.

**Meghan Gallacher:** I move amendment 2.

**Carol Mochan (South Scotland) (Lab):** I appreciate Meghan Gallacher's contribution on this matter at stages 2 and 3, because we have had a great of discussion of this matter. We in Scottish Labour fully understand the arguments for and against signage, but, on balance, we believe that the health boards have the option to install

signage and that might be the best approach. I appreciate that Meghan Gallacher will not press the amendment, but I also appreciate the way that she has approached the issue.

**Jenni Minto:** I thank Ms Gallacher for the support that she has given to the bill and the interest that she has taken in this issue. Although we might not agree on the amendment, I have no doubt that it was lodged because of a desire to see the bill implemented successfully, and I found the conversations that we had to be very helpful as we moved forward with the bill. As Ms Gallacher acknowledged, I had concerns about requiring signage, which I set out to the committee at stage 2, but I thank her for lodging the amendment again at stage 3 and allowing me to set out my concerns to the chamber. I will be brief.

Ms Mackay will also speak about the concerns involved, particularly those of service providers, so I will say only that I share those concerns and her hesitancy in overruling service providers when there is some doubt as to the effectiveness of signage.

However, I want to highlight what the bill already requires and how that will be supplemented by the Scottish Government. The bill already includes a considerable package of efforts to ensure that those affected by zones will be made aware of them and their effects. First, as members are aware, the bill requires that the Scottish ministers publish and maintain a list of all safe access zones in Scotland. That list must include not only the name and address of every premises but a map that clearly identifies the zone.

The Scottish Government is committed to a targeted publicity campaign, which will include writing to known anti-abortion groups to make them aware of safe access zones and the criminal sanctions attached to activities that would result in an offence. We continue to work through the full details of the campaign, but it is likely to involve leaflet drops to residents in the zones and notices in public venues such as general practitioner surgeries.

Police Scotland has told us of the approach that it anticipates taking to policing zones. There will be a graduated response, beginning with engagement, explanation and encouragement before any enforcement action is taken.

For those reasons, I remain of the view that signage would do little to raise awareness of zones in a way that could not be achieved by other means. I thank Ms Gallacher for lodging amendment 2, but I am pleased to hear that she does not intend to press it.

**Gillian Mackay:** I support everything that the minister has said, and I thank Meghan Gallacher for the collegiate way in which she has



approached many of the issues. It is not necessary for me to repeat the particular concerns that the minister has raised about amendment 2, but I will set out my more general concerns about there being a specific requirement on signage.

As the Health, Social Care and Sport Committee heard during its evidence sessions, signage is not a straightforward matter. During the extensive engagement with service providers ahead of the bill's introduction, there were consistent concerns that signs would draw attention to abortion services that might otherwise go unnoticed. As has been discussed a number of times since the bill's introduction, that could present a particular challenge when women and staff are especially anxious about being identified—for example, in rural areas or in areas with small sites.

Of course, zones must be publicised, and the minister has spoken about the steps that will be taken to do that. However, as I set out at stage 2, signs would be an on-going physical demarcation and would be visible to every passer-by, not just those who might wish to organise or attend planned anti-abortion activity. Therefore, part of the concern is that signs could provoke more ad hoc and sporadic instances of targeting. In the light of some of the genuinely horrific stories from other countries, there is palpable anxiety among some staff about erecting such permanent advertisements, but I accept that those concerns must be weighed up against what is fair and necessary for those who might wish to express opposition to abortion services.

I thank Meghan Gallacher for noting that she will not press amendment 2 and for her engagement throughout the process.

**Meghan Gallacher:** I apologise for getting ahead of myself at the start, Presiding Officer.

I have heard everything that the minister and Gillian Mackay have had to say about signage, and I certainly agree that no one wants to cause any further distress to women who are simply trying to access healthcare. With that in mind, I will not press amendment 2.

*Amendment 2, by agreement, withdrawn.*

#### After section 5

**The Deputy Presiding Officer:** Group 3 is entitled "Offence, exemption and defence". Amendment 3, in the name of Meghan Gallacher, is grouped with amendments 4 and 5.

**Meghan Gallacher:** Amendment 3 would make it an offence to photograph, record, store, broadcast or transmit anything of a person "without their express consent" when the person subject to the recording was in a safe access zone

"for the purpose of accessing"

or

"providing ... abortion services at the protected premises."

I discussed amendment 3 with the minister and Gillian Mackay. I do not intend to press it, but the issue is worthy of further discussion, because the amendment is about protecting women by saying that it is not okay to photograph any woman or member of staff who is entering or leaving protected premises, as highlighted in the bill, and about ensuring that all the stipulations attached to that matter are recorded in the bill.

Having had discussions with the minister and Gillian Mackay, I understand the concerns that they have raised about drawing the issue to the attention of groups that might wish to find alternatives to standing outside healthcare facilities. With that in mind, I do not intend to press amendment 3 when the time comes, but I am grateful for the discussions that I have had with the minister and Gillian Mackay.

I move amendment 3.

15:00

**Jeremy Balfour (Lothian) (Con):** I thank Gillian Mackay and the minister for the helpful engagement that we have had between stages 2 and 3. I lodged a similar amendment at stage 2, and the minister and Gillian Mackay offered the opportunity for further discussions on it. Although those discussions have been helpful, it is also helpful to debate the amendment a bit further.

Amendment 4 seeks to carve out an exception in the law for those who are carrying out

"chaplaincy services at protected premises."

The impact of services that chaplains and leaders from all faiths render cannot be overstated. They often meet people at their lowest point, and the provision of pastoral care can be absolutely key to a patient's recovery. Those services are a fundamental part of hospital care. For that reason, it is crucial that chaplains should be free to have open, honest and frank discussions that cover a wide range of issues. It should be up to the patient, not the law, to decide the content of those pastoral conversations.

To be clear, the amendment does not seek to give licence to chaplains to pressure people into one decision or another. It does not give them the ability to set up a stall or protest and does not even necessarily give them licence to bring up the topic—that must be led by the individual who wants pastoral care. It does not create a loophole that allows activists to demonstrate or harass. However, it allows chaplains from all faiths to respond to patients who are seeking guidance or a faith perspective on the care options.

Amendment 5, in my name, would include a defence of reasonableness in the bill. It is worded in exactly the same way as a provision in the Hate Crime and Public Order (Scotland) Act 2021, which was passed by Parliament. The bill seeks to tread the fine line between ensuring that women and staff can access the services and upholding the rights of freedom of speech, expression and religion. In all fairness, both the member and the minister have recognised that we are performing a balancing act with the bill. The proposed defence is fair and would assure concerned groups that there will not be overzealous prosecutions that cover activities that are not dangerous or harmful. The assurance would help to protect freedoms and ensure that the law is not overharshly applied.

Given the support for that defence in the hate crime act, I hope that it can also achieve support here. After all, I am sure that no one in the chamber is suggesting that reasonable behaviour should be prosecuted. Amendment 5 would guarantee that, so it should not be an issue.

**Carol Mochan:** I will speak briefly to the three amendments. In relation to amendment 3, I appreciate Meghan Gallacher's contribution on filming, recording and sketching. We, in Scottish Labour, are sympathetic to the issue. Harrowing scenes outside premises have been broadcast over the past few years, and it is now so easy to do that on social media platforms. We understand how harrowing that is for patients and staff. However, it is helpful that the member will not press the amendment. After discussion with Gillian Mackay and the Government, we believe that specifying behaviours in the bill could cause problems, so I thank the member for her reasonableness.

On amendment 4, I appreciate Jeremy Balfour's contribution at stage 2 and now at stage 3, which has given us additional time to discuss the important issue of the right of pastoral and chaplaincy services to conduct legitimate business. Providing that service is absolutely right, and chaplains must have confidence to do so.

In committee, we discussed the matter at length and considered it again and again. I also discussed the matter that we are speaking about with Gillian Mackay this week. In my view, and considering the bill as it is now drafted, I am confident that we would not criminalise anybody who was legitimately carrying out business or providing a service.

On amendment 5, I again thank Jeremy Balfour for his considered contribution. He is absolutely right that the balance of human rights is key to the legislation, and it is correct that we, as legislators, should consider that at every stage of the bill. Scottish Labour has a long history of supporting

freedom of expression, and we understand that the bill asks us to balance that human right.

In addition, as I have said, we do not wish to have any single behaviours listed in the bill, and there was some discussion about that in relation to amendment 5. On balance, we believe that the legislation is written tightly and that prosecutors would assess whether behaviour constituted a breach, so we would not support amendment 5.

**Jenni Minto:** I thank members for meeting me ahead of stage 3 to discuss the concerns that the amendments reflect. Those open conversations testify to the true cross-party working that has characterised the bill as it has progressed through Parliament. I am sure that that will be replicated today.

I turn to Ms Gallacher's amendment 3. As I explained at stage 2, during development of the bill, it was concluded that the existing offences could capture photography or filming as acts that are intentional or reckless to the effects that are set out in the offence provisions. It is not normal practice to provide for an offence where an existing offence adequately covers it.

Additionally, we must avoid doing anything that would significantly undercut the approach that is taken to offences in the bill. The offences are broadly drafted to avoid criminalising specific behaviours. Instead, they capture any activity that could have the effects that are outlined in sections 4 and 5. The bill does not set out a list of prohibited behaviours, because it is the intended effect that matters. That is essential for future proofing.

It is not difficult to understand why photography or recording could have the prohibited intended effects, because women are accessing medical care and making extremely personal decisions. Consequently, if someone filmed or photographed a person who was accessing or providing services in a safe zone, that would very likely be caught by the existing provisions, provided that it was done recklessly or with the intent of having one of the particular effects.

Amendment 3 also differs from existing offences in significant ways. First, unlike sections 4 and 5, it does not specify that the person who is accused of an offence must be in the zone at the time that the behaviour is carried out, which means that it could extend to behaviour outwith the zone. Secondly, it lacks the intention or recklessness elements, which could make it much broader. It could, for example, apply to a person who simply took a photograph and inadvertently captured someone in a zone attempting to access services. Finally, it requires evidence that action has been taken and directed at particular individuals, whereas sections 4 and 5 require only that the acts are intended to

have particular effects or that those effects could occur due to recklessness.

I stress, as I did during stage 2, that I recognise and welcome the intention to increase protection, but I hope that Ms Gallacher accepts—I believe that she does—that the issue was considered during the drafting stage and that the inclusion of the specific offence was deemed unnecessary. I note that she has indicated that she will not press amendment 3, and I thank her for that and very much appreciate the engagement that we had.

On amendment 4, I committed at stage 2 to exploring with Mr Balfour what might be possible or necessary, and I am grateful for the productive discussions that we subsequently had. However, having considered what he seeks to achieve, I again urge him not to move his amendment.

I met the Evangelical Alliance today to discuss the amendment, and I was clear that it is not our intention to prevent those accessing abortion services from receiving spiritual care, nor to prevent those providing such care from doing so. Having fully understood Mr Balfour's concerns, I think that it is better to rely on the existing protections in the bill and avoid unintended loopholes.

I understand that Mr Balfour is particularly concerned that people who provide spiritual care could be caught by the bill's offences, and to address that I will say three things. First, there is already an exception in the bill for interactions between someone accessing services and anyone accompanying them with permission. That would apply to family members, friends and, of course, spiritual advisers. Therefore, if a woman seeks spiritual support as she accesses services and invites someone to accompany her and provide it, that person will not commit an offence unless they behave in a way that could either intentionally or recklessly have the particular effects that are set out in sections 4 and 5.

Secondly, if spiritual advisers are offering care to others in the zone who are not accessing abortion services and that private conversation nevertheless covers abortion, that is also very unlikely to be an offence. The exception would be if the conversation was carried on intentionally to have prohibitive effects or was reckless as to whether it had those effects.

Thirdly, and finally, when someone accessing services requests a visit from a spiritual adviser, that, too, would ordinarily be a form of wanted support rather than being an unwanted or unwelcome conversation. Again, where that conversation is true support, is private and is neither intended to have, nor is reckless as to whether it has, any of the effects set out in the

offence provisions, such support is unlikely to give rise to an offence.

It is important to note two things in reference to all those scenarios. First, recklessness is a high bar. It means, for example, acting with utter disregard or with a high level of indifference as to the impacts of the behaviour on others. Secondly, I have said that an offence is "unlikely" to be committed because the facts and circumstances will always determine whether that is the case. For example, there may be cases where an adviser goes beyond their support role, does not limit themselves to private conversation or displays very prominent anti-abortion material that could be seen by others.

A specific pastoral exception would also not permit such behaviour, and including one could have the unwanted effect of encouraging others to claim to be offering spiritual care in order to have one-on-one conversations with people accessing services who have not sought support. Even limiting such an amendment to those who are, for example, employed as chaplains or ordained in churches would not entirely remove that possibility but might inadvertently appear to limit the protection for spiritual providers who may not be captured by an exhaustive definition. That could create a loophole for unwanted influence while unintentionally erecting a barrier to those wanting support.

I urge Jeremy Balfour not to move amendment 4. If he does, I ask members to vote against it.

Finally, I turn to amendment 5. I must reiterate the significant concerns that I outlined at stage 2. The amendment runs directly counter to the bill's aims, as it could allow behaviour to be considered reasonable despite the behaviour meeting the high threshold for the offence provisions. That means that the potential protection that is provided by the bill could be significantly diminished. A person could admit that they had intended to influence someone accessing services but also claim, for example, that they did not know that they were in a safe access zone, no matter how extensive the publicity around it was. They could claim that it was a weekend and that they thought that the premises would be closed. They could claim that the strength of their belief or their own particular circumstances justified the offence. They could state that they intended to provide support for women accessing those services and were therefore justified.

Of course, it will always be possible for an accused to make those arguments; it is their right to produce mitigating evidence in their favour, but including a reasonable excuse defence could create potential loopholes from the outset. As I said at stage 2, no safe access zones legislation across the UK includes such a defence.

In Northern Ireland, such a provision was considered during parliamentary passage and rejected for the reasons that I have outlined. It was the absence of such a defence that the Supreme Court was asked to rule on when it considered the Northern Ireland legislation. The Supreme Court held that the offences in that bill, which are broadly similar to those that we are considering here, constituted a proportionate interference with the rights of anti-abortion groups in the light of the importance of the bill's aims. Crucially, the Supreme Court considered that the inclusion of a reasonable excuse defence would impact the effectiveness of its provisions with regard to those aims. It remains the Scottish Government's view that similar considerations apply here.

I thank Mr Balfour for lodging amendment 5 and allowing a full debate in the chamber on the topic. However, I urge him not to move the amendment. If he does, I ask members to vote against it.

15:15

**Gillian Mackay:** The minister has spoken to the amendments comprehensively, so I will not add too much. I understand that Ms Gallacher's intention is to further ensure that women can access healthcare free from unwanted influence and harassment, and I thank her for the constructive conversations that we have had, particularly between stages 2 and 3.

I share the minister's position that the current offences are already capable of capturing someone who was filming or photographing a person accessing or providing services, either recklessly or with the intention of influencing decisions to access services, impeding or preventing access, or causing harassment, alarm or distress. I share the concerns that amendment 3 potentially broadens the scope of the offence and activity that happen outside the safe access zone.

Turning to Mr Balfour's amendments 4 and 5, we had more than one discussion about the member's concerns prior to stage 3, and I hope that he found those conversations as helpful as I did. My significant concern with Mr Balfour's two amendments is that they could create potential loopholes to allow unwanted influence and could erode the protections offered by the bill. I have no doubt that that was not Mr Balfour's intention, but that could nonetheless be the reality if his amendments 4 and 5 were agreed to. We must avoid creating loopholes, and we must ensure that the bill's protections are as robust as possible. For that reason, I urge the member not to move his amendments. If he does, I ask the Parliament to vote against amendments 4 and 5.

**Meghan Gallacher:** I welcome the comments that have been made in relation to my amendment 3 and Jeremy Balfour's amendments 4 and 5. I will start with my amendment. I completely understand where the minister and Gillian Mackay are coming from regarding current protections in the bill. The intention was to strengthen the bill as much as possible to ensure that women do not face unwanted harassment or recording, particularly in the days of social media, as Carol Mochan pointed out.

My colleague Jeremy Balfour's amendments 4 and 5 are important, because they provide the right checks and balances that we need for bills such as this. Regarding chaplaincy services, it is right that we protect the right to freedom of religion, ensuring that choices are made by individuals and that they have the right care, services and support required in their time of need.

As Jeremy Balfour has highlighted, the defence of reasonableness has been used to strengthen previous legislation, while determining when behaviour is reasonable. There are measures and metrics in terms of what is acceptable and not acceptable when it comes to behaviours. For that reason, I believe that it was right to lodge amendments 4 and 5 in order to have further discussions on that point.

As advised previously, I do not intend to press my amendment 3 to a vote.

*Amendment 3, by agreement, withdrawn.*

### **Section 6—Exceptions to offences**

**The Deputy Presiding Officer:** Amendment 4, in the name of Jeremy Balfour, was debated with amendment 3.

**Jeremy Balfour:** I thank the minister for her helpful words, in the light of which I will not move amendment 4.

*Amendment 4 not moved.*

### **After section 6**

*Amendment 5 not moved.*

### **Section 10—Power to modify meaning of "protected premises"**

**The Deputy Presiding Officer:** Group 4 is on the definition of "protected premises". Amendment 6, in the name of Jeremy Balfour, is the only amendment in the group.

**Jeremy Balfour:** It is a fundamental role of the Parliament to ensure that the actions of this Scottish Government and any future Scottish Government receive proper scrutiny. The purpose of amendment 6 is to ensure that any expansion of

the definition of “protected premises” comes before the Parliament under a super-affirmative process. That is simply to allow the Parliament and its committees to give appropriate scrutiny to what would be a fairly major change in the legislation.

There are more than 900 GP surgeries in Scotland and more than 1,200 pharmacies, the vast majority of which are on our high streets. If the definition of “protected premises” was expanded, that could, in theory, shut down every one of them, and it would stop demonstrations being held, stalls being set up or even potentially conversations happening outside them.

I understand that, at stage 2, the Government made it clear that it could see a time in the future when it might be necessary to expand the definition of “protected premises” and that any limit on that expansion would be unacceptable. In my view, we, as a Parliament, need to ensure that, when we pass any form of law, it has the appropriate scrutiny. That will not stop it happening or delay it excessively, but it will allow the committee and the Parliament to be reassured that a fundamental change in the law has had proper scrutiny. For that reason, I will move the amendment.

I move amendment 6.

**Jenni Minto:** I recognise that Mr Balfour seeks to strengthen safeguards in the bill with amendment 6, and I accept that section 10, to which the amendment relates, requires robust scrutiny. However, I am resisting amendment 6 precisely because I believe that the bill already includes important safeguards and provides for an appropriate level of scrutiny. Those safeguards begin from the moment a change is contemplated.

First, at stage 2, I lodged an amendment to ensure that the powers could be used in a targeted way to cover only individual premises within a class of place, where that would be more appropriate than covering the entire class. As a purely illustrative example, if GP practices were approved as a class of place to provide abortion services, ministers could, if appropriate, extend protection to cover a single practice—or even some, rather than all, practices.

Secondly, as a matter of law, the Scottish ministers must act compatibly with the European convention on human rights. All decisions must therefore be evidence based. Ministers will consider the full circumstances at the time, including the impacts on convention rights, and no additional protected premises can be added unless ministers are satisfied that it would be proportionate to do so. Then, once regulations are prepared, they will rightly be subject to the

affirmative procedure and the full scrutiny of the Parliament.

As I set out at the start, I remain of the view that the affirmative procedure is the right approach and provides the appropriate level of scrutiny. The Delegated Powers and Law Reform Committee considered that power at stage 1 and concluded in its report:

“The affirmative procedure appears appropriate given the potential significance of the measures such regulations could introduce. The affirmative procedure will give the Parliament an opportunity to ensure it is content that such regulations strike the right balance between Convention Rights.”

Mr Balfour’s amendment 6, although well intentioned, would, as a matter of practicality, introduce a potentially significant delay before we could provide protection, even though, from the safeguards that I have outlined, we must have evidence that service users and providers need that protection. Also, as a matter of principle, it would send a clear message that we do not think that the usual affirmative procedure provides a robust level of scrutiny and parliamentary oversight. If we accept that in this instance, it will unavoidably set a precedent for other regulations. That is not a step that we want or need to take.

I therefore urge members to accept the careful and considered judgment of the Delegated Powers and Law Reform Committee and to vote against amendment 6 if Mr Balfour presses it.

**Gillian Mackay:** I have very little to add to what the minister has said. She has set out clearly the safeguards that the bill already provides and the negative consequences that amendment 6 could bring.

I will add only that, as a member of the Scottish Parliament, I believe that the scrutiny that we provide when affirmative regulations are laid results in strong and effective challenge, and we should not undermine that by suggesting otherwise. We certainly should not do that when the result would be that, for no or very little benefit in this case, it would certainly take longer to protect women and staff when we have evidence that they are at risk of harm. Therefore, I, too, urge that, if it is pressed, members should not vote for amendment 6.

**The Deputy Presiding Officer:** I call Jeremy Balfour—actually, we have a late entrant. I call Bob Doris.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I have a brief contribution. I listened carefully to what Mr Balfour said. Some of the concerns that he raised were concerns that I raised in an intervention on the member who led on the bill at stage 1. I was therefore going to follow the exchange between the minister and Mr

Balfour very closely this afternoon. I have done so, and I am reassured that there are no blanket provisions contained in the bill, which was absolutely my concern during the stage 1 process. Any change should be introduced by an affirmative instrument and should not just be a decision made by a minister. I think that that gets the balance absolutely right.

I wanted to put on the record that I had concerns at stage 1 but that what I have heard this afternoon achieves the correct balance in relation to scrutiny and proportionality.

**The Deputy Presiding Officer:** Minister, do you have anything to add in response to what Mr Doris said?

**Jenni Minto:** No, I have nothing to add.

**The Deputy Presiding Officer:** Ms Mackay, do you have anything to add in response to what Mr Doris said?

**Gillian Mackay:** No. I simply thank Mr Doris for his interest.

**The Deputy Presiding Officer:** I call Jeremy Balfour to wind up and to press or withdraw amendment 6.

**Jeremy Balfour:** I am slightly confused—that is probably to do with me rather than the minister—by the minister's response. We have the super-affirmative procedure here, and we have used it previously, so it is not a new process that we are suddenly using. Therefore, I do not accept that, if we use the super-affirmative procedure here, it would set a precedent that would mean that we would be forced to use it with every other piece of regulation that comes forward. There has been recognition in the past that, when legislation is controversial or when it needs that scrutiny, the super-affirmative procedure is the appropriate way forward.

To pick up the minister's words, the super-affirmative procedure gives the Parliament full scrutiny powers. If we do not accept the amendment, that means that we will not have full scrutiny by a committee and by Parliament.

Whether we are talking about one premise or a number of premises, it would be a fundamental change, and I think that that needs proper scrutiny. With respect to the minister and to Gillian Mackay, I do not accept that that will bring massive delay. The timescales for the super-affirmative procedure are laid down, and they are not onerous.

**Graham Simpson (Central Scotland) (Con):** I know that my intervention comes as a surprise, but I am listening with interest to Mr Balfour. I speak as a former convener of the DPLR Committee, so this is a little bit technical.

Mr Balfour has described the affirmative procedure as possibly improper. It is not improper; it is proper—it is just that the super-affirmative procedure is better and more rigorous. I think that that is the argument that he is trying to make. Does he agree with me on that?

**Jeremy Balfour:** As always, I am very happy to agree with my colleague. As a new member of the DPLR Committee, I look forward to learning more about that. However, I think that there is a genuine issue here. Where we are making a fundamental change to the rights of people with regard to their human rights, the Parliament should use all its powers to make sure that we are happy with it.

**Ruth Maguire (Cunninghame South) (SNP):** Jeremy Balfour is speaking about rights, and that is absolutely correct. However, does he acknowledge that it is also about women's rights to access healthcare, so there is a balancing act? It is not just one set of rights that we are talking about.

**Jeremy Balfour:** Absolutely. I think that I made it clear, when I was speaking to my amendments in the other two areas, that it is about a balance between those two sets of rights. Gillian Mackay has worked hard to get that balance right. However, if there happens to be a change by a future Government in that regard, I think that the Parliament should take a bit longer and use all its powers to make sure that everyone in the Parliament is happy with that.

For that reason, I press amendment 6.

**The Deputy Presiding Officer:** The question is, that amendment 6 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

As this is the first division at stage 3, I suspend the meeting for around five minutes to allow members to access the digital voting system.

15:29

*Meeting suspended.*

15:34

*On resuming—*

**The Deputy Presiding Officer:** We move to the vote on amendment 6, in the name of Jeremy Balfour. Members should cast their votes now.

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)

Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Mason, John (Glasgow Shettleston) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 81, Abstentions 1.

*Amendment 6 disagreed to.*

### Section 11—Ministerial guidance

**The Deputy Presiding Officer:** Group 5 is on guidance. Amendment 8, in the name of Rachael Hamilton, is the only amendment in the group.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank Gillian Mackay and the minister, Jenni Minto, for their engagement. That was welcome and refreshing, and it was nice to have a nice collegiate approach.

Amendment 8 outlines that ministerial guidance must include information on how to assess the effectiveness of safe access zones in protecting the rights of those who wish to access the service or those who provide and facilitate the provision of abortion services

“without fear of intimidation or harassment”.

That goes to the heart of what we are trying to achieve.

Amendment 8 aims to improve the guidance that is given to operators to assess effectiveness when establishing, extending, reducing or terminating the safe access zones for protected premises.

The minister and Gillian Mackay—[*Interruption.*]

**The Deputy Presiding Officer:** Ms Hamilton, please resume your seat. There is too much noise in the chamber, and we need to hear Ms Hamilton speak to her amendment. Please continue, Ms Hamilton.

**Rachael Hamilton:** When I engaged with the minister and Gillian Mackay on my original amendment 42, which I lodged at stage 2, we had a fulsome conversation about how I could achieve my amendment's intent. Gillian Mackay and the minister suggested that they would look at including that in guidance, and I was very grateful for that. I look forward to what they have to say.

I move amendment 8.

**Jenni Minto:** I thank Rachael Hamilton for lodging amendment 8. Although I must oppose it, we had an extremely productive discussion ahead of stage 3, for which I am grateful.

I am in full agreement with Ms Hamilton that safe access zones must be assessed in a way that goes beyond simple numerical analysis, including offence statistics and level of activity outside premises.

From the outset of the process, our aim has been to protect access to healthcare and ensure that those who access or provide services can do so without fear of intimidation, harassment or public judgment. We must find ways to measure how well we are achieving that, in ways that truly consider patient and staff experience. However, I do not think that amendment 8 is the way to do it.

My first concern is that there is already a provision in section 11A for the effectiveness of zones to be reviewed, and that requirement, quite rightly, sits with ministers. That review will also be published and laid before the Parliament.

It is true that operators have judgments to make about whether the zones for their premises offer protection from the specific offences that are set out in the bill, but I do not think that that role should be extended to cover a more general review of effectiveness that requires them to consider different factors. I fear that doing so would put an undue burden on healthcare staff, especially when, as I have said, that responsibility must and ought to be discharged by ministers.

My second concern is the way in which the amendment could potentially cut across the

specific instances in which operators must consider the adequacy of protection that is offered by safe access zones. As members are aware, operators may apply to ministers for an extension of a zone for their premises under section 7.

**Jamie Greene (West Scotland) (Con):** My understanding is that the amendment, as it is currently worded, contrary to what the minister has just said, would dictate what should be in the guidance, not what operators must do. That contradicts what the minister has just said. The amendment simply explains what the guidance should contain, and would not necessarily place statutory or onerous duties on operators.

**Jenni Minto:** I am just going on to cover that. As I said, operators may apply to ministers for an extension of a zone for their premises under section 7. They can make such an application when they consider that the size of the zone

“does not adequately protect persons who are accessing, providing or facilitating”

the service from the behaviours that are prohibited in the zones—for example, influencing or causing alarm or distress. There will be a range of factors that operators may take into account in making an application, and those might vary over time. It was therefore considered more appropriate to provide that those factors would be set out in guidance rather than prescribed in the bill. Section 11 allows for that to happen and, in doing so, balances the need for flexibility with the need to support operators to make what might sometimes be difficult judgments. That means that there is already a very clear test set out in the bill that operators must consider before making an application for an extension.

As members will note, Ms Hamilton's amendment is not framed in the same terms as that test. The reference, for example, to “fear of intimidation” differs from the effects that zones seek to prevent, such as influencing and impeding access. The amendment could consequently add confusion about the assessment and considerations that operators must undertake.

**Rachael Hamilton:** It seems to me that what the minister describes as going into the guidance that is provided for in the bill does not implicitly consider access to healthcare. That goes to the heart of the bill, and that is what has motivated me to lodge amendment 8. We all had to coalesce around the bill, which has been quite a challenging one. There has been little recent legislation that has been as challenging as this bill has been for us all to grapple with. Accepting that individuals need to have an indication in the bill of what we want to achieve from the guidance is really important.



**Jenni Minto:** As I said at the start of my comments, the aim from the outset of the process has been to protect access to healthcare and to ensure that those accessing or providing services can do so free from, and without fear of, intimidation, harassment or public judgment. I believe that Ms Hamilton wants to ensure that the effectiveness of zones is given full consideration. Therefore, although I cannot support amendment 8, I commit to working closely with her over the summer on the scope and terms of the review to ensure that they bring valuable and holistic scrutiny if the bill is passed today, which I believe is what Ms Hamilton is looking for.

I hope that that provides Ms Hamilton and the Parliament as a whole with the assurances that are required. Therefore, I urge Ms Hamilton not to press her amendment, and I urge members not to support it in the event that it is pressed.

**Gillian Mackay:** I echo the minister's appreciation of Ms Hamilton's willingness, ahead of stage 3, to explore how the bill can be strengthened. I am in complete agreement that the review of safe access zones must be meaningful. However, I must echo the minister when she says that the amendment is not the best way to achieve that, and I support the minister's explanation. I welcome the minister's offer to work with members over the summer to shape the scope of the post-legislative review, and I am more than willing to help to support that process if it is helpful.

I hope that that satisfies what Ms Hamilton is looking for from amendment 8. I hope that Ms Hamilton will not press her amendment. If she does, I urge members not to support it.

15:45

**The Deputy Presiding Officer:** I call Rachael Hamilton to wind up and to press or withdraw amendment 8.

**Rachael Hamilton:** As I said in previous meetings, many of us want to ensure that the bill is as effective as it possibly can be. The concept is new and there is little from which we can draw a comparison in relation to what other legislators have done on the issue. Therefore, we are tiptoeing to what we hope will deliver the right outcome.

In the spirit of collaboration, I will not press amendment 8. I would have been interested to find out whether other parties would have supported my amendment. I welcome the minister's offer to me—I am sure that she will extend it to others—to shape the post-legislative review through the summer. I accept that.

*Amendment 8, by agreement, withdrawn.*

## Section 11A—Review of Act

**The Deputy Presiding Officer:** Group 6 is on review of the act. Amendment 9, in the name of Tess White, is grouped with amendments 7, 10 and 11.

**Tess White (North East Scotland) (Con):** At stage 2, I lodged an amendment on reporting on and reviewing the act in order to facilitate post-legislative scrutiny as a means of implementing the recommendations of the Health, Social Care and Sport Committee's stage 1 report. I agreed with the minister and Gillian Mackay that we would work collaboratively on the issue prior to stage 3, and I thank them for their shared working and engagement with me.

Amendment 9 revisits the issue of information on the use of the new offences that the act will create. I understand from the minister that the standard range of reporting measures for those offences will be available and that she anticipates that such details should be included in the post-legislative review report. However, "should" is not "must", and my amendment introduces a requirement to include data on the number of arrests, criminal proceedings and convictions in such a report.

Given the balance of rights involved in the legislation, I discussed with the minister and Gillian Mackay the possibility of reducing the review period from five to three years. I am really pleased that my suggestion has been taken forward by the Scottish Government and by Rachael Hamilton in amendment 11.

Amendment 10, which I have worked on with the Scottish Government and Ms Mackay, would put beyond doubt that enforcement agencies must be consulted during the review process. The effect would be that Scottish ministers, when undertaking a review, must consult Police Scotland and the Crown Office and Procurator Fiscal Service, operators of protected premises or their representatives and such other persons as are considered appropriate.

I move amendment 9.

**Gillian Mackay:** First, amendment 7, in my name, is a minor amendment to section 11A and would ensure that ministers can delegate the function to carry out the review of the legislation and prepare a report of the review's findings.

I will touch briefly on amendments 10 and 11, which I am happy to support. As I noted during stage 2, it is important that we give the act time to bed in and that we do not unduly burden health workers and enforcement agencies. The change to the timings proposed under amendment 11 would achieve a reasonable balance. Additionally, although consultation with enforcement agencies

and operators would have happened as a matter of course, given the need to ensure that the review is robust, I am content that amendment 10 would make the consultation explicit in the bill.

Finally, I must ask that Tess White not press amendment 9. I remain fully convinced that the information that she seeks will be taken into account during any review. I can also confirm that information relating to crimes committed under safe access zones legislation will be published annually, and that will include information on numbers of crimes recorded, criminal proceedings and convictions. Therefore, transparency will already be built in around how the offences operate in practice, and that will happen more regularly than the amendment would allow.

The annual data might also provide a fuller picture than provided for in the amendment, given that arrest data is neither readily available nor the most reliable metric, as it does not cover instances in which a crime is recorded but no arrest is made. In light of that on-going transparency, and the fact that the review in question will have a different purpose, I do not think that it is wise to prescribe those criteria, because the review must cover a range of factors, including staff and patient impacts. As Rachael Hamilton mentioned in our discussions, it must take a broad, holistic look at the legislation.

To be clear, amendment 9 does not prevent consideration of those wider factors, and I know that Tess White does not intend that it should. However, in setting out only those specific examples, there is a real risk that, particularly in the future, the amendment will bend the review in that direction. That presents a related risk. It is my hope that, in time, the bill, if passed today, will mean that women and staff do not encounter anti-abortion activity in zones because that activity will no longer be carried out, not because the police will be regularly intervening to prevent it. If that happens, though, absence of activity must not be seen as a definitive sign that the protection offered by the safe access zones is no longer necessary.

The amendment that I lodged at stage 2 to insert the review requirement did not prescribe such matters, specifically to avoid that kind of limited approach. As I have a real concern that amendment 9 would reintroduce that danger, I hope that Tess White will not press it. If she does, I ask the chamber to vote against it.

**Rachael Hamilton:** I thank Gillian Mackay for her support for my amendment 11, which will reduce the review cycles from every five to every three years. It is essential that the legislation maintains effective protection for those who access and provide abortion services, and I believe that amendment 11 achieves a more reasonable balance, ensuring that the legislation

operates effectively without the formal review process becoming overly burdensome. The amendment does not change the timing of the initial review, which must be conducted within two years of commencement.

**Carol Mochan:** I want to speak to this group of amendments, given the importance of having a review. I thank members for all their amendments on the matter. We considered them all, because reviewing the act and the zones will be important to the legislation's success. If we can carry out a review within reasonable timeframes and with reasonable collection of data, that will ensure the legislation's on-going effectiveness.

We support amendment 10, as we believe it to be reasonable and manageable. We also support amendment 11, which changes the timing of the review from five to three years. It is a reasonable adjustment and recognises members' contribution to reviewing this important piece of legislation.

**Jenni Minto:** I agree with Ms Mackay's views on the amendments, so I will not repeat what has already been said.

The bill provides for the ability to delegate both the review and reporting functions. I therefore welcome and support the clarity that amendment 7 seeks to provide.

The Government has always been clear in our commitment to transparency and to ensuring that Parliament is given its rightful role in the scrutiny of legislation. That is the aim of amendments 10 and 11, and I am happy to support them. I see, too, that the ability to conduct a review every three years would ensure that the legislation remains proportionate and in line with its overall aims.

Finally, I do not support Ms White's amendment 9, although I very much appreciate the conversations about it that she and I had. The amendment seeks to set in stone specific statistical detail that is to be included in the report. I understand the reasons for including data on offences, but I am not convinced that doing so would provide a full picture of the operation of the act or its effectiveness. Any reporting needs to be able to balance the statistics with anecdotal evidence and should be done in the round, as opposed to relying solely on figures.

As Ms Mackay has already explained, crime statistics are routinely reported, so that information should be available through other routes. Tess White's amendment 10 already provides for consultation with enforcement agencies, as well as operators and other such persons as are considered appropriate, and my view is that the information needed to provide a truly meaningful report can be captured through that route. In my previous discussions with Ms White, that has been her intent, but amendment 9 does not provide for

that. I therefore join Ms Mackay in urging Ms White not to press that amendment.

**The Deputy Presiding Officer:** I call Tess White to wind up and to press or withdraw amendment 9.

**Tess White:** I will be brief. I thank the minister for her remarks on the recording and reporting of offences, and I welcome the fact that they are on the official record. Nonetheless, I intend to press amendment 9.

I also welcome the cross-party working on amendment 10. Given the issues involved and the rights affected, it is important that any review of the act is robust. I therefore urge members to support that amendment.

**The Deputy Presiding Officer:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

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

The vote is closed.

**Martin Whitfield (South Scotland) (Lab):** On a point of order, Presiding Officer. I seek your guidance, because as the vote was going on, the timer on the app leapt from saying that there were 15 seconds left to saying that the vote was closed. I just wonder whether my vote was recorded.

**The Deputy Presiding Officer:** Thank you, Mr Whitfield. I would say two things. First, your vote has been recorded. Secondly, the division time was, in fact, longer rather than shorter, because of a technical issue. I hope that that provides assurance.

**Craig Hoy (South Scotland) (Con):** On a point of order, Presiding Officer. Apologies, but my app froze. I would have voted yes.

**The Deputy Presiding Officer:** Thank you, Mr Hoy. Your vote will be recorded.

#### For

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

McCall, Roz (Mid Scotland and Fife) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)

Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Abstentions

Mason, John (Glasgow Shettleston) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 29, Against 79, Abstentions 1.

*Amendment 9 disagreed to.*

*Amendment 7 moved—[Gillian Mackay]—and agreed to.*

*Amendment 10 moved—[Tess White]—and agreed to.*

*Amendment 11 moved—[Rachael Hamilton]—and agreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments. There will be a short pause before we move to the next item of business.

## Abortion Services (Safe Access Zones) (Scotland) Bill

**The Deputy Presiding Officer (Annabelle Ewing):** Before we move to the next item of business, as members will be aware, at this point in the proceedings I am required, under standing orders, to decide whether—[*Interruption.*].

Members, could I ask those who are leaving the chamber to do so without all this chatting? We are trying to move on to the next item of business.

To repeat, as members will be aware, at this point in the proceedings, I am required—[*Interruption.*]. I am trying to get on with business, Mr Dey.

I am required, under standing orders, to decide whether or not, in my view, any provisions of the bill relate to a protected subject matter—that is, whether they modify the electoral system and franchise for Scottish parliamentary elections. In the case of the Abortion Services (Safe Access Zones) (Scotland) Bill, in my view, no provision relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

The next item of business is a debate on motion S6M-13571, in the name of Gillian Mackay, on the Abortion Services (Safe Access Zones) (Scotland) Bill at stage 3.

I invite those members who wish to speak in the debate to press their request-to-speak buttons, and I call Gillian Mackay to speak to and move the motion.

16:02

**Gillian Mackay (Central Scotland) (Green):** There is only one place to start my remarks, and that is with a heartfelt thank you to every single member of this Parliament. When I took on this bill, I knew that it had the potential to be divisive—I have said that much in this chamber. I think that most of us have grown used to the idea that politics is combative and, at a time when it already seems as though all debate can easily descend into name-calling and accusation, I was fully prepared for, at best, a few rocky moments.

Some members have offered challenge, some have asked difficult questions, and a small number have told me that the bill is not necessary, but everyone has been respectful; everyone has acted in good faith; and everyone has recognised that the bill is about protecting women's access to healthcare. Everyone has approached the debate in that spirit, even where we have disagreed.

Therefore, when I say that I am grateful to you all, that is not a platitude; it is genuine appreciation for allowing me to see, and be part of, this Parliament at its best. I offer specific thanks to Clare Haughey and the members of the Health, Social Care and Sport Committee. The stage 1 consideration was thoughtful, fair and always robust, and the questions and recommendations have resulted in a stronger bill, particularly around the requirements for consultation and post-legislative review.

I also thank everyone who took the time to meet me and the minister between stages or to propose amendments. As we have seen this afternoon, a number of those amendments have improved how safe access zones will be reviewed. Even where amendments were not accepted, they fostered debate and tested the rationales that underpinned the drafting of the bill. That is exactly what the parliamentary process is for, and I have valued every moment of it.

Of course, the bill did not begin in Parliament; it began with the strength of women and staff who had the courage to say that enough was enough and then to demand change. I know that that was not easy and I know that, sometimes, it must have sometimes felt as though they were fighting a losing battle. However, today, I hope that they will see those efforts pay off and know what a huge part they have played in achieving protection for women and staff for years to come.

That protection will have a seismic impact on women and staff, and we should never downplay the difference that it will make to individuals or the significance of telling women all across the country that their privacy and dignity are not open to public debate at the point at which they are receiving care.

However, once again, I want to provide reassurance to those who oppose the bill. If passed today, the bill will create zones of 200m around 30 sites in the whole of Scotland. Within those zones, it is true that those who oppose abortion will not be able to target women or staff as they access or provide services. They will not be able to behave in ways that try to influence decisions, impede access or cause alarm, harassment or distress. However, in every other part of the country, the right to demonstrate opposition to abortion will be unchanged.

No democracy can survive where opposing views are silenced or where people are denied the freedom to speak or express ideas. I know that there are those who sincerely believe that the bill threatens those rights. I can say only that I am confident that it does not, that the Scottish Human Rights Commission considers that it does not and that Parliaments across the UK and Ireland have reached the same conclusions in the process of

passing their own safe access zone legislation. I do not expect to convince those who still have doubts this afternoon, but I am certain that time will do what I cannot.

At stage 1, I read out testimony from women and staff who had encountered the kinds of behaviour that the bill aims to prevent. Let me add to that Lily Roberts's testimony to the committee:

"If buffer zones had been in place when I had my experience, they would have made me feel really safe. I do not think that it is too much to ask for safety when you are accessing healthcare."—[*Official Report, Health, Social Care and Sport Committee*, 27 February 2024; c17]

This afternoon, that is exactly what this chamber can deliver, so I urge everyone to listen to that testimony and join me in voting for the bill at stage 3.

I move,

That the Parliament agrees that the Abortion Services (Safe Access Zones) (Scotland) Bill be passed.

**The Deputy Presiding Officer (Liam McArthur):** Thank you, Ms Mackay. I call the minister, Jenni Minto. You have around five minutes.

16:07

**The Minister for Public Health and Women's Health (Jenni Minto):** I, too, would like to reflect on what our Parliament has achieved here even before we take the final vote on the bill. We have shown beyond doubt that our Parliament can come together in service of what is right and that our differences, rather than being an obstacle to progress, can improve debate and legislation and bring light rather than heat. That is a profound achievement, given that it has happened over an issue that has the potential to drive us further into entrenched and divided camps, and I offer my sincerest thanks for the politeness, respect and sensitivity that have been shown as the bill has passed through our Parliament. It has been a privilege to participate in this process. If we vote in favour of the bill today, I believe that we should celebrate not only its passing but the manner in which we have reached this point.

The bill is a vital step in ensuring the safety, dignity and privacy of individuals who are seeking abortion services and of the dedicated healthcare professionals who provide those services. The bill is incredibly significant. As Gillian Mackay has noted, the protections are narrowly and carefully drawn; they cover only those places where opposition to abortion focuses directly on women who are taking deeply personal and medical decisions—decisions that can be painful and unwelcome and that should not be subject to public debate, unjustified scrutiny or unsolicited judgment.

Even if the bill passes, the rest of Scotland will remain open for political debate or lobbying around abortion. Within the law, people will be free to protest anywhere else that they choose. Indeed, they will be able to express lawful opposition to abortion in any form that they see fit, and freedom of religion, expression and assembly will remain cornerstones of our democracy. However, in 30 specific zones, the bill will mean that those rights cannot come at the expense of a woman's right to safety and privacy, which I think is a reasonable compromise.

However, the bill will not simply be passed and forgotten about. It is always an important ministerial duty to ensure that legislation remains fit for purpose, and, thanks to this Parliament's intervention, the bill has clear review requirements. I give you my assurance that those reviews will be meaningful and I repeat my commitment that, if the bill is passed today, we will begin the work of setting out how that will be achieved without delay. I will go further by committing to the process being open, transparent and inclusive, which will be a reflection of the collaborative and respectful process that has brought the bill into being.

I thank the Health, Social Care and Sport Committee for its diligent work, under the convenership of Clare Haughey, in considering the bill. I know that the complexity and strength of feeling meant that it was not always an easy task for those members, but they set the tone for what followed through their open and honest consideration. For that, along with the committee's constructive recommendations and insights, I am enormously grateful.

I also thank members across the chamber who have engaged with Ms Mackay and me. Everyone approached the discussions with a clear wish to improve the bill.

Gillian Mackay has championed the issue with grace and compassion, never losing sight of the women and healthcare staff who need the bill's protection while always respecting the concerns and viewpoints of those who oppose it.

My final thanks go to the women and staff who took a chance and shared their stories, even when doing so was difficult and the outcome was uncertain.

When I opened the stage 1 debate, I quoted Edwin Morgan's poem "Open the Doors". It therefore seems fitting that I do so again:

"don't let your work and hope be  
other than great".

Those who told their stories certainly did not fail in that regard. Soon, we will have an opportunity to

requite them. I am sure that we will take it and vote for the bill.

16:11

**Meghan Gallacher (Central Scotland) (Con):** I echo the comments made by Gillian Mackay and the minister about the tone of the debate, and I thank everyone who has been involved in the bill at all its stages.

As I have said in the chamber previously, this debate is not about abortion. Members will, rightly, have views on abortion, and all views are valid, but those views are not for today. Today's debate is about women and their right to access healthcare safely, which is why the Scottish Conservatives will support the bill at stage 3. Women should not feel threatened or intimidated, especially when they are going through one of the most difficult and traumatising times in their lives.

The bill that Gillian Mackay has brought to the chamber puts in place measures should groups congregate outside premises where abortions can take place. We have been in the unfortunate situation in which women have felt unsafe and have even missed healthcare appointments because graphic placards have been placed outside clinics by some groups. People have tried to directly influence women's decision making, women have been harassed or have felt judged for making a decision that they felt was necessary, and some groups have tried to prevent patients and staff from gaining access to such premises.

It has long been my personal view that no one should deliberately influence a woman when it comes to their right to have an abortion; it is unacceptable for anyone to think that they know better than the person who has made a decision about their body.

However, as has been highlighted through the amendments that we have just debated, all options should be made available for women, and they should not be restricted by legislation should they wish to seek support from various different places. We need buffer zones so that there is a clear marker for women to know what measures are in place to support them.

I hope that the minister and Gillian Mackay recognise the intended sincerity with which I lodged my amendments on signage and recording. I want to ensure that the bill works and that women are protected when accessing clinics, and I know that they do, too.

That does not mean that the bill is perfect. Through discussions with the minister and Gillian Mackay, I know that we will need to review the bill in order to measure whether it has been successful and ensure that the right information is

being collated. I was pleased that the Parliament accepted amendments that were lodged by my colleagues Rachael Hamilton and Tess White on that issue.

We also need to consider arguments relating to freedom of speech and expression. Although such arguments were well rehearsed at stage 2, some people argue that silent prayer does not come under intimidation or harassment, and the bill has not resolved that issue. However, I appreciate the approaches that were outlined by the minister and Gillian Mackay regarding police involvement and the engagement exercises that will be undertaken as a result of the bill's passage today.

One of the amendments that I lodged at stage 2 related to potential legal challenges, and it is my understanding that the bill could be challenged as a result of today's vote. I am sure that that is not unexpected, but it reaffirms the importance of scrutiny at all times to ensure that the legislation holds up. As a Parliament, we have a duty to create good law.

I hope that the bill has plain sailing and that we are able to ensure that women can access healthcare safely. We owe it to the brave women and healthcare staff who have put themselves forward to give evidence and to share their experiences, as the bill would not have been possible without them and campaigns such as Back Off Scotland. I thank them for challenging MSPs right across the chamber to ensure that access to healthcare is safer for women.

16:15

**Carol Mochan (South Scotland) (Lab):** I thank everyone who has worked together to get the legislation to stage 3. As previous speakers have mentioned, the process has been respectful, for which I am really thankful. I thank the Health, Social Care and Sport Committee and members right across the chamber who have worked so closely together. It is also really important that I also thank all the people who gave evidence to the committee at stage 2.

I thank Gillian Mackay for working so closely with campaigners in order to bring to our Parliament something that we could move forward as legislation. As we have all said, Gillian Mackay has worked closely across party lines, which I hope will allow us to achieve the passing of the bill.

I thank Clare Haughey, who is the convener of the Health, Social Care and Sport Committee, for the stage 2 debate, which I believe was one of the best that I have been involved in during my time on the committee, as members showed a real willingness to express views and to work together to achieve an outcome that would allow the

legislation to work in the interests of women who are seeking healthcare. It was clear that everyone took the matter very seriously.

Personally, I have been supportive of the introduction of safe access zones to protect women who are accessing abortion services. It has long been the view of my party that Scotland should pass the bill to ensure safe access to healthcare for women. It is right that we take all necessary steps to protect women who are accessing abortion services. I believe that the introduction of safe access zones will achieve that.

The truth is that access to abortion clinics is access to healthcare. If the bill is passed today, it will allow us to talk about that openly and to ensure that women who are facing intimidation do not have to do so. We can all understand that visiting a healthcare setting can be worrying and stressful for a variety of reasons, but we heard evidence during the committee stages that women who are accessing sexual health services—specifically, abortion services—can go through an extremely challenging and emotionally traumatic time. Women need to have safe access to the services and the advice that they require: I believe that the legislation will work to achieve that.

It is fair to say that the evidence that was given to the committee was honest and of good quality. I found it to be extremely helpful to hear people's views, whether they were for or against safe access zones. That is an important point in relation to the feeling that has been mentioned in the stage 3 debate that it could be difficult to discuss such things. Professional guidance and the lived experience of people who have accessed services and of people who have been outside clinics gave me much to think about and will add to our work on getting the balance of the legislation correct.

There is so much to cover around the legislation in the short time that I have, but I want to mention that Scottish Labour supports the views on proportionality and legitimate aims. It has long been Scottish Labour's view that any restriction of human rights that a bill introduces must be kept to an absolute minimum, and we are content that the bill achieves that—I mentioned that point in the stage 1 debate, but it is worth noting again.

In the very short time that I have left, I want to say that the stage 3 debate was helpful and that we are particularly keen to pick up on post-legislative scrutiny of the bill. I agree that robust post-legislative scrutiny will be important to understand how the legislation is working for the women who require access.

16:19

**Maggie Chapman (North East Scotland) (Green):** Presiding Officer, I quote:

“I was a victim of sexual assault and had to book an appointment with Chalmers. Already blaming myself, and terrified to tell anyone, I was 17, and completely by myself. A small group of individuals, mostly male, were standing on the other side of the road. I was repeatedly called out to by one of the men, and when I glared at him and ignored him, he called me a ‘teenage murderer’. I have never been pregnant, I have never had an abortion, and I’ve never even used a contraceptive medication—but they tried to publicly humiliate me for it. I felt threatened and terrified, in a time when I needed protection and comfort.”

“Protection and comfort”—they are precisely what the bill seeks to provide. As lawmakers, giving our citizens protection and comfort should be among our key priorities. I am therefore pleased, Presiding Officer, to open on behalf of the Scottish Greens this afternoon. I am delighted that we will pass the bill and give people such as the young woman whose words I have just quoted the protection and comfort that they need.

The legislation that we debate today is the culmination of years of campaigning by women, healthcare professionals and other activists. We owe them all a huge debt of gratitude.

The bill is about access to healthcare. At a time when, globally, we are seeing worrying regressions in women’s ability to access the care that they need, we should be firm in our resolution to progress the right of people to access healthcare. As the United Kingdom Supreme Court highlighted when assessing the balance of rights in the relevant Northern Ireland legislation, abortion is legal as a result of democratic decision making. Opponents to it must therefore not be given free and unfettered ability to harass individuals who go about accessing their legal rights, including those that are enshrined in article 8 of the European convention on human rights. Similarly, medical professionals carrying out legal duties should not be prevented from doing so.

Protest against legislation, including laws relating to abortion, is legitimate and must be protected. Articles 9, 10 and 11 of the ECHR make that clear. However, such protests need not—indeed, must not—take place outside healthcare settings. The bill is therefore proportionate and, according to the UK Supreme Court, it does not unfairly restrict rights to freedom of religion or belief, expression and assembly.

I will quote Dr Audrey Brown, who is the chair of the Scottish abortion care providers network, who said:

“the decision to have an abortion is a private one, between the pregnant person and the staff providing care”.

Dr Brown is clear that the presence of anti-choice activists at clinic and hospital entrances

causes emotional harassment for those who are seeking abortion care and for the staff. Their offensive language and distressing images upset not only those who are accessing care but individuals who have experienced pregnancy loss. Such protests can further traumatise women who are making difficult decisions, often in traumatic circumstances such as rape or medical issues. Although abortion providers respect the right to protest, they, too, oppose harassment and intimidation at clinical sites.

In closing, I congratulate my colleague Gillian Mackay and thank her for her tireless work on the bill and for being such a powerful advocate for the right to access healthcare free from intimidation and harassment, and for the rights of workers to get to and from work without intimidation or harassment.

I also thank the Health, Social Care and Sport Committee for its diligent work and, of course, I thank all the campaigners and activists who have been calling for these protections and have been supporting women and healthcare staff who have had to run a gauntlet of anti-choice protesters for too long.

I also pay special tribute to Clare Bailey, our former Northern Ireland Green colleague, who secured the UK’s first legislation on safe access zones. In true feminist style, we are all being lifted up in Scotland by the work of our sisters elsewhere.

16:24

**Beatrice Wishart (Shetland Islands) (LD):** I am pleased to speak on behalf of the Scottish Liberal Democrats in today’s debate. My party will support the Abortion Services (Safe Access Zones) (Scotland) Bill this afternoon and will be pleased to see it passed.

I voice my thanks to Gillian Mackay, Back Off Scotland and everyone who has worked so hard to get us here today.

There has been emotive and, at times, robust discussion during the bill’s progress through Parliament. The fact is that too many women who have sought to access abortion services in Scotland have been forced to cross a picket line to access medical treatment. Healthcare staff working in treatment centres are exposed to those protests every working day. Scottish Liberal Democrats are clear that no one should have to cross a picket line to access medical treatment and that no health staff should be targeted for doing their jobs. Liberal Democrats passionately believe in the importance of civil liberties. Freedom of speech, religious freedoms and the right to protest are paramount, but that has never meant that anything goes.



In passing the bill today, we are ensuring that anyone accessing medical care can do so without fear of harassment. We are safeguarding the right to medical privacy. People who oppose abortion and want to make their voices heard are free to do so anywhere that is not at the doors of a clinic. People who picket clinics are not protesting in the usual sense—they are not advocating for a change in the law. They are pressuring individuals and attempting to change their minds on the most intimate of matters at the time when they are most vulnerable.

The decision on whether to have an abortion should be conducted in a safe and confidential environment with the help of trained professionals who are qualified to offer the appropriate advice and support. Most Scots agree: a recent poll showed that 82 per cent of Scots think that protesters should be kept a minimum distance away from people who are attending healthcare facilities. I am pleased that there is broad consensus in support of that measure.

Scottish Liberal Democrats believe that introducing buffer zones around clinics is a reasonable and proportionate step to take to protect safe access to abortion services in Scotland, and we are pleased to support the bill at stage 3.

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

16:26

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** I, too, place on the record my deep appreciation for Gillian Mackay's tireless work in getting her important bill to this stage. Its significance is monumental. I thank her team and the committee, and I thank Back Off Scotland for the pressure that was brought to bear by its resolute activities, the brave women and staff and the Humanist Society Scotland, which has ensured that women's rights to access healthcare have been vocally championed. I refer members to my entry in the register of members' interests, as I am a member of the Humanist Society.

Abortion care is healthcare, and women must have the right to access such care without fear of, and with freedom from, intimidation, harassment or public judgment. That core belief of mine was formed when, as a 15-year-old in Quebec, I watched as a fellow female citizen named Chantale Daigle was blocked from abortion care by her ex-partner when he sought and was granted an injunction. I protested in the streets of Montreal as she took her case all the way to the Supreme Court of Canada, ultimately winning and securing women's rights across the country.

With the reversal of the landmark *Roe v Wade* judgment in the United States and with women's rights increasingly being impacted globally, we must resist anything that interferes with us exercising our hard-fought-for rights. We must be able to exercise our bodily autonomy without anyone else seeking to persuade us or influence us as we approach a facility for care or, indeed, after we leave. No service user, nor the providers of such care, should have to run a gauntlet of protesters as they access an abortion care facility.

Everyone has the right to agree or disagree with abortion but, fundamentally, that is not the issue that we are dealing with here. The bill is about the right and ability of women to access that type of healthcare free from the fear of being publicly shamed or judged, as women have been for millennia.

I am fully aware that the bill also has at its heart the balancing of rights under the European convention on human rights, specifically the rights and freedoms of religion or belief, expression and assembly, and the right to respect for family and private life.

As has been said, it is important that we look to the recent unanimous decision by the UK Supreme Court, which ruled that the safe access zone legislation that was passed in Northern Ireland is fully compatible with protesters' convention rights. In a very detailed legal analysis, the judgment examined the well-versed argument that convention rights are sacrosanct and the much-touted unlimited free speech argument. Rights are often misrepresented in that way, but it has always been the case that convention rights can be legally restricted in a proportionate way in certain contexts to achieve a legitimate aim.

As was underlined by the Supreme Court, abortion is legal as a result of democratic decision making, and opponents of such legal healthcare cannot be given unfettered access or an ability to harass or intimidate individuals or healthcare providers who are going about their daily life or work. Indeed, there is no legitimate reason for protesters to take their protest to outside abortion clinics. To do so represents an attempt to undermine the rights of individuals to whom the Parliament has given legal rights to abortion care, and to create a climate of fear to dissuade them from accessing necessary healthcare.

Much was said at stage 2 about silent prayer and policing of thoughts. The bill in no way seeks to criminalise prayer or thoughts; it seeks to curtail activities that go beyond unobtrusive silent prayer or indeed legitimate chaplaincy services. For much of history, women have been subjected to having people standing in judgment of them, silently or otherwise. We cannot ignore the profound impact of walking past those who choose to stand in

judgment. As the Health, Social Care and Sport Committee heard in evidence,

“One person’s idea of engaging in silent prayer can look very different to the person on the other side who is alone and accessing healthcare.”—[*Official Report, Health, Social Care and Sport Committee*, 27 February 2024; c 18.]

We must bring it firmly back to intent: what are the intentions of those who are gathered?

It is my hope that today, across the chamber, we can all support Gillian Mackay’s Abortion Services (Safe Access Zones) (Scotland) Bill. I have been heartened by the collective working that has been demonstrated thus far, both at the committee stages and today. The bill is not an attempt to restrict freedom of expression or religion but aims to safeguard public health and to protect the right of women to access healthcare without obstruction. Women deserve no less.

16:31

**Tess White (North East Scotland) (Con):** This is a complex topic with varied and sometimes polarising points of view. As we have heard today, however, the bill is not about abortion; it is about women being able to access the healthcare that they need at what can be a vulnerable, isolating and difficult time. Like other members of the Health, Social Care and Sport Committee, I thank the convener, clerks, witnesses and all those who submitted evidence during the passage of the bill. The Parliament has handled the issue with both sensitivity and security in mind, and I thank everyone who has been involved in this undertaking.

The Abortion Services (Safe Access Zones) (Scotland) Bill has achieved cross-party consensus, and I am pleased to support it at stage 3 today. As the Law Society of Scotland emphasises, any restriction on articles 8, 9, 10 or 11 of the European convention on human rights is a “careful balancing exercise”. I am a staunch defender of free speech, but I recognise that that must not come at the expense of women’s health or our right to access medical services free of prejudice. Women have a right to access reproductive healthcare unimpeded by protests. They also have a right to privacy, especially when it comes to their own health.

I was struck by a story that was shared by Back Off Scotland at the start of the bill’s parliamentary passage, which was about a pregnant mum. She received the devastating diagnosis at her 20-week scan that her baby had something seriously wrong with her heart. She said:

“I had to make the decision whether to finish the pregnancy and allow her to die, or to terminate.”

She added that the protesters made her

“feel like a monster for making the decision”

to have an abortion, and that she suffered from post-traumatic stress disorder—PTSD. She continued:

“Terminations are a much-needed service for many reasons, and no-one should be made to feel like a monster for using the service.”

Her experience is a sobering reminder of why we are here today. We know that at least 12 hospitals and clinics have been targeted across Scotland since 2017, including Aberdeen maternity hospital in my region. It is clear that the existing legislative framework has not prevented such protests. Scotland is the only part of the UK not to have safe access zone legislation in place, with Westminster legislating last year and Stormont back in 2021.

Against that background, it is right that we legislate on the issue and it was right, too, that we strengthened the bill as much as possible so that it will protect women not just when it is enacted but in the years to come. That is why, with my amendments at stages 2 and 3, I focused on post-legislative scrutiny, and I am pleased that the Scottish Government was receptive to those changes. The test will now be in how the bill’s provisions are enforced and in the impact that they will have on women accessing abortion services and on the staff who support them. We will be watching.

**The Deputy Presiding Officer:** We move to closing speeches.

16:35

**Ross Greer (West Scotland) (Green):** The Scottish Green Party is incredibly proud of our friend and colleague Gillian Mackay. Gillian said in her opening speech that the bill and the debate could have been divisive but they have not been. There has been disagreement both inside and outside Parliament, but that disagreement has been respectful. This has been an example of Parliament at its best—something that was not guaranteed, particularly given the overlap with an election campaign towards the end of the process.

We have been tackling a very real issue facing those whom we represent and we have been balancing competing rights, which is one of the hardest tasks that members of this Parliament have. I think that Parliament has managed to do that and has done it well. That is to the credit of the whole Parliament, but it is particularly to the credit of Gillian Mackay for setting the tone and reaching out to MSPs and those on both sides of the debate outside this place, across Scotland. As Gillian said, democracy does not survive when opposing voices are silenced. The debate made space for all perspectives, but it did not need to.

Let us be honest—the numbers are so overwhelmingly on one side.

Beatrice Wishart pointed out that those who oppose abortion will still have the right to protest. Like so many other rights when they come into conflict with others, that right will now be appropriately caveated by the simple requirement to protest a reasonable distance away from abortion service providers, so that those who are seeking to access those providers, exercising their right to healthcare and their right to do so in privacy, are able to do that.

The bill is not about abortion itself, as Meghan Gallacher said, but the debate has made clear the overwhelming strength of feeling behind the right to abortion and the right to women's bodily autonomy. There is no going back. Elena Whitham's comments on her experience of protesting in Montreal made clear that this struggle has been—as it continues to be—a global one. Almost six decades on from the Abortion Act 1967 in Great Britain, abortion is still politicised like almost no other area of healthcare. Access to healthcare is a fundamental right. However, we know—and it has been made very clear by the evidence gathered in this process—that the right of women to access reproductive healthcare is being compromised in Scotland right now by anti-abortion protests.

Anyone is free to hold to an anti-abortion or pro-life point of view, but their right to do so does not trump a woman's right to access healthcare. As I said, this is a question of balancing rights. We are ultimately placing a small restriction on the right to protest and religious expression to allow others to fully exercise their right to healthcare—and I sincerely believe that it is a small restriction. This is not a ban on protest; it is simply about proximity.

I feel privileged to have taken part in the stage 1 and stage 2 proceedings. Members will be glad to know that I am not about to repeat my theology lesson from stage 1, but I was glad to speak then and I am glad to speak today and to vote for the bill because of my faith, not in spite of it. I very much agree with Carol Mochan's comments about the stage 2 proceedings. They were a first-class example of effective committee scrutiny and consideration, and they resulted in a strengthened bill.

There is no doubt about the result of today's vote. The Scottish Greens are, as I said, so proud of what Gillian Mackay has achieved today for women in Scotland. This is a good day for our Parliament, it is a good day for Scotland and it is a good day for the women who will now have the protection that they deserve when they are accessing their right to healthcare. The Scottish Greens will, of course, vote for the Abortion Services (Safe Access Zones) (Scotland) Bill.

16:39

**Monica Lennon (Central Scotland) (Lab):** I am pleased to close the debate on behalf of Scottish Labour, following on from my colleague Carol Mochan's contribution to the opening speeches. Members across the chamber have made some really important and thoughtful contributions this afternoon. I am pleased that we have been able to debate the Abortion Services (Safe Access Zones) (Scotland) Bill with respect for different views and different perspectives. I am glad that that approach has characterised the entire scrutiny of the bill as it has made its journey through Parliament. I hope that even those who do not support the bill feel that their views have been heard and respected.

I join others in thanking Gillian Mackay and her team for their hard work in progressing the bill to stage 3 and I pay tribute to the courageous and tenacious young women behind Back Off Scotland, whom others have recognised today. We know that grass-roots campaigning makes the difference and has helped to bring this important issue all the way to the Scottish Parliament. There are so many people to thank that I will not name names, because time is short, but people know who they are.

Like other colleagues, I am grateful to the Health, Social Care and Sport Committee for all its hard work throughout stages 1 and 2, and to all those who gave evidence. Carole Mochan paid tribute to the quality of that evidence. As Tess White said, complex issues had to be examined, but that happened in the calm and collaborative fashion that we have heard in the way in which amendments have been disposed of today. That is an example that the Parliament should look to in the future, as we continue to deal with challenging and complex issues.

I have always believed, and Scottish Labour has always recognised, that the bill is necessary because, in recent years, we have seen an escalation in the number of protests and activities that have taken place at clinics where healthcare is provided, including abortion healthcare. In my stage 1 speech, I mentioned the fact that we have seen such protests happening for the first time at university hospital Wishaw, and Tess White mentioned Aberdeen maternity hospital. Colleagues will know about situations in their own regions or where constituents have had to travel and what that experience has been. As we have heard, that can cause trauma on the day, but trauma that can last well into the future. There is the impact on healthcare workers, too, and I am glad that colleagues have recognised that.

As colleagues have said, we all respect the right to religious freedom and the right for people to express their views in different ways, but those are

qualified rights and they should never be a mask for harassment or intimidation. As Beatrice Wishart said a few moments ago, the bill is about safeguarding the right to medical privacy. It is evident that we have to do something, and that is why the bill has got to this stage.

When the bill—I hope—passes tonight, my hope is that people will feel reassured that scrutiny of the legislation will not end today and that there are opportunities for on-going scrutiny. I hope that the legislation will be implemented in a proportionate way, and that common sense will be used when decisions have to be made. As we have heard from colleagues, including Elena Whitham, we know that there are forces at work that want to push back on women's hard-fought-for rights, including our rights to bodily autonomy, and we have to take care on that.

I hope that people recognise that the evidence has been looked at in a very careful manner and that even those who do not support the bill recognise that all views have been respected and heard. All points of view are valid, but the legislation really is necessary.

16:43

**Sandesh Gulhane (Glasgow) (Con):** I refer members to my declaration in the register of members' interests that I am a practising national health service general practitioner.

This afternoon, we are focused on a fundamental right. It is imperative that we create a respectful and secure environment for any woman seeking any medical care. By supporting safe access zones, we uphold the fundamental rights and dignity of all women in our community, but we must also be cautious of unintended consequences, such as limiting free speech. There is no place in Scotland for the thought police. By supporting safe access zones, we seek to balance safety with the preservation of fundamental rights and dignity for all. The Scottish Conservatives will be supporting the bill.

I have been happy to see true cross-party working on the bill, and I thank Gillian Mackay for bringing it to Parliament.

I would have liked Jeremy Balfour's reasonable amendment to allow NHS workers in the chaplaincy service to go about their work without falling foul of the bill to have been agreed to. Having worked in hospitals, I know at first hand of the vital work that the chaplaincy service provides for people of all faiths. I do not want to create any potential no-go areas on the NHS estate for our chaplaincy services, but I understand the exception in the bill, and the reassurance that the minister has given that recklessness is a very high bar.

Meghan Gallacher was right when she said that the bill would not have been possible without the brave women who came forward to speak about their experiences. Like Carol Mochan, I agree that the quality of evidence that was provided by our witnesses at the Health, Social Care and Sport Committee was very high, which allowed for effective scrutiny of the bill.

Reproductive health sectors provide essential legal medical services, and it is imperative that no woman feels stigmatised or discouraged from accessing the services. Making the decision to have an abortion is often one of the most challenging choices that a woman faces, and it is crucial that we support her right to make that decision without added stress or intimidation. We in the Scottish Conservatives uphold the rights to protest and free speech, yet we firmly believe that—as Tess White said—those rights must not come at the expense of women's health. Women must be able to exercise their right to access medical services free of prejudice.

Balancing those competing rights is no small task, and it is one that we must undertake with care and dedication. The Law Society of Scotland has highlighted key considerations that should guide the implementation of safe access zones, which include ensuring that any new legislation aligns with established human rights principles. As MSPs, one of our key functions is to make laws. We must ensure that we make laws that are not only just and equitable, but forward thinking and adaptable to meet the changes and challenges of our time.

16:46

**Jenni Minto:** As I set out in my opening remarks, it has been a privilege to support the bill. It is unacceptable that anyone who is using or providing abortion services should do so with the fear of intimidation, judgment or unwanted influence. In a few moments, I hope that we will be enshrining that principle in law, providing the protection and comfort that Maggie Chapman spoke about.

I have worked with a dedicated team of officials who have supported me throughout the process. When I was appointed as Minister for Public Health and Women's Health, the Government's groundwork for Gillian Mackay's bill had previously been led by Nicola Sturgeon, Humza Yousaf and Maree Todd, to all of whom I give my heartfelt thanks.

I had much to learn, but thanks to my officials' calm and considered approach, I was able to ask questions and get into the fine detail of the legislation, so I thank them. I again thank Gillian Mackay, who has been resolute in her efforts to

ensure that the bill is the best that it can be. Her connections across the chamber and outwith it have ensured that everyone's voice has been heard in a respectful manner. I hope that every single one of us will take a leaf out of Ms Mackay's book as to how to listen, collaborate and legislate.

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

**Jenni Minto:** Sorry, Ms White—I will not.

I will start that bit again, because it is incredibly important.

I again thank Gillian Mackay, who has been resolute in her efforts to ensure that the bill is the best that it can be. Her connections across the chamber and outwith it have ensured that everyone's voice has been heard in a respectful manner. I hope that every single one of us will take a leaf out of Ms Mackay's book as to how to listen, collaborate and legislate. Her manner is exemplary.

I thank colleagues, too, for the tone of the debate and—as I noted in my opening remarks—the thoughtful way in which members have discussed their concerns regarding the bill with me and Ms Mackay. I will single out a few of the points that have been made, although by no means all of them, given the brief time that I have.

Meghan Gallacher was correct to say that we need legislation that works, and I absolutely agree with Carol Mochan on the stage 2 debate, which was open, honest and very helpful. I hope that the post-legislative scrutiny is treated in the same manner.

I agree with a lot of what Beatrice Wishart said with regard to 82 per cent of Scots agreeing that women should be able to access healthcare safely.

I thank Elena Whitham for her historical and international perspectives and for always bringing it back to intent.

Tess White talked about sensitivity and security for women, and that is at the heart of the bill. She is right to ensure that we strengthen and scrutinise the legislation and I thank her for the amendments that she lodged.

Ross Greer is correct that Parliament has been at its best, and I wish that he had made his point—about the bill creating a ban not on protest but on proximity—earlier in the process, because he is absolutely right about that.

I agree with Monica Lennon's comments about the courageous and tenacious campaigning of grass-roots organisations and healthcare staff that got us to where we are today.

Sandesh Gulhane talked about balance, and I believe that the legislation has achieved that.

I am pleased that it has been recognised during the debate that the bill is an attempt not to restrict freedom of expression but to safeguard public health and protect the right of women to access healthcare without obstruction. Although it is a small bill, its reach cannot be overestimated, and that is best summed up by Lucy Grieve, who gave evidence on the bill. Lucy was clear that

“the legislation will not only protect abortion patients, but those who have been harassed and intimidated when accessing miscarriage management or for sexual assault support, as well as partners of those accessing care.”

I urge every member to join me in bringing that reality a step closer.

**The Presiding Officer (Alison Johnstone):** I call Gillian Mackay to wind up the debate.

16:51

**Gillian Mackay:** I am conscious that I have spoken many times today, and members will be relieved that this will be the final time. By this point, there is little to be said that has not already been said, but I make no apologies for repeating myself.

I am grateful that we finished stage 3 today as we started stage 1—with respect, candour and the best interests of those using services front and centre.

It cannot be said too often that women's access to healthcare is not up for debate. Women who seek to access a very personal form of healthcare should not be judged or condemned by strangers. The people—most of whom are female—who provide those services to women should not go to work expecting or fearing that they will be confronted or called names.

I introduced the bill because women and staff deserve abortion services that are provided with the same privacy and respect as any other piece of medical care.

I note that the bill has been explicitly drafted so that activities that support abortion could amount to an offence in exactly the same way as activities that oppose abortion. That underlines the central point that medical services should not be a battleground. Away from the places that provide abortion services, people can continue to debate the topic of abortion. Within 200m of premises that provide abortion services, women and staff will be protected. As I said at the beginning of the debate, the protections are limited, but the benefits are huge.

I hope that, while abortion rights in some parts of the world are going backwards, Scotland can be seen as cause for hope.

I want to use most of my time to thank those who made the bill a reality. As Maggie Chapman did, I thank Clare Bailey for blazing a trail for us all to follow.

I also thank all the organisations that have been involved in and championed the bill from the start.

It cannot be overstated how instrumental Back Off Scotland and the British Pregnancy Advisory Service have been in getting the bill to where it is.

Other supporters include the Royal College of Nursing, the Scottish Trades Union Congress women's committee, the Humanist Society Scotland, the royal colleges, the British Medical Association, Abortion Rights Scotland, Engender and the University and College Union.

Clinical staff and their unions not only spoke up about the impact of activity outside their services but took time to answer questions about clinical care, access routes and service locations to inform our understanding. Their time, effort and obvious passion for helping women, whatever their circumstances, has been hugely appreciated.

To colleagues from all parties across the chamber who provided encouragement and support from the outset, I have been more grateful than they know.

I thank my wonderful Green colleagues for their support, for substituting for me at committee and the Parliamentary Bureau when I needed to do other things and, in general, for being the cheerleaders that they are.

I give a huge thank you to the current and former ministers for women's health. Not only have they been an incredible support to the bill, they have been wonderful friends and have encouraged me and shared their experience. I absolutely have a new-found respect for ministers as a result of this process.

To all the First Ministers in this parliamentary session who have given their support and the support of the Government to the bill, I give a huge thank you. Their support and expertise have been invaluable to the progress of the bill.

That leads me nicely to one of the biggest thank yous. Bills are never by any means a solo effort. MSPs are just the ones who are privileged enough to be allowed to guide them through. The real heroes are the officials and the staff teams who help to make them a reality. The abortion policy team has been incredible. Team members have taken me under their wing and delivered above and beyond on everything that we have asked for.

The team answered all the daft questions that I had and poured its all into the bill.

My office team and the wider Green group staff, both past and present, have been second to none. They are our squad of cheerleaders, my fairest critics and the ones who make sure that everything else gets done. I thank them for all their work. For their efforts, too, I thank all the staff teams of parties across the chamber who have moved meetings and supported their MSPs.

My second-to-last thank you has to go to my family, who have put up with listening to me talk about the bill endlessly for the past two and a half years and who have always had my back.

The biggest thank you has to go to those who came forward to share their experiences outside abortion clinics, even when it meant reliving incredibly difficult and painful experiences. I hope that they all know that the bill exists because of them. Maya Angelou said:

"Each time a woman stands up for herself ... she stands up for all women."

That is exactly what each one of them did by speaking out.

I urge members to honour that and to stand up for women by voting yes to the bill at stage 3. *[Applause.]*

**The Presiding Officer:** That concludes the debate on the Abortion Services (Safe Access Zones) (Scotland) Bill at stage 3.

## Business Motion

16:56

### The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-13585, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, which sets out a business programme.

#### *Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 18 June 2024

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 3 Proceedings: Agriculture and Rural Communities (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

8.00 pm Decision Time

*followed by* Members' Business

Wednesday 19 June 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Rural Affairs, Land Reform and Islands;  
NHS Recovery, Health and Social Care

*followed by* Ministerial Statement: 2022 Greenhouse Gas Emissions

*followed by* Scottish Government Debate: Scottish Government Priorities: Growing the Economy

*followed by* Stage 3 Debate: Agriculture and Rural Communities (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

6.00 pm Decision Time

*followed by* Members' Business

Thursday 20 June 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:  
Social Justice

*followed by* Ministerial Statement: 2023-24 Provisional Outturn

*followed by* Ministerial Statement: Scottish Government Response to Scotland's Housing Emergency

*followed by* Stage 3 Proceedings: Gender Representation on Public Boards (Amendment) (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

4.25 pm Decision Time

*followed by* Members' Business

Tuesday 25 June 2024

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 3 Proceedings: Circular Economy (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

9.00 pm Decision Time

Wednesday 26 June 2024

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions:  
Constitution, External Affairs and Culture, and Parliamentary Business;  
Justice and Home Affairs; Education and Skills

*followed by* Stage 1 Debate: Scottish Elections (Representation and Reform) Bill

*followed by* Financial Resolution: Scottish Elections (Representation and Reform) Bill

*followed by* Stage 3 Debate: Circular Economy (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

6.00 pm Decision Time

*followed by* Members' Business

Thursday 27 June 2024

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

12.45 pm Decision Time

*followed by* Members' Business

*followed by* Members' Business

(b) that, for the purposes of Portfolio Questions in the week beginning 17 June 2024, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or

similar subject matter or" are inserted.—[*Jamie Hepburn*]

*Motion agreed to.*

## Parliamentary Bureau Motions

16:57

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of Parliamentary Bureau motion S6M-13616, on approval of a Scottish statutory instrument.

*Motion moved,*

That the Parliament agrees that the Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 [draft] be approved.—[*Jamie Hepburn*]

16:57

**Russell Findlay (West Scotland) (Con):** The Scottish Government constantly tells us that too many people are in prison, but it never identifies who should not be in prison, and it never identifies which sentences are wrong. Every single prison sentence is decided by the independent judiciary.

Today, the Government will seek to undermine those individual decisions by ordering the mass emergency release of up to 550 prisoners. The justice secretary says that she cannot build her way out of this crisis, and she is right to say so, but her Government should have built replacements for crumbling HMP Barlinnie and others.

That is one area of neglect during 17 years of Scottish National Party rule. Not only has it failed to build new prisons—[*Interruption.*]

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

**Russell Findlay:** The SNP has also failed to invest in meaningful community sentencing that can be trusted by the judiciary and the public. The Scottish Government has been engaged in a soft public relations campaign ahead of today's plans.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** Will Mr Findlay acknowledge that part of the reason why we have such stringent capital controls is the decisions of the Westminster Government and that, in England, the prison estate is in a far worse—[*Interruption.*]

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

**Keith Brown:** The prison estate is in a far worse condition there than it is in Scotland and there are far greater problems from overcrowding. Does he not accept some of his party's responsibility for the current situation?

**Russell Findlay:** Keith Brown is a former justice secretary—there have been 17 years of neglect. This is the same man who recently said that any prisoners leaving prisons in England might maraud across the border and commit crimes here.



The SNP has not only failed to build new prisons but embarked on a soft PR campaign ahead of today's plans. For almost a year, a procession of senior Scottish Prison Service officials have been given freedom to speak to the media about the prison crisis. If only this anti-transparency Government encouraged such candour across our public services.

Many victims of serious crimes will first hear about the measure on tonight's news. It will cause fear and anxiety. Prisoners who are being set free will have committed serious crimes, including crimes of violence.

When the Government previously freed hundreds of prisoners in 2020, Victim Support Scotland called for victims to be automatically informed of any future release.

**Pauline McNeill (Glasgow) (Lab):** Will the member give way?

**Russell Findlay:** Is there any more time in hand for another intervention?

**The Presiding Officer:** We have a little time. I call Pauline McNeill.

**Pauline McNeill:** Does the member agree that this is an unsatisfactory way of dealing with such substantive legislative issues? The process has been very rushed, and I have a chance to speak only by intervening on the member.

Does he share Scottish Labour's concern that the rising prison population was known about for some time? Should we agree to the release of up to 500 prisoners 180 days before their due release date, there is no guarantee that that will not happen again if there is a high offending rate, and it happened during the Covid pandemic. I found it difficult to make a decision on the matter in committee this morning.

Does the member accept that victims organisations do not seem fully satisfied with the approach? Although victims will get notified if they are part of the victim notification scheme, the vast majority are not part of the scheme and therefore will not be automatically notified. Does the member share my concerns about that? Will the governor's veto be sufficient as an extra safeguard to alleviate public concerns?

**Russell Findlay:** I completely agree with much of what the member says, and I share her frustrations about the speed with which this is happening and the lack of engagement that she has been able to have on the matter.

I return to automatic provision of information to victims. That will not happen, despite Victim Support Scotland asking for it; instead, victims will have to go looking for the information. They will have to ask one of four designated organisations,

which are Victim Support Scotland, Rape Crisis Scotland, the ASSIST—advocacy, support, safety, information and services together—project and Children 1st. Those organisations will then need to ask the Scottish Prison Service. It seems likely that, by the time victims get an answer, some prisoners will already have been freed.

Five times this morning, I asked the cabinet secretary to clarify that simple but important point, but she failed to do so. It was only yesterday that victims groups were even given sight of the information-sharing agreement. That is shambolic, and it proves that victims' rights are an afterthought at best.

The Government likes to take the moral high ground by preaching about smart justice, but it is not smart—it is weak. The emergency mass release will result in more crime—that is what happened last time. We cannot support that. To do so would be to fail victims and risk encouraging the Government to believe that that is the new normal.

17:03

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I am very grateful to the Delegated Powers and Law Reform Committee and to the Criminal Justice Committee, with which I spent considerable time this morning, for their careful scrutiny of the regulations. I am also very grateful to the justice spokespeople and individual MSPs and stakeholders who have engaged with me on the matter and on the specifics of the regulations that are in front of us.

Yes, we have had to move at pace because we have an emergency that we must respond to now, but there has been parliamentary scrutiny of the regulations every step of the way. That is in contrast to the secret release plans that are taking place south of the border.

I have kept and will continue to keep Parliament updated on the position that we face in our prisons and, crucially, on the actions that we are taking to address the situation. Despite our efforts, the prison population has increased by 13 per cent since the start of 2023, with a spike since March 2024. This morning, there were 8,294 people in custody in our care. That recent sharp and unanticipated rise of 400 more prisoners in the space of a few months now places the security of prisons and the safety of prisoners and staff at significant risk.

**Jamie Greene (West Scotland) (Con):** What percentage of our prison population is on remand? If we got through those cases more quickly, surely we would not have to release prisoners who have already been convicted.

**Angela Constance:** Twenty-seven per cent of the male prison population is on remand and, in any given week, the percentage of the female population that is on remand varies between 32 and 38 per cent. Our remand population is too high, and there are a number of efforts to address that, including court recovery and our investment in alternatives to remand.

I am very clear that I have a responsibility to act. My appeal to Parliament tonight is that we cannot allow our prisons to become unsafe and that immediate and urgent action is now needed to ensure that prisons can still function safely and focus on those who pose the greatest risk of harm.

I very much recognise the concerns of the public and victims about the use of the powers, and I emphasise that protecting the public remains my absolute priority. That is why I have added extra protections and safeguards to the statutory exclusions that exist in the legislation that Parliament passed last year. Only prisoners who are serving sentences of less than four years and who are due for release within 180 days following the date on which the regulations come into force will be eligible for release. Modelling suggests that the majority of those who are eligible for release will be within 90 days of their earliest date of liberation and will be serving sentences of less than two years.

**Maggie Chapman (North East Scotland) (Green):** Will the cabinet secretary take an intervention?

**Angela Constance:** I will give way, for the last time, to Ms Chapman.

**Maggie Chapman:** I put on record that the Scottish Greens will be supporting the instrument at decision time, because we, too, are concerned about the safety and wellbeing of our prisoners and the people who work in our prisons.

I ask the cabinet secretary to say a bit more about the modelling. What modelling has been done on the impact of the regulations, particularly on the safety and wellbeing of women and other vulnerable prisoners?

**Angela Constance:** Some of the modelling that I shared with the Criminal Justice Committee—which was based on work that is dated 10 June, so it is indicative and can change—indicated that 70 women would be eligible for release, which is 31 per cent of the sentenced female population. In comparison, 11 per cent of the sentenced male population is eligible.

Further with respect to safeguards, prisoners who are subject to the sex offenders register are not eligible. Prisoners who are serving a sentence for domestic abuse offences are not eligible. Prisoners who have previously served a sentence

for a domestic abuse offence, if it is unspent, are not eligible. Prisoners who are subject to non-harassment orders are not eligible either.

Further, a governor veto applies, which allows governors to prevent the release of an otherwise eligible prisoner if they consider that the prisoner would pose an immediate risk to a specific individual or group. Governors will access a range of risk-relevant information from police, social work and other partners to inform that decision.

I very much recognise that the provision of information to victims is a particular concern. Victims who have signed up to the victim notification scheme will automatically be notified, and we are working with victim support organisations to increase other victims' awareness of how they can access information if that is what they want.

**Russell Findlay:** Will the cabinet secretary give way?

**Angela Constance:** No, thank you.

The regulations name four victim support organisations that can receive information about the release of a prisoner if the victim in that prisoner's case has given consent. That is intended to support a more trauma-informed approach.

Using emergency release is not a decision that I took lightly. I would not be asking Parliament to approve the regulations if I did not think that this action was necessary to keep our prisons safe. I know that, at the end of the day, we all want the same thing—fewer crimes, fewer victims and safer communities. What happens in our prisons is a matter of profound public interest. Prisons are there absolutely to punish and protect, but they are also there to rehabilitate and reintegrate, and that has a direct bearing on public safety.

We have 3,000 Scottish Prison Service staff, including operational staff and prison officers. Each and every day, they put themselves on the front line for us and the communities that we seek to serve. They need to know that we have got their back; they need to know that help is coming. Members can quite rightly critique the past—believe me, I do—and we will indeed debate the future. I know very much what MSPs are against, but we now need to show, going forward, in the not-too-distant future, when we return to Parliament after recess, what we are for. The question tonight is: what are we prepared to do now?

Finally, I will remind members of the letter that I received from the Prison Governors Association Scotland, which told me that its members are

“only just coping’, and remain concerned that emergency action will only be taken when something goes significantly wrong.”

What we must do now is prevent something from going significantly wrong.

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

The next item of business is consideration of nine Parliamentary Bureau motions. I ask Jamie Hepburn, on behalf of the Parliamentary Bureau, to move motions S6M-13586 to S6M-13594, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the National Health Service (Scotland) Act 1978 (Independent Health Care) Modification Order 2024 [draft] be approved.

That the Parliament agrees that the Healthcare Improvement Scotland (Inspections) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Carer’s Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Adjudicator (Duty to Publish Certain Information) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Adjudicator (Miscellaneous Listings) Order 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Regulations 2024 [draft] be approved.

That the Parliament agrees that the Tied Pubs (Scottish Arbitration Rules) Amendment Order 2024 [draft] be approved.

That the Parliament agrees that the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Protected Trust Deeds (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.—[*Jamie Hepburn*]

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

## Motion without Notice

17:11

**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 5.11 pm.—[*Jamie Hepburn*]

*Motion agreed to.*

## Decision Time

17:11

### The Presiding Officer (Alison Johnstone):

There are three questions to be put as a result of today's business. The first question is, that motion S6M-13571, in the name of Gillian Mackay, on the Abortion Services (Safe Access Zones) (Scotland) Bill, be agreed to. As this is a motion to pass the bill at stage 3, the question must be decided by division. As members have been voting throughout the afternoon, I will allow a moment for members to refresh their voting apps.

Members should cast their votes now.

### For

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)

Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)

Wishart, Beatrice (Shetland Islands) (LD)  
Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Mason, John (Glasgow Shettleston) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-13571, in the name of Gillian Mackay, is: For 118, Against 1, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that the Abortion Services (Safe Access Zones) (Scotland) Bill be passed.

### [Applause.]

**The Presiding Officer:** The next question is, that motion S6M-13616, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

The vote is closed.

**Neil Gray (Airdrie and Shotts) (SNP):** On a point of order, Presiding Officer. I apologise but I could not connect to the app. I would have voted yes.

**The Presiding Officer:** I can confirm that your vote was recorded, Mr Gray.

### For

Adam, George (Paisley) (SNP)  
Adam, Karen (Banffshire and Buchan Coast) (SNP)  
Adamson, Clare (Motherwell and Wishaw) (SNP)  
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
Arthur, Tom (Renfrewshire South) (SNP)  
Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
Brown, Siobhian (Ayr) (SNP)  
Burgess, Ariane (Highlands and Islands) (Green)  
Chapman, Maggie (North East Scotland) (Green)  
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
Constance, Angela (Almond Valley) (SNP)  
Dey, Graeme (Angus South) (SNP)  
Don, Natalie (Renfrewshire North and West) (SNP)  
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Dornan, James (Glasgow Cathcart) (SNP)  
Dunbar, Jackie (Aberdeen Donside) (SNP)  
Ewing, Annabelle (Cowdenbeath) (SNP)  
Ewing, Fergus (Inverness and Nairn) (SNP)  
Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
FitzPatrick, Joe (Dundee City West) (SNP)  
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
Gibson, Kenneth (Cunninghame North) (SNP)  
Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
Gray, Neil (Airdrie and Shotts) (SNP)  
Greer, Ross (West Scotland) (Green)  
Harper, Emma (South Scotland) (SNP)  
Harvie, Patrick (Glasgow) (Green)  
Haughey, Clare (Rutherglen) (SNP)  
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
Hyslop, Fiona (Linlithgow) (SNP)  
Kidd, Bill (Glasgow Anniesland) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
Mackay, Gillian (Central Scotland) (Green)  
Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
Maguire, Ruth (Cunninghame South) (SNP)  
Martin, Gillian (Aberdeenshire East) (SNP)  
Mason, John (Glasgow Shettleston) (SNP)  
McAllan, Màiri (Clydesdale) (SNP)  
McKee, Ivan (Glasgow Provan) (SNP)  
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
McLennan, Paul (East Lothian) (SNP)  
McMillan, Stuart (Greenock and Inverclyde) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Minto, Jenni (Argyll and Bute) (SNP)  
Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
Robertson, Angus (Edinburgh Central) (SNP)  
Robison, Shona (Dundee City East) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Ruskell, Mark (Mid Scotland and Fife) (Green)  
Slater, Lorna (Lothian) (Green)  
Somerville, Shirley-Anne (Dunfermline) (SNP)  
Stevenson, Collette (East Kilbride) (SNP)  
Stewart, Kaukab (Glasgow Kelvin) (SNP)  
Stewart, Kevin (Aberdeen Central) (SNP)  
Sturgeon, Nicola (Glasgow Southside) (SNP)  
Swinney, John (Perthshire North) (SNP)  
Thomson, Michelle (Falkirk East) (SNP)  
Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
Torrance, David (Kirkcaldy) (SNP)  
Tweed, Evelyn (Stirling) (SNP)  
Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)  
Choudhury, Foyso (Lothian) (Lab)  
Clark, Katy (West Scotland) (Lab)  
Dowey, Sharon (South Scotland) (Con)  
Duncan-Glancy, Pam (Glasgow) (Lab)  
Eagle, Tim (Highlands and Islands) (Con)  
Findlay, Russell (West Scotland) (Con)  
Gallacher, Meghan (Central Scotland) (Con)  
Golden, Maurice (North East Scotland) (Con)  
Gosal, Pam (West Scotland) (Con)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Greene, Jamie (West Scotland) (Con)  
Griffin, Mark (Central Scotland) (Lab)  
Gulhane, Sandesh (Glasgow) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Hoy, Craig (South Scotland) (Con)  
Halcro Johnston, Jamie (Highlands and Islands) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Lennon, Monica (Central Scotland) (Lab)  
Leonard, Richard (Central Scotland) (Lab)  
Marra, Michael (North East Scotland) (Lab)  
McCall, Roz (Mid Scotland and Fife) (Con)  
McNeill, Pauline (Glasgow) (Lab)  
Mochan, Carol (South Scotland) (Lab)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)

O'Kane, Paul (West Scotland) (Lab)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote  
 cast by Richard Leonard]  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)

#### **Abstentions**

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-13616, in the name of Jamie Hepburn, is: For 66, Against 47, Abstentions 5.

#### *Motion agreed to,*

That the Parliament agrees that the Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024 [draft] be approved.

**The Presiding Officer:** As no member objects, I will put a single question on nine Parliamentary Bureau motions.

The final question is, that motions S6M-13586 to S6M-13594, on approval of SSIs, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, be agreed to.

#### *Motions agreed to,*

That the Parliament agrees that the National Health Service (Scotland) Act 1978 (Independent Health Care) Modification Order 2024 [draft] be approved.

That the Parliament agrees that the Healthcare Improvement Scotland (Inspections) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Adjudicator (Duty to Publish Certain Information) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Adjudicator (Miscellaneous Listings) Order 2024 [draft] be approved.

That the Parliament agrees that the Scottish Pubs Code Regulations 2024 [draft] be approved.

That the Parliament agrees that the Tied Pubs (Scottish Arbitration Rules) Amendment Order 2024 [draft] be approved.

That the Parliament agrees that the Tied Pubs (Fees and Financial Penalties) (Scotland) Regulations 2024 [draft] be approved.

That the Parliament agrees that the Protected Trust Deeds (Miscellaneous Amendment) (Scotland) Regulations 2024 [draft] be approved.

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

## Rural Depopulation

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-13416, in the name of Tim Eagle, on resolving Scotland's rural depopulation crisis. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak buttons now.

### *Motion debated,*

That the Parliament believes that many rural communities across Scotland are facing a depopulation crisis; understands that the reasons for rural depopulation are many and varied, including a lack of affordable housing, unreliable public transport, ageing infrastructure, a lack of opportunities for young people, and the inability to easily access healthcare and education services; acknowledges the Scottish Government's recently published Action Plan to Address Depopulation, which states that 14 local authority areas, including Argyll and Bute and the Western Isles, are projected to have population decline over the next decade; notes the belief that significant interventions are required to reverse what it considers to be the trend of rural depopulation; and further notes the calls for MSPs to work with impacted communities to implement measures that will deliver long-term stability, protection of local services and population growth.

17:19

**Tim Eagle (Highlands and Islands) (Con):** I thank all the members who are in the chamber and those who will speak in what is, I think, a pretty important debate. I have to be honest—the slight problem that I have with my debate is where to start. Rural depopulation might not sound like the most interesting of subjects, but, to me, it really is, and I will tell members why. Scotland is stunning—it is beautiful. VisitScotland's online article on its visitor survey, "Why people choose Scotland", notes:

"Scotland's iconic scenery and landscape and the richness of our history and culture remain as the top motivators for"

visiting. If members do not want to listen to tourists, how about listening to Robert Burns, in "My Heart's in the Highlands"?

"Wherever I wander, wherever I rove,  
The hills of the Highlands for ever I love."

The Highland and Islands provide fresh air, breathtaking scenery and resilient and strong individuals with determination, courage and ambition. However, I do not think that it is over the top to say that the region is dying.

I will highlight just a handful of statistics on the struggles of rural areas. General practices in rural Scotland are closing at more than twice the rate of those in central belt health board areas. The top five health board areas with the highest number of general practitioner vacancies per 100,000 people

are in the Highlands. That is no joke—Shetland, Orkney, Western Isles, Highland and Grampian health boards top the list, and all of them are in the north.

Argyll and Bute Council was the first local authority in Scotland to declare a housing emergency, in June 2023. Scotland's ferry network has collapsed—services have been cancelled, islands have been left isolated and promises to deliver new vessels on time and on budget have been repeatedly broken. The ferries community board has warned that the lack of reliable ferry services is contributing to population decline on the islands.

Essential broadband services, which the people of rural Scotland are, critically, crying out for, were meant to be delivered through the reaching 100 per cent—R100—programme in 2021, but their delivery is behind schedule.

**Finlay Carson (Galloway and West Dumfries) (Con):** Does the member agree that it is absolutely despicable that 3,500 homes in Dumfries and Galloway are still to be connected under the R100 programme, given that those homes were supposed to be covered by the end of 2021?

**Tim Eagle:** I fully agree with the member—communities are crying out to be connected to everybody else so that businesses can survive and thrive. That is what we want in rural Scotland.

The Scottish Government's report "Accessing school age childcare in rural and island areas", highlights pressures for parents in Scotland's most remote areas. Parents are having problems affording childcare, accessing it when they need it and finding resources for children under the age of three. For example, in 2021, half of Ullapool's private childminders retired, and private and council-funded nurseries closed permanently during the pandemic.

Inverness and Cromarty Firth Green Freeport is expected to create about 10,000 jobs in the next decade and beyond. That is great news, one would think, and something that we can all get behind—apart from the fact that Highland Council is forecasting a 23 per cent fall in pupil numbers across its 29 secondary schools within the next 15 years. In addition, a 21 per cent decline is projected for schools in and around the freeport area, and I point out, if members are interested, that there are projections for a 24 per cent decline in the west Highlands and a 27 per cent decline in Skye.

**Emma Roddick (Highlands and Islands) (SNP):** I absolutely appreciate the points that Tim Eagle has made about housing availability. I point out that, in Ullapool, the average house price last recorded was more than £310,000, largely

because many of the available houses are being used as short-term lets. Does he accept that the houses around the Inverness freeport, and the new people whom it will bring in, are not counted in those Highland Council figures for school rolls?

**The Deputy Presiding Officer:** I can give you the time back, Mr Eagle.

**Tim Eagle:** Thank you, Presiding Officer.

I will be honest—I do not know the specifics of the case that the member has mentioned. However, I will come to the general issue later. Tourism is essential for rural Scotland, so we have to consider that, and there is an issue with the Scottish National Party Government's delivery of housing.

Rurality is known to be associated with a number of weaker educational outcomes, from low attainment through to lower social mobility, and there remain concerns that school pupils in remote parts of Scotland have lower levels of literacy and numeracy than those in accessible and urban areas.

I could go on—I have not even mentioned fishing, agriculture, tourism or the big issue of housing, which Emma Roddick just spoke about. What about migration and the future provision for adult health and social care that will be required as a result of immigration?

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

**Tim Eagle:** What about the barriers to accessing healthcare for those in poverty?

I am sorry—did I miss an attempt to intervene? Was somebody trying to intervene? Yes.

**The Deputy Presiding Officer:** I call Alasdair Allan.

**Alasdair Allan:** It is curious that the member has mentioned migration, given that his party has just abolished our freedom of movement across Europe, the effects of which have been keenly felt in fragile rural areas in particular.

**Tim Eagle:** I think that the member might have missed my point—I am talking about internal migration: the movement of people within Scotland. That is fair enough, though—the member can talk about that issue later on.

None of what I have said is intended to take anything away from those who are making things work, and I thank all those in our rural areas—our teachers, doctors, nurses, business leaders and so on—who are doing incredible work.

Surely we can all agree that we want rural Scotland to thrive, so let us move on to talk about action. The Scottish Government has just

published the document, "Supporting and enabling sustainable communities: An Action Plan to Address Depopulation". The 88 actions in the plan centre on three key aspects: community level, regional and local actors and the national level. Importantly, the plan recognises

"depopulation as a priority area of focus for the Scottish Government".

Included in the list of actions is

"the establishment of an Addressing Depopulation Fund".

The fund

"will initially make available £180,000 to be split between a prospective three local authorities"

over two financial years. A total of £180,000 between two local authorities is £90,000 each—sorry, it is between three local authorities. Members might remember that, a few seconds ago, I said that I hoped that all of us would get behind a thriving rural Scotland. We have to ask ourselves how £30,000 per authority will really make much of a difference.

In fairness, during a visit to Shetland in May, First Minister John Swinney announced £5 million for Scotland's island communities. We also have the islands deal, which is worth £100 million, with £50 million each from the United Kingdom and Scottish Governments over the next 10 years. That will help to drive sustainable and inclusive economic growth across Orkney, Shetland and the Western Isles.

Those measures are welcome, but they are not enough. It is great that we have a plan for funding economic projects, but, as populations decrease, so does funding to councils through the Convention of Scottish Local Authorities funding formula, and there is an increased risk of closure of local public services such as hospitals, community hospitals and GP surgeries.

**Brian Whittle (South Scotland) (Con):** When we talk about migration, there is an inconvenient truth that the SNP seems to avoid: the migration from rural to urban areas, which is based on a lack of investment in infrastructure over the past 17 years. Does the member agree with that?

**Tim Eagle:** I absolutely do—I am just about to mention roads and infrastructure.

Where was I? Funding should clearly reflect the needs of servicing rural populations and should not be based on population numbers. Rural areas need a new funding formula—I am calling for that today—that recognises the increased costs and difficulties of providing services over a much wider geographical area. They need a new model for recruiting and retaining professionals in key roles, investment in roads and a Government that will not just write plans that are then delayed but back



up its words with the finances that will allow those plans to become reality.

I am coming to a finish, Presiding Officer. The question is this: if we can all accept that Scotland's rural landscapes are stunning, that those landscapes require local communities to nurture them and provide businesses for tourism, whisky and much more, and that rural populations deserve access to essential services such as those relating to health, education, sports and roads, can we all agree, therefore, to get behind a new funding mechanism that will, beyond specific deals, give local populations and their public services the chance to grow once again?

Will the minister commit to fighting for an increase in funding for rural Scotland in this year's budget, and will she consider rural proofing all new policies so that our communities can be assured that we are listening?

**The Deputy Presiding Officer:** As we move to the open debate, I remind members who wish to participate to press their request-to-speak buttons. If they have made an invention, they might need to re-press their button.

17:28

**Emma Roddick (Highlands and Islands) (SNP):** Thank you, Presiding Officer, for the reminder about the buttons.

I thank Tim Eagle for bringing the debate to the chamber, as I always welcome an opportunity to talk about population challenges and solutions. I apologise for objecting to what is, I think, Tim Eagle's first members' business opening speech, but I must respond to his suggestion that depopulation might not be the most interesting subject. When I was a minister, it was my favourite subject, because when we talk about population, we can talk about absolutely anything. I will forgive him that transgression, however, because I think that he is right, in his motion, to put housing first on the list of reasons for depopulation.

Although housing availability is not a driver in every area that is facing depopulation, it is, by far, the issue that is raised most often with me when people talk about what is causing them difficulty in moving to, or staying in, the Highlands and Islands.

It is key that we recognise that the solution is not just about building new homes but about retaining the stock that we have and driving down costs. However, availability is a big part of that, and we cannot ignore the fact that, in many towns and tourist hot spots across the Highlands and Islands, more than half of the residential houses are being used as short-term lets. That prevents

people from actually living in those buildings, which were intended to be homes.

Recently, there was a very good piece in *The Press and Journal* about the impact of Airbnb on housing prices. We often hear about how few houses are available for private let in the Highlands and Islands and about how long housing lists are for council and social landlord houses. However, when we consider those numbers, we also need to look at the Airbnb results pages for those areas, as we find a strong correlation, and it is wrong to ignore it.

We also need to talk ourselves up. I know that there is a tendency to talk about how difficult things are—they are difficult, and I do not deny that, nor do I deny the need for investment and action to change the depopulation situation. However, we will not attract people to move to, or invest in, the Highlands and Islands if all that they hear is that nobody wants to live there and that services are struggling.

I am proud to represent the Highlands and Islands and to live there. I have a strong affection for my local area, having grown up in Ross-shire, supporting Inverness Caley Thistle like my mam—even though they are putting me through the wringer right now—and having connections from Argyll to Shetland.

People want to live in the region that we represent. There are highly skilled jobs available, and there is a good quality of life in many ways and incredible potential in energy, space, innovation and many other sectors.

I hope that people who hear me say that will not think that I am trying to divert blame, because that is not the case. I simply want to ensure that people hear that these places are good places to live. I want the Government to hear that it is not just that areas that are suffering with depopulation need investment and action to stay sustainable; they deserve those things. It is to the benefit of the whole country if we have vibrant, productive and active rural and island communities.

Unsustainable population increases are also difficult to manage, in different ways, for local authorities that have to deal with them. Inverness, Skye and Edinburgh, for example, struggle in that way. A balanced population allows for economic activity across the board, in technology, agriculture, fisheries and many other sectors.

I point out that Mr Eagle, in his contribution, missed out some key investments from the Scottish Government, such as the investment in the Port of Nigg, near where I grew up. We know that the impact of that investment will be significant not just for the area around the port but for the wider area that has been identified, in terms of population movement. That has not been

factored into projections for school rolls. School roll projections can change, and I sincerely hope that there are changes as a direct result of the forthcoming Scottish Government investment.

Finally, I apologise, Presiding Officer, as, given the interest in the debate, I am not certain that I can stay for its full duration, but I am really glad that so many members want to contribute on such an interesting topic.

17:33

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I thank my friend and colleague Tim Eagle for bringing to the chamber what is, as I am sure we all agree, an extremely important subject, particularly for those who live in or represent my Highlands and Islands region.

In my time as an MSP, I have led a number of members' business debates. Most recently, I led a debate on wood-burning stoves—which some members in the chamber tonight supported—and I have also led debates on the A9, the state of our roads, ambulances, ferries and apprenticeships. Those debates have all been very well attended, and I mention them because they represent the infrastructure, opportunities and services, as well as the resilience, that are all vital if we want to have sustainable rural and island communities in Scotland.

I do not have time to speak about all those aspects, so I will focus on some that I think that it is important to highlight. I will start with health, as it is an issue that gets a huge amount of attention and that we are all very much aware of, particularly those of us who live in rural Scotland. In the past few months, I have raised the issue of the lack of urgent 24/7 care at Portree hospital and have cited some of the incidents that have happened.

We know—again, because the matter has been raised repeatedly—about the pressures on our maternity services across the Highlands. Douglas Ross has raised the issues at Dr Gray's hospital, Edward Mountain has talked about the situation in Caithness, and I have mentioned the situation on Skye. Those are all real concerns—for a young family, or for anyone who wants to start a family, such issues are barriers to staying in those areas, as I was told on my recent visit by one former ambulance driver. He described a number of times when he had hammered down really bad, often single-track, roads at 90mph to get people from Skye to Inverness to give birth.

Tim Eagle mentioned the issue of rural GPs, who are underfunded and under great pressure. At the weekend, it was announced that the last national health service dentist in Kyle is to be lost. That means that there will be no NHS dentist for

the whole of that area, which will cause real issues. If we are trying to encourage people either to stay in our rural communities or to move there, the healthcare and other forms of emergency care that they will need must be there. They have to be able to start their families in the knowledge that they will be able to bring them up in a safe way.

Other members have mentioned housing and schools, which are two major issues that often sit side by side. The Scottish Government has belatedly declared a housing emergency. However, those of us who live in the Highlands and Islands have known that there has been such an emergency for many years. The Scottish Government's rural and islands housing funds were underspent, then extended, and then underspent again, but there did not seem to be any effort to change the criteria for them. It should have been possible for that vital money to have been used to provide homes for people in our communities.

The school estate in the Highlands is the worst in Scotland. Despite some local councillors wanting to declare a Highland school estate emergency, that move was blocked by the administration at Highland Council. It put its head in the sand over what is a real issue, which other members and I have seen when we have visited schools across the Highlands. We want people to be able to stay in communities and be educated there, but they have to be confident that their children, too, will be educated in safe schools that enhance their learning.

I could talk about many other issues, but I will touch briefly on just a few. We talk about the north-east being vital for oil and gas jobs, but the Highlands and Islands has a lot of highly paid jobs in that sector, too. Some parties in the Parliament would threaten those jobs.

Tourism is another industry that is being hammered at the moment because of the rules and regulations that have come from this chamber on, for example, short-term lets and the deposit return scheme. There has been a lack of real thought.

**Emma Roddick:** Will the member take an intervention?

**Jamie Halcro Johnston:** I really do not have time. I apologise to Emma Roddick.

I will touch very briefly on transport. Speaking as an islander, I know—as will the very generous Deputy Presiding Officer—that there is a real problem with ferries, and we all know that there are problems with routes such as the A9.

I will conclude. If we want people to stay in our rural communities in order to bring up their families and watch them grow up there, we have to ensure

that they have the services, connectivity and homes that they need. That is not happening just now.

17:37

**Rhoda Grant (Highlands and Islands) (Lab):** I, too, thank Tim Eagle for bringing this important debate to the chamber. Depopulation has long been recognised as a rural problem, yet we have seen very little progress in addressing it. Earlier this year, the Scottish Government published an action plan to address depopulation, but most of the actions that it contained related to previous announcements—there was nothing new in it. There was scope to take action on a number of recommendations, such as the delivery plan for the second strategic transport projects review and the fair fares review. However, the Scottish Government decided to “explore”, “develop”, “work with”, “engage” and “consider” many aspects rather than do anything practical.

The time for prevarication is long past. We know what is needed to address depopulation, and we have to see it being delivered. Rural businesses are buoyant, yet the Fraser of Allander Institute states that 28 per cent of rural businesses report significant negative impacts due to the lack of housing. That is double the figure that has been reported for urban areas. However, the Scottish Government’s rural building target includes areas that are commuter towns for our large cities. Those areas will attract housing investment, further drawing resources away from rural areas that face depopulation.

How will the Scottish Government meet the housing needs of our rural areas that are distant from cities, where the cost of building a home is 10 times—or sometimes hundreds of times—more expensive than in urban areas? Such rural areas have houses, but they are being bought up as second homes or holiday lets. Those types of housing are pricing out local people, who are often low paid or are working multiple jobs simply to make one wage.

What is the Government doing to ensure that people in those circumstances can compete and that they have access to the finance that they need, and to mortgages, to enable them to access reasonably priced houses? What are we doing to retain housing stock for those who live and work in rural and island communities?

It is not just about the people; it is also about services. If workers cannot find a place to live, they cannot take up a job opportunity that may involve providing a public service. We heard earlier about Portree hospital, which is often closed because of a lack of staff. According to NHS Highland, that is largely due to a lack of

housing, because people take up those job opportunities but then have to pull out because they cannot find somewhere to live.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Could Rhoda Grant confirm that Kate Forbes said today, at the Scottish Fishermen’s Federation, that the lack of rural housing is a factor in causing depopulation?

**Rhoda Grant:** Yes—I think that that is widely understood by everybody; we need action on affordable housing in rural areas.

We know that 25 per cent of people in Scotland live in affordable rented housing. However, in rural Scotland, that figure falls to 15 per cent. That difference highlights the lack of availability of affordable rented housing in rural areas. Rural dwellers are, therefore, more likely to have to buy or to privately rent accommodation and, as a result, they are much more likely to be impacted by the second-home market.

We can add to that the fact that poverty is higher in rural areas. The reasons for fuel poverty are well understood, but that is not so much the case for the higher cost of living. Even before the cost of living crisis, costs were between 15 per cent and 30 per cent higher in rural and island communities. We are getting to the point at which rural Scotland will simply be a playground for the rich, deserted by ordinary people who would wish to make their home and raise their family there but cannot afford to do so.

The cost of goods is higher and public transport is non-existent, which means that people are forced to run a car. Those cars have to be low cost, which means that they are older and less efficient to run. That all adds to the higher cost of living. The Poverty Alliance makes that point in its briefing for the debate, noting that poverty is driven by high transport and energy costs in rural areas.

Rural areas need homes, infrastructure and access to services, and I urge the Scottish Government to act to provide those things.

17:42

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I thank Tim Eagle for securing the debate on a very important issue: the future of our rural and island communities.

My constituency famously includes the island of Hiort, or St Kilda. Next year marks the 90th anniversary of the evacuation of the last of that island’s population. St Kilda’s story has become sadly iconic, but it is far from the most recent island in my constituency to be abandoned—Taransay, Heisker and Scarp all spring to mind. All those examples make it only too clear what,

ultimately, depopulation can mean and what happens if we do not meet the needs of rural and island communities today.

Scotland's Parliament and Government have long been active in seeking to tackle these issues. In February this year, as other members have mentioned, the Scottish Government published its action plan to address depopulation, in which it set out its priorities to reverse depopulation in Scotland.

Like other members, I could talk for a long time—but I will not, today—about the policies that it takes to tackle depopulation.

**Rachael Hamilton:** Will the member take a brief intervention?

**Alasdair Allan:** If it is very brief.

**Rachael Hamilton:** Does Alasdair Allan worry that the action plan is not based on a statutory footing?

**Alasdair Allan:** I suspect that if it were, the member would complain that we were wasting time legislating, rather than providing policies.

As I said, there are many areas of policy that need to be, and are being, tackled. I could go through many of them, but I will touch on one, which is housing. Many members have mentioned housing. In addition to the money that is going into social housing, we have to confront—as Rhoda Grant and others pointed out—the reality that there are some parts of the country where the housing market, in operating as it presently does, is not operating in the interests of rural communities.

To pick up on a defensive point that was made by a member on the Tory benches, I make it clear that some of the people who complain to me about the situation with housing being unavailable for people to buy locally because of the tourist market are actually those who run tourist businesses, who cannot find a workforce because there is nowhere for people who work in their industry to live.

There are, of course, other things that we could say about infrastructure, which has already been mentioned in the debate. We could certainly talk about broadband, as others have done. I accept that we need to roll out digital connectivity further for many communities in rural constituencies, to ensure that they can flourish in the future. Fast broadband speeds will certainly ensure that when they come.

Given what we have heard from the Tories today, it is worth putting on record that, despite broadband being fully reserved to the UK Government, the vast share of the cost of new digital infrastructure, via, for example, the reaching 100 per cent—R100—programme, has been

borne by the Scottish Government. Scotland's rural communities simply were not a priority for BT or the UK Government, so the Scottish Government stepped in.

**Finlay Carson:** Does Alasdair Allan appreciate that R100 was a Scottish Government project that fell far short of what was required and was years behind schedule, and that the physical roll-out of broadband is devolved to the Scottish Government?

**Alasdair Allan:** We can argue all day about whether broadband is or is not reserved. The Scotland Act 1998 says that it is. The more important point is that we have to support our rural communities in many ways.

The language that we use to describe our rural communities is also important. For starters, they are not “remote”, although worse descriptions have been used in recent months by certain individuals. We have seen the former Tory deputy chairman describe my own constituency as a place where “nobody lives”, and suggesting that it should be used as a sort of surrogate Rwanda for asylum seekers. Meanwhile, a Labour parliamentary candidate has implied on television that northern Scotland's apparent “remoteness” makes it an ideal location to berth accommodation barges packed with smuggler gangs.

I am confident that the Parliament will take forward to the future its commitment to tackling depopulation in our rural areas. We need such debates to renew our focus on the priorities that we should have now for rural Scotland, as well as the ambitions that we should have for rural Scotland when we have the full powers of a normal independent country at our disposal.

17:47

**Ariane Burgess (Highlands and Islands) (Green):** I thank Tim Eagle for this important debate. As we have heard, the depopulation of rural and island communities is one of the most pressing challenges that our nation faces. It is often closely intertwined with deep-rooted issues of rural poverty. If it is left unaddressed, it will risk permanently altering the fabric of Scottish society and depriving us of the rich cultural heritage that is embodied in our rural areas.

A tremendous opportunity could be brought to the Highlands and Islands through the actions that are needed to address the climate and nature emergencies. At a recent meeting of the cross-party group on rural policy, Matthew Clubb from the North East Scotland Retrofit Hub pointed out that we have the potential to have 500,000 jobs for retrofitting housing across Scotland so that we meet our 2045 climate target. Those are good, green jobs in just one sector. However, our rural

economies can also be transformed through work in nature restoration, renewable energy, culture, community and care.

We cannot allow the same corporate capture of the renewables revolution that has blighted fossil fuel development for decades. Community ownership puts people, not private profit, at the heart of our energy transformation. With a stake and a share in renewable projects, communities can reinvest in locally determined priorities such as affordable housing, community facilities and environmental initiatives.

As we have heard, what stands in the way is housing. That is why I led a debate on rural housing and why I have been working on solutions with communities, local authorities and the Scottish Government to address the need for a range of housing to grow our rural and island populations.

I have heard from rural and island communities that they are often challenged internally with conflict. That is why I have been raising with the Cabinet Secretary for Rural Affairs, Land Reform and Islands the need to fund skilled community organisers and development workers to address the challenges that they face in a way that suits them.

We have seen a superb example of that work with the Association of Deer Management Groups and environmental conservation organisations, and the work that the Centre for Good Relations did in facilitating a process of greater understanding. The carbon neutral islands and regional land use partnerships are fantastic testing grounds for a new, supported approach to community engagement and empowerment.

We must take seriously the call for greater democracy and consider more ways for people to engage more fully with the policy design that will impact their lives. The best way to do that is to devolve decision making and fiscal power to the most local sphere, where people decide what matters to them on their doorstep. I found it interesting that Tim Eagle said that the thrust of this evening's debate was to call for a new fiscal formula.

The cost of living is significantly higher in rural Scotland than it is in urban areas. That phenomenon, which is known as the "rural premium", means that geographical barriers necessitate travelling further for essential services, goods cost more and harsher climates drive up heating costs.

**Jamie Halcro Johnston:** Will the member take an intervention?

**Ariane Burgess:** I am sorry, but I do not have time.

Any strategy to rejuvenate rural Scotland must confront that interlocked web of rural poverty drivers head on. Innovative approaches such as piloting a minimum income guarantee in rural areas might be part of the solution.

Young people are a vital asset in rural areas. To ensure that they remain or return, we must adopt innovative approaches to providing opportunities for empowerment, education and employment, but we must also listen to their priorities and concerns.

Earlier this year, the Scottish rural and islands youth parliament convened, which enabled young people to articulate their vision for the future of their communities. Those young people recognise that tackling depopulation requires holistic economic, social and environmental solutions. We must heed their calls and work tirelessly to create vibrant rural communities and opportunity-rich places where young people can thrive. When young people and communities see their priorities embraced as an impetus for change and feel that their voices have authentically shaped decisions that will impact their futures, rural living will become an inspirational and magnetic prospect, not a fading dream.

17:52

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** I thank Tim Eagle for bringing this important debate to the chamber.

Those of us who represent rural areas are acutely aware of depopulation and its consequences for our communities. Since I was elected to represent Carrick, Cumnock and Doon Valley, I have seen the impact that depopulation has had, especially across our former coalfields.

There has been a brilliant oral history project on the go, supported by the Coalfield Communities Landscape Partnership and the University of Strathclyde, to document life in Ayrshire's lost villages. I have been fascinated to hear of the bustling communities that built up around the pits at places such as Lethanhill and Trabboch, where miners and their families toiled to power the industrial revolution but were beholden to their employers for the miners' row cottages that were tied to their employment.

Some of those settlements consisted of only a few rows, while others became villages, complete with community halls and reading rooms that were constructed via funds raised by the villagers themselves. One such place even became the place of footballing legend. There is very little left of Glenbuck today, but that small village of 1,700 folk, who lived without electricity and indoor plumbing, was the birthplace of the Glenbuck Cherrypickers football club and was home to pioneers of the game. It produced 50 professional

footballers, six Scottish internationals, four FA cup winners and, most famously, Liverpool manager Bill Shankly. I urge anyone who is a Shankly fan to visit the memorial at Glenbuck and take a moment to look around and contemplate what was lost along with the buildings and the pit closures.

When I was COSLA's spokesperson for community wellbeing with responsibility for migration, I worked across parties and local authority areas when we convened a working group to look at the significant demographic and depopulation patterns across the west of Scotland. We recognised then that a concerted effort had to be made across all spheres of government—UK, Scottish and local—to look at the drivers and consequences of depopulation, coupled with an ageing population. It was fully recognised that communities must be supported and empowered to help drive regeneration.

It was apparent that depopulation quickly becomes an unstoppable force that can result in a community shrinking rapidly, unless concrete interventions are developed to stop the exodus of young people towards more urban settings, from which they do not venture back when they start families of their own. I emigrated to Canada at the age of six, but my family are very unusual in that we all came back.

Connectivity, opportunity and amenity, including access to employment opportunities, health and social care services and leisure, are key for the areas at risk in my constituency. Housing pressures are very different in places such as New Cumnock. We had a mass exodus when the last of the pits closed, which led to an oversupply of social housing; creative thinking was needed to try to consolidate the town's future and, as a result, derelict properties were demolished and new amenity properties were built closer to the town's core centre.

Central to that activity was the coming together of the community to create the New Cumnock Development Trust, which spearheaded community empowerment via the creation of a community-led action plan, leading ultimately to a town master plan for regeneration. Recently, the trust has secured £1.8 million from the Scottish Government regeneration capital grant funding round and also £165,000 from levelling up funds to put towards its goals. It also supports the community with access to leisure and activities, dignified food provision, youth activities and social enterprise.

The area has seen a proliferation of renewable energy, and the nine community councils representing the areas that are most impacted, including New Cumnock, have come together to create the 9CC Group—which is not a 10cc tribute band—to help manage and distribute community

benefit allocations from new and future wind farm developments. It aims to strengthen its community councils through increased participation, active citizenship and cross-membership with other groups.

The group believes that communities should have full control over the disbursement of community benefits and recognises that to deliver long-term legacy benefits and regeneration, it is imperative that those community benefit moneys, when disbursed, are pooled and co-ordinated. Recently, an initiative between the group, East Ayrshire local employability partnership and local employer Emergency One Group provided more than £1.5 million funding over four years for 20 trade apprentices, to give local young people brilliant opportunities.

I believe that what is happening in New Cumnock is ground-up regeneration of a rural community, supported at all levels of government, and I am sure that the same thing is being replicated in other areas across the country. However, we must ensure that we provide the means by which other areas can forge a path for the thriving future of their own communities.

**The Deputy Presiding Officer:** I am conscious that a number of members still want to participate in the debate. On that basis, I am minded to accept a motion without notice, under rule 8.14.3 of standing orders, to extend the debate by up to 30 minutes. I invite Tim Eagle to move the motion.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by 30 minutes.—[Tim Eagle]

*Motion agreed to.*

**The Deputy Presiding Officer:** I call Rachael Hamilton. You have around four minutes, Ms Hamilton.

17:57

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I thank my colleague Tim Eagle for securing this important debate on the depopulation crisis that rural communities are facing. I will start by sharing with members a challenge that faces a community in my constituency and which chimes with what Tim Eagle said earlier.

Following SNP cuts to local authority budgets, the local authority in the area has taken a tough decision to make the nursery in Westruther inactive, citing low enrolment and pressures on its resource allocations. I recently met several local parents, who shared the impact that the move will have on their daily lives. Many are worried that it will leave them with no access whatsoever to childcare options, as the next closest nursery is 20

minutes away, with no direct bus connections from the village.

Despite the construction of new housing, which will not be completed until 2025, the closure of the early learning centre is another barrier that is making it harder to keep families in the village or attract them to it. It might seem small, but our campaign has reached a very large number of people, and it goes beyond the village of Westruther. The fact that we have had 130 signatures so far demonstrates the residents' anger and frustration about the impact that cutting such key local services will have on their community's future.

It is just one example of the challenges faced by residents who want to make rural communities their home. A woman to whom I spoke said that she had moved from Edinburgh for the countryside way of life, but she now faces unbelievable challenges that she never thought she would have to face when she moved to a rural community.

Constituents write to me daily about other barriers that they face. Recent examples include concerns about the future of community hospitals in the Borders and the removal of a key bus service route through St Boswells. Unfortunately, every such barrier makes it harder to keep people in, or attract them to, rural communities.

However, depopulation is not caused by one issue alone, and it will not be resolved by one action alone; rural depopulation needs to be tackled in the round. It is about creating an environment in which young people and families have access to the services that they deserve; it is about ensuring that public transport in rural areas is accessible; it is about providing reliable digital connectivity; it is about ensuring that rural schools are well resourced; it is about creating employability opportunities for young people, so that they are given every opportunity to stay; and, crucially, it is also about ensuring that there are enough homes for people who want to live in a rural community.

Sadly, as such key issues continue to go unaddressed, a loud and clear message is being sent from a central belt-focused Government to people in those communities. I am thinking of, for example, the message from all the MSPs who voted to close 50 per cent of Scottish seas to our fishermen, which impacted on their jobs and livelihoods and was described by the Scottish Fishermen's Federation as "catastrophic".

I will briefly highlight why it is important to tackle rural depopulation. Rural communities sit at the heart of Scotland's culture and traditions. Last week, I had the honour of celebrating the Hawick common riding, and Alasdair Allan MSP will be delighted to know that, later this week, I will be

attending Selkirk's common riding. Those events are fantastic displays of our history and culture, and they show the pride that Borderers have in their communities. Unfortunately, such traditions will die out if people continue to be pushed away from our rural towns and villages.

The SNP has presided over that decline in our rural communities. At every turn, it hinders families and young people who want to choose rural. So far, a piecemeal policy approach and inadequate funding have done little to address the alarming situation that rural communities face. More needs to be done, and I look forward to hearing from the minister on that matter.

18:02

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to speak in this important debate, and I congratulate Tim Eagle on securing it.

Many members have outlined well the challenges created by rural depopulation. Dumfries and Galloway and the Scottish Borders, in my South Scotland region, are no exceptions. I will therefore focus my brief remarks on those areas and on some of the actions that constituents tell me must be taken if we are to support our rural communities to have a thriving future.

Falling populations, a lack of affordable housing and high fuel costs are among the challenges faced by D and G and the Borders. Indeed, researchers at Scotland's Rural College detailed the problems in a new study released during the latter part of last year. Transport poverty was identified as an issue, with people depending on their own vehicles due to the absence of affordable alternatives. The study, which was carried out as part of wider work for the Scottish Government, found increased costs of homes and fuel, particularly across Dumfries and Galloway. For example, researchers said that there had been

"a ... clear trend of significant house price inflation from 2004 to 2021",

with average property prices increasing by as much as 102 per cent, compared with 71 per cent in urban areas.

The study also suggested:

"High proportions of second and vacant homes"

were

"a ... persistent ... challenge in ... remote mainland ... locations."

That is a particular challenge that I hear from constituents daily. Places in D and G such as the coastal Rockcliffe and the Isle of Whithorn have many registered second homes, which stops local people being able to purchase or even rent

property and contributes to the decline of local amenities such as shops, GP practices and local schools. In some locations, more than a third of the housing stock is taken up with second homes. Although I understand that the Government is taking action on second homes, I ask the minister to ensure that local authorities take the steps that are available to them to address the issue.

One area that continues to be brought up as something that will help address rural depopulation and recruit people into sectors such as the NHS is the availability of local amenities. Recently, Dr Stephen McCabe, the clinical director of primary care in NHS Highland, wrote an interesting blog with suggestions on how to address rural depopulation challenges, and he specifically addressed the issue of rural depopulation in relation to general practice, which he highlighted as a global issue. I did a quick search just as everybody was starting to speak today, and it is clear that rural areas across the world are going through demographic transition, with declining population being witnessed across the globe. Japan has many islands, as Scotland does, and it, too, is experiencing depopulation.

The ODI, which is a think tank, has published online reports and briefing papers on population decline and what to do about it. It therefore isn't just a Scottish issue; there are so many reasons why it is happening, and we can learn from them.

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

**Emma Harper:** I really do not have the time, Mr Carson. I am sorry, but I know that you are on your feet next.

Dr McCabe said that one of the issues that we need to think about is "amenity", which other members have also already spoken about. In that respect, he mentions

"good broadband ... fast and reliable transport ... affordable housing"

and

"easy access to a wide variety of activities both for themselves and their children."

He also talks about the need for "work/life balance" to allow people to work in a more manageable way or not to work so many hours, and the need for shops, cafes and other places where they can hang out. Finally, he says:

"Unless ... we can provide similar levels of amenity in our rural areas we will struggle to fill our"

healthcare

"vacancies."

I ask the minister to reflect on those suggestions and look to work with other ministers on ensuring

that our planning system, for example, works towards that aim.

I welcome the debate. I know that there has been a lot of interest in it, and I am keen to ensure that Dumfries and Galloway and the Scottish Borders receive equal attention when addressing rural depopulation.

18:06

**Finlay Carson (Galloway and West Dumfries) (Con):** I thank Tim Eagle for bringing this important debate to the chamber. He is spot on: living in a picture-postcard town or village surrounded by glorious countryside and wildlife can be idyllic, particularly in Scotland's most beautiful constituency of Galloway and West Dumfries—bonnie Galloway.

It is little wonder that many people dream of having that tranquillity and slow pace while enjoying the strong community spirit. However, the stark reality is that despite that strong spirit and beautiful surroundings, communities across rural Scotland are dying because of the Scottish National Party Government's failure to understand rural Scotland. Its mismanagement of rural policy is leading to falling populations, a serious lack of affordable housing, poor public transport, high fuel costs and now school closures. Those are just some of the reasons why the younger generations, who should be the future of those communities, are moving away when they get the chance.

The Scottish Government has known about that decline for years and has simply sat on its hands, only recently announcing a plan to help communities that are facing population decline. Why did it take so long? The SNP has been in power for 17 woeful years. The south-west of Scotland was once referred to as "the forgotten corner". Now, the widely held view is that, after 17 years, it has turned into "the ignored corner". That is what I was going to ask Emma Harper about.

A succession of First Ministers, including the current First Minister, John Swinney, have all promised major investment in transport infrastructure and improvements to Stranraer town centre. However, time after time, the Scottish Government has failed miserably to deliver. For proof of its utter negligence, we need only look at the most recent budget, in which Shona Robison announced a series of budget cuts to South of Scotland Enterprise, agriculture, forestry, marine and new affordable housing funding.

Does this SNP Government recognise rural Scotland at all? People who are struggling right now to live and remain in rural areas are having serious doubts about that. Unless you live in the central belt, you are an afterthought when it comes to the Scottish Government. How on earth is a



cash-strapped South of Scotland Enterprise going to be able to support policies to attract and retain good jobs and future opportunities for young people? Economic development is critical to rural Scotland.

**Alasdair Allan:** I understand why Finlay Carson wants to make points about the problems of living in rural Scotland, and I understand many of them.

However, can he reassure me, as somebody who represents the Western Isles, that he will not continually and lazily try to claim that the SNP Government is a central belt party when the First Minister and the Deputy First Minister represent rural and island constituencies?

**The Deputy Presiding Officer:** I can give you the time back, Mr Carson.

**Emma Harper:** Will the member take an intervention?

**Finlay Carson:** I will also take an intervention from Emma Harper.

**Emma Harper:** I really appreciate Alasdair Allan's point. Half of the ministerial team are fae rural constituencies, so members cannot constantly go on about the SNP just being about the central belt, because that is not the case.

**Finlay Carson:** I think that that says it all. Although half of the Government is from those constituencies, it is still failing. That is the view not just of members on the Conservative benches but of rural communities across Scotland, particularly in the south of Scotland. Budgets for the enterprise company have been cut and housing budgets have been slashed. New homes are not being built to the extent that they should be. Why are housing targets not based on the needs of rural communities rather than on the arbitrary percentage of the wholly inadequate national targets?

The same applies to healthcare services. Patients in my constituency unnecessarily have to travel miles and miles for appointments and minor treatments for straightforward procedures. If only there was a clear plan, those services could be delivered at the four mothballed cottage hospitals.

People want and demand health and maternity services closer to home, and rightly so. I believe that it is time for an urgent review of the NHS Scotland resource allocation committee formula so that sufficient funding is given to rural areas to ensure equality of access to health and social services.

Our public transport service is dwindling away or being dramatically reduced, while the Scottish Government bleats on about free bus travel for under-22s. The young people in my area are asking the question, "What's a bus?" In contrast,

thanks to the UK Government, things are moving forward with the A75. Specialists have been appointed to start work on the design of the bypasses around Springholm and Crocketford, which will undoubtedly provide a significant boost to the local economy, given the £9 billion-worth of goods that travel along the A75 yearly.

I agree with the Scottish Land & Estates briefing. We need a Government that will adequately consider and take measures to understand rural communities, or rural depopulation will continue at a worrying rate. Central belt policy makers need to understand rural Scotland.

I hope that the minister will give my constituents and other rural communities a commitment to a rural-proofing policy to reverse depopulation.

**The Deputy Presiding Officer:** I call Kaukab Stewart to respond to the debate. You have around seven minutes, minister.

18:12

**The Minister for Equalities (Kaukab Stewart):** I am delighted that there was so much interest in the debate. Members across the chamber have raised many challenges and have talked about the complexities of our rural communities, as well as celebrating their wonderful nature and the opportunities that exist in such communities.

I thank Tim Eagle for raising what is an important issue. I know that he has taken an extensive interest in it by asking several questions on the matter over his time in the Parliament.

We all realise and have mentioned that the challenges are complex and multifaceted, with clear links to many areas of Government delivery, but my colleagues on the ministerial population task force and I are committed to responding to those challenges.

The rural lens toolkit will provide a systematic approach to the consideration of the opportunities and challenges of rural communities, and that will be used across all Scottish Government portfolios, because the responsibility to address those issues lies across the portfolios.

**Jamie Halcro Johnston:** The Scottish Government has been in power for 17 years. Does it really take a toolkit to tell us what island and rural communities know, which is that services such as health, ferries, other transport links and some of our schools need action? They have needed action for a long time, and it does not need a toolkit to tell us that.

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

**Kaukab Stewart:** I thank Mr Halcro Johnston for making those points. As I have said, the challenges are complex, and the Scottish Government is continuing to address those issues.

The sustainability of rural and island communities is vitally important and, of course, we want to see a Scotland in which everyone can play their full part, with empowered communities shaping their individual and collective futures.

Many members have already referred to the publication of our first action plan, which we are implementing in order to address depopulation. The plan aligns with our wider approach to supporting rural and island Scotland, including the national islands plan. We recognise that Scotland is not alone in facing those demographic challenges and that we can learn from other countries. Our population strategy, published in 2021, was the first of its type in the UK. It sets out our commitment, as an outward-looking nation, to engage with other European nations to share learning and best practice on demographic policy approaches.

After the debate, I will be attending a welcome reception at the European population conference, which is taking place in Edinburgh this weekend, to share expertise on demographics, migration, depopulation and more. Harnessing the input of experts from our expert advisory group on migration and population is key to ensuring that we develop the most robust policy responses that we can. That expert group has given us clear evidence and an analysis that shows that Scotland faces a distinct demographic challenge, in part because of the historical legacy of out-migration, which particularly impacts our rural and island communities. We know that the current immigration system, which is reserved to the UK Government, is not effective in dealing with the challenges that Scotland faces.

**Jamie Halcro Johnston:** Will the member take an intervention?

**Kaukab Stewart:** I am going to crack on.

In 2022, the Parliament sent a concrete message on the urgent need for practical, workable migration solutions that would deliver for Scotland's communities in the form of a proposal for a rural visa pilot. Sadly, the current UK Government rejected that proposal, despite its own independent advisors in the Migration Advisory Committee saying that the proposal is "sensible and clear in both scale and deliverability".

The committee stated that it is in the UK Government's interest to trial the scheme. There is also the fact that, without inward migration, Scotland's population, which is already falling,

would be made worse by the effects of a hard Brexit and the ending of freedom of movement.

**Jamie Halcro Johnston:** I was going to make the point that the minister has touched on. There is a large amount of amount of migration into the UK, but Scotland is not attracting migrants. Another issue that has been raised by a number of people in the debate is that, even if we were encouraging people to come here, we do not have the accommodation and the homes have not been built in our rural communities. That is a devolved issue that the Scottish Government has failed on. If the minister disagrees with that, why do we have a housing emergency?

**The Deputy Presiding Officer:** I will give the minister the time back.

**Kaukab Stewart:** I will be coming to housing.

**Rhoda Grant:** Will the member take an intervention?

**Kaukab Stewart:** Do I have time, Presiding Officer?

**The Deputy Presiding Officer:** I can give you additional time, minister.

**Rhoda Grant:** I was going to make a similar point. We can encourage inward migration, but the issues that are forcing our young people out of rural communities mean that we cannot house new people in those communities.

**Kaukab Stewart:** The member makes a valid point. I will try to address it in the time that I have.

Jamie Halcro Johnston referred to the powers that we do have. The Scottish Government is committed to addressing the challenge of depopulation through collaborative working with partners—whether they are academic, international, regional, local or community-based—to deliver innovative and sustainable solutions. The publication of the addressing depopulation action plan—or ADAP—represents the meeting of a key commitment of the population task force. It harnesses a broad evidence base and builds on deep engagement with partners to establish a strategic, delivery-focused approach. It recognises that there are no quick fixes to depopulation within affected communities, but it seeks to maximise the tools that we have at our disposal.

I see that I am running out of time, so I will try to address some of the points that have been raised. Tim Eagle raised a point about depopulation funding. We are committed to working with COSLA to deliver solutions in a sustainable way, but we also know that smaller, targeted funding can have an outsized effect. It is important to listen to communities. I restate that this is the first phase of the work on the pathfinder projects, which we

will be able to learn from. My ears are open and, as we take the lessons, I am open to looking at solutions going forward. Rhoda Grant mentioned housing—

**Jamie Halcro Johnston:** Will the member take an intervention on that point?

**Kaukab Stewart:** I am going to run out of time, so I will carry on.

The rural and islands housing action plan makes commitments on affordable homes. Other members have mentioned the issue of second homes, which can provide a benefit but are also a challenge. I remind members of the power that we gave to local authorities to charge a premium of up to 100 per cent on second homes. That is now in place and local authorities have been able to use that power from 1 April 2024.

A few members mentioned schools. There are commitments on the £2 billion learning estate investment programme, and members can look into that for further information. I am speeding through things because of the time. Presiding Officer, I think that I might have tested your patience for as long as I can so I will sum up.

Members have raised serious issues. I want them to know that this Government takes its responsibilities within the scope of devolved matters very seriously, and it is working to enforce, proceed and accelerate the action plan as much as possible. My door is open—there will be points that I have not had a chance to address—and I encourage members to come to speak to me to get more detail on those matters.

**The Deputy Presiding Officer:** Thank you very much, minister. That concludes the debate and I close this meeting of Parliament.

*Meeting closed at 18:21.*



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